

Applying for a Maritime Transport Operator Certificate

Guidance for operators who need to apply for a
Maritime Transport Operator Certificate (MTOC)

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1. Overview

You need to apply for a Maritime Transport Operator Certificate (MTOC) to comply with the new MOSS rules – provided for under Maritime Rule Part 19. This guidance includes information about the MTOC application form and MOSS.

You may choose to get an MTOC for each part of your operation (for example, different regions), or you may have one MTOC for your entire operation.

1.1 MOSS and the Maritime Transport Operator Certificate

The Maritime Operator Safety System (MOSS) is the new system to improve safety in maritime transport operations. It builds on learning's from Safe Ship Management (SSM). Commercial operators need to comply with the new MOSS rules from 1 July 2014.

Under MOSS, your entire operation needs to be examined to ensure you identify and manage any safety risks. After receiving your MTOC application (including all required forms, plans and other documents), Maritime New Zealand (MNZ) will assess if your safety systems are specific and appropriate for your maritime transport operation.

If the Director of MNZ is satisfied with your application, you will receive a Maritime Transport Operator Certificate. This certificate confirms that you have developed a safety system that meets the requirements and you are operating according to your safety system.

Learn more about MOSS, including transitioning from SSM to MOSS.

maritimenz.govt.nz/moss

Disclaimer:

Maritime New Zealand makes every effort to ensure the information provided here accurately represents the legal requirements for applying for a Maritime Transport Operator Certificate, as set out in the Maritime Rules Part 19, Maritime transport operator – Certification and responsibilities. However, this information is not a substitute for the rules themselves, which are the law. The Director of Maritime New Zealand will issue a Maritime Transport Operator Certificate only when you have met all of the requirements.

1. Overview (continued)

1.2 Maritime Rule Part 19

Maritime Rule Part 19 requires maritime transport operators to develop (and operate in accordance with) safety systems that are relevant and appropriate to their maritime transport operation.

The rule describes:

- the requirement for operators to be certified to conduct maritime transport operations, and the requirements for continuing such operations
- what a *Maritime transport operator plan* (operator plan) is and what it needs to include.

Learn more about Maritime Rule Part 19 on the MNZ website.

maritimenz.govt.nz/rules

1.3 Our role – assessing your operator plan

We are responsible for assessing your MTOC application, including your operator plan. While assessing your plan, we may request further information from you or require you to make improvements.

To ensure a seamless transition from SSM to MOSS, we will prioritise the processing of applications based on when the applicant's deemed MTOC expires. For most operators, this is when your first SSM certificate expires (from 1 July 2014). For new operators, we will take account of when you plan to start operating under your MTOC.

We will issue your MTOC to you for a specific operation, for ten years, unless there is good reason to issue it for a shorter period. Your MTOC cannot be transferred to another operator or operation.

In assessing your application, we will:

- check if your MTOC application is complete
- check if the responsible individuals named on your operator plan are 'fit and proper persons'
- review your operator plan
- visit your operation
- decide on your application and issue your certificate, if appropriate.

1. Overview (continued)

We will try to let you know of any concerns we have about your operator plan before we visit your operation. When we visit:

- we will interview you and the responsible individuals named on your operator plan
- we will ask how you are implementing your operator plan
- we need a suitable work space to refer to your operator plan and other documents
- we will ask about areas of concern raised during our review of your operator plan – for example, whether certain safety risks have been identified and effectively managed
- we will look at aspects of your vessel(s)
- we will check that your maintenance plan is being implemented
- we are likely to ask you to demonstrate an emergency procedure and at least one other safe operating procedure, to show they are appropriate and effective.

1.4 How long an MTOC lasts for

Your MTOC can be issued for up to 10 years and is valid as long as:

- you continue to comply with the conditions on your certificate
- your vessel(s) has a valid survey certificate and an approved operator plan
- all those on the operator plan remain Fit and Proper Persons.

2. Steps to apply for an MTOC

You need to work through the following steps to apply for your Maritime Transport Operator Certificate (MTOC).

Go further down for an explanation of each of these steps.

Steps 1 to 3 are about planning and preparing for your MTOC application:

1 Find out when you need to apply

2 Develop your operator plan

3 Download the MTOC application form

Steps 4 to 11 are about completing the MTOC application form

4 Start date for your MTOC

5 Operator (applicant) details

6 Contact people for this application

7 Search and rescue contacts

8 Areas of responsibility

9 Operation details

2. Steps to applying for your MTOC (continued)

10 Vessels and their ownership

11 Declaration

Steps 12 to 14 are about paying for, checking and sending your application

12 Fees and payment

13 Where to send your application

14 Completion checklist

2.1 When you need to apply (Step 1)

We recommend you apply for your MTOC three months before you need to start operating under MOSS – to allow enough time for your application to be processed.

Maritime New Zealand (MNZ) will accept MTOC applications from 1 April 2014 but not before this date.

Operating without an SSM certificate (deemed MTOC) or an MTOC is illegal. If you are in (or might get into) this situation, contact Maritime New Zealand for advice:

maritimenz.govt.nz/contact-us

2. Steps to applying for your MTOC (continued)

2.2 Develop your operator plan (Step 2)

You need to first develop a *Maritime Transport Operator Plan* (operator plan) if you are preparing to apply for a Maritime Transport Operator Certificate (MTOC). You must include your operator plan and the documents that go with it, with your MTOC application.

Your operator plan (along with a number of vessel, survey and maintenance-related documents) is the written description of your safety system – the complete set of processes, procedures and actions for identifying and managing the hazards and safety risks in your operation.

Make sure you allow enough time to develop your operator plan before applying for your MTOC.

Remember: apply for your MTOC three months ahead, to allow enough time for your application to be processed.

To learn more about developing an operator plan and the documents that go with it, refer to *Guidance for operators who need to develop a Maritime Transport Operator Plan* on the MNZ website.

maritimenz.govt.nz/moss

2.3 Download the MTOC application form (Step 3)

Download the MTOC application form from the MNZ website. If you have any issues finding or downloading this form, contact MNZ.

maritimenz.govt.nz/moss

maritimenz.govt.nz/contact-us

2.4 Start date for your MTOC (Step 4)

The start date for your MTOC depends on when you need to start operating under MOSS. The first date that Maritime New Zealand can issue an MTOC is 1 July 2014.

If you are going from SSM to MOSS, your start date depends on when your SSM certificate(s) expires – if you are a new operation, you can choose when you want to start operating.

In exceptional circumstances, the Director of MNZ may agree to extend the expiry date for a deemed MTOC by up to 12 months.

2. Steps to applying for your MTOC (continued)

Operating without an SSM certificate (deemed MTOC) or an MTOC is illegal. If you are in (or might get into) this situation, contact Maritime New Zealand for advice:

maritimenz.govt.nz/contact-us

Transition from SSM to MOSS

If you are currently operating under SSM (Safe Ship Management) and have a valid SSM certificate on 1 July 2014, you will need to have an MTOC issued before your SSM certificate (deemed MTOC) expires.

If your operation has only **one vessel**, apply three months before the SSM certificate for that vessel expires.

If you operate **multiple vessels**, check when your first SSM certificate expires and apply three months before that date.

2.5 Operator (applicant) details (Step 5)

This section asks who will hold the MTOC and needs you to indicate whether you will operate as:

- an individual
- a group of individuals (such as an unincorporated partnership, club or trust)
- an organisation (such as a company, an incorporated society, crown entity or regional authority).

Your response affects the other details we need and helps us to understand your situation.

Complete section 2A if you are an individual or part of a group of individuals. Alternatively, complete 2B if you are an organisation. Treat all aspects of this section as required information.

If you operate as an unincorporated group of individuals, list each individual and their contact details where indicated. Alternatively, if you are an owner-operator, only list yourself and your contact details.

Print, and complete extra pages if you need to list more than two individuals.

If you are unsure about your responses, contact Maritime New Zealand for advice:

maritimenz.govt.nz/contact-us

Each individual you list must complete a *Fit and proper person* and *Consent to disclosure* form and sign the declaration (refer to page 11: *Declaration*). Remember to send the completed forms to Maritime New Zealand.

2. Steps to applying for your MTOC (continued)

2.6 Contact people for this application (Step 6)

This section asks for a main contact person and, if appropriate, an alternative person we can contact regarding your application.

Treat all aspects of this section as required information, unless in 2A you ticked 'yes' to the statement 'This person is the main contact for this MTOC application' – in which case, you don't need to repeat these details here.

All correspondence and certificates will be sent to the main contact person. This applies to invoices too, unless you specify an alternative person or address in the 'Fees and payment' section.

2.7 Search and rescue contacts (Step 7)

List the shore-based personnel responsible for managing trip reports and emergency responses here – unless you have already indicated who they are in the 'Operator details' or 'Contact people for this application' section.

The information you provide here should be consistent with what is in your operator plan.

2.8 Areas of responsibility (Step 8)

This section identifies the people who have the authority to make decisions and are responsible for your operation. These will all need to be fit and proper person(s)

Depending on the size of your operation, one person may be in charge of all four areas, or two or more people may share an area of responsibility. Owner-operators are likely to have authority over all four areas.

The four key areas are:

1. the maritime transport operation – this person has overall control. In a large company, it is usually the chief executive
2. resourcing the maritime transport operation – this person approves spending in the operation, including spending on safety and pollution prevention
3. crew training and competency assessments – this may be a specialised role in a large operation but is usually the responsibility of a skipper(s)
4. operational decisions – this includes the control and scheduling of maintenance and internal quality assurance (for example, checking that crew are following procedures). In a large company, this may be the responsibility of a fleet manager.

Every person you list must be named in your operator plan and be a 'fit and proper' person.

Maritime New Zealand needs to see the Fit and proper person and Consent to disclosure forms for each person you list. Send these forms in with your MTOC application. Your MTOC application cannot be processed without these forms!

2. Steps to applying for your MTOC (continued)

2.9 Operation details (Step 9)

Provide details about your operation – you may wish to refer to your operator plan for some of these.

Your industries

The industry describes the type of business your operation is involved in, for example, aquaculture, tourism or offshore fishing. Select from the list provided in the application form. If you choose 'other', you need to specify the industry.

Dangerous goods

If any vessel in your operation carries dangerous goods as cargo, at any time and on any vessel, tick 'yes' to this question.

Some examples of dangerous goods are flammable gases or liquids such as LPG or diesel, and toxic or corrosive chemicals.

Refer to the Maritime Rules Part 24A for more information about carriage of dangerous goods.

maritimenz.govt.nz/rules

Primary harbour or port

The primary harbour(s) or port(s) are the place or places from which you normally conduct your operation. If not a named harbour or port, indicate the location(s) – for example, Tolaga Bay.

2.10 Vessels and their ownership (Step 10)

For every vessel used in your operation, list the ship's name and MNZ number. For any vessels that you do not own (for example, a leased vessel), you also need to provide the full (legal) name of the vessel's owner(s).

Any vessels you list here must also be listed in your operator plan.

Every commercial vessel must have an MNZ number.

Note: Print and complete extra pages to list more vessels than is currently allowed for. Remember to include these extra pages when you send your application to Maritime New Zealand.

2. Steps to applying for your MTOC (continued)

2.11 Declaration (Step 11)

This declaration needs to be signed and dated by you as the operator/applicant, or the individual legally authorised to represent the operator/applicant.

The appropriate authorised person (or people) needs to sign this declaration for your application to be valid.

The number of authorised people required to sign this declaration depends on your operation.

If the operator is a group of individuals then each individual listed in section 2A (see page 4) must sign and date this declaration.

Note: Print and complete extra pages to list more authorised persons than is currently allowed for. Remember to include these extra pages when you send your application to Maritime New Zealand.

2.12 Fees and payment (Step 12)

There is a fee for your application. Refer to the Maritime NZ website for information about fees.

maritimenz.govt.nz/fees

Types of fees

There are two types of charges to pay – a one-off application fee and an additional fee based on hourly rates.

Application fee

All applicants applying for an MTOC must pay this application fee.

This fee covers administrative steps in processing your application, such as: receiving and checking the application is complete (and resolving any missing information), issuing invoices, managing the process, reaching a final decision, generating and issuing certificates (if the application is accepted), and one fit and proper person check.

Hourly rates

Maritime New Zealand will charge you for the time they spend assessing your application. The amount of time spent will depend on the size and complexity of your operation.

The hourly rates cover the technical assessment of your plan, the site visit(s), resolving any questions raised and doing any additional fit and proper person checks.

2. Steps to applying for your MTOC (continued)

You will be invoiced once we have formally received your application. A reference number and instructions explaining how to pay will be sent with the invoice.

Payment options and instructions

You can pay:

- online using a credit or debit card
- by internet banking or bank deposit.

Refer to the Maritime NZ website for more information about how to pay your application fee:

maritimenz.govt.nz/howtopay

Invoices and receipts

The invoice will be sent to the main contact person (as specified in your MTOC application) – where the operator is an owner-operator or an organisation.

If the operator is a group of individuals, you need to specify the name and address of the person who should receive the invoices.

You have the option, regardless of your operator type, to specify an alternative name and address if you would like the invoices to go to a different entity or individual.

2. Steps to applying for your MTOC (continued)

2.13 Where to send your application (Step 13)

Send your completed form and the other required documents to Maritime New Zealand by email, courier or post.

Sending your application by email is preferred. Remember to sign your MTOC application form and also the *Fit and proper person* and *Consent to disclosure* forms, before scanning and attaching them to an email along with your other documents. Make sure the scanned copies of your documents are legible and of a good quality. Remember also to include any extra pages you have used for your application.

Email your application to:

operators@maritimenz.govt.nz

Courier your application to:

Operator Certification
Maritime New Zealand
1 Grey Street
Wellington
NEW ZEALAND

Post your application to:

Operator Certification
Maritime New Zealand
PO Box 25620
Wellington 6140
NEW ZEALAND

2. Steps to applying for your MTOC (continued)

2.14 Completion checklist (Step 14)

Use this checklist to make sure you have everything you need for your application.

Remember: you must complete this form correctly for your application to be processed.

Check your documents are complete, signed and dated, as required.

- I have completed the Maritime Transport Operator Certificate application for my operation – including the signed declaration(s)

I have attached the following:

- My operator plan – with all of the extra requirements included
- Fit and proper person forms completed for appropriate personnel
- Consent to disclosure forms completed for appropriate personnel