



MINISTRY of TRANSPORT  
TE MANATŪ WAKA

**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 36 of the Maritime Transport Act 1994

**I, JENNIFER MARY SHIPLEY, Minister of Transport,**

**HEREBY MAKE** the following maritime rules.

**SIGNED AT** Wellington

This

14

day of

July

1997

by **JENNIFER MARY SHIPLEY**

Minister of Transport

**Maritime Rules**

**Part 21**

**Safe Ship Management Systems**

**Maritime Transport Act 1994**

**Maritime Rules**

**PART 21**

**SAFE SHIP MANAGEMENT SYSTEMS**

# Maritime Rules

## PART 21

### SAFE SHIP MANAGEMENT SYSTEMS

## Part Objective, Extent of Consultation and Commencement

#### *Objective*

Part 21 is divided into two sections. These sections require the majority of New Zealand commercial ships to establish safe ship management procedures which are consistent with the duties of participants in the maritime system stated in section 17(4)(a) of the Maritime Transport Act 1994.

Section 1 applies to those foreign-going ships which are subject to the requirements of the International Convention for the Safety of Life at Sea, 1974, (SOLAS), and to other large ships, other than fishing ships, which proceed beyond restricted limits. This section incorporates the requirements of SOLAS Chapter IX - *Management for the Safe Operation of Ships*.

Chapter IX was added to SOLAS with other amendments adopted in 1994 and comes into force for different types of ship on varying dates between 1998 and 2002. At the Conference of Contracting Governments at which these amendments were adopted a resolution was also adopted strongly urging governments to implement as far as practicable safe management requirements for cargo ships entitled to fly their flags of 150 tons gross tonnage or more but less than 500 tons gross tonnage. For consistency with existing regulations the SOLAS provisions apply to those New Zealand ships of 45 metres or more in length that proceed beyond restricted limits, but are not SOLAS ships, because of their size

or because they do not engage in foreign voyages. Thus the application of section 1 to such ships.

The provisions of section 1 require the shipowner to implement a shore based and shipboard safe management system in compliance with the International Safety Management Code adopted by the International Maritime Organisation Assembly resolution A.741(18) and given mandatory effect by chapter IX of SOLAS. The International Safety Management Code provides an international standard for the safe management and operation of ships and for pollution prevention.

Foreign ships, which are SOLAS ships, are required by section 1 to meet the port state control provisions of that convention in respect of Chapter IX.

Section 2 applies to New Zealand ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length which go beyond restricted limits but are not required to comply with section 1. These ships are required to operate in an approved safe ship management system managed by an organisation which has been approved by the Director for that purpose.

Section 2 prescribes the requirements that an organisation must comply with for approval by the Director and the conditions for a ship to enter an organisation's approved safe ship management system. Once in the system the owner must maintain and operate the ship in compliance with the requirements of the New Zealand Safe Ship Management Code. The New Zealand Safe Ship Management Code provides a standard for the safe management and operation of ships and for pollution prevention, which is tailored to smaller ships. Compliance with the Code is verified by the organisation managing the approved safe ship management system.

Foreign ships are not covered by section 2 except those foreign non-passenger ships of less than 500 tons gross tonnage which operate on the New Zealand coast or foreign fishing ships registered under the Fisheries Act, and which remain in New Zealand for a period exceeding two years. Such ships may elect to join a safe ship management system at an earlier date.

Section 2 does not cover those ships for which maritime rules require the owner to establish a safe operational plan.

The basis for Part 21 is found in sections 17(4)(a), 34, and 36(j) of the Maritime Transport Act 1994.

### ***Extent of Consultation***

The provisions of chapter IX of SOLAS which section 1 of Part 21 embodies are well known to the industry and were incorporated into the Part in accordance with the Convention.

There has been a significant period of consultation for the implementation of section 2 of Part 21. In the past three years the Maritime Safety Authority has encouraged the establishment of a number of trial safe ship management systems in preparation for the move away from the survey regime. Approximately, 119 ships have been granted exemptions from the survey provisions of the Maritime Transport Act 1994 in order to participate in these trial systems.

On 20 July 1996 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 21. A notice was also published in the *New Zealand Gazette* on 18 July 1996. The Authority then made its Invitation to Comment, draft Part 21 and draft Advisory Circular available to the public with 161 copies being sent automatically to interested parties. Comments on the Part were requested to be made by 28 September 1996.

Three submissions were received on Part 21. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

### ***Commencement***

Part 21 as amended was referred to and signed by the Minister of Transport.

Section 1 and rules 21.10 to 21.12 of section 2 of Part 21 enter into force in 1997 on a date appointed by the Minister of Transport by notice in the *Gazette*. The remaining provisions in section 2 come into force on 1 February 1998 when the survey provisions of the Maritime Transport Act 1994 expire.

# Maritime Rules

## PART 21

### SAFE SHIP MANAGEMENT SYSTEMS

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- Appendix 4 Form of Interim Safety Management Certificate
- Appendix 5 Form of New Zealand Safe Ship Management Certificate
- Appendix 6 New Zealand Safe Ship Management Code

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## ***General***

### **21.1 Entry into Force**

- (1) Except as provided in rule 21.1(2), Part 21 shall come into force on 1 February 1998.
- (2) Rules 21.2 to 21.12 inclusive shall come into force on a date to be appointed by the Minister by notice in the *Gazette*; and one or more notices may be given bringing different rules into force on different dates.

### **21.2 Definitions**

In Part 21:

“**Act**” means the Maritime Transport Act 1994:

“**Barge**” means any barge, lighter, or like vessel that does not have any means of self-propulsion:

“**Coastal limits**” means the limits set out in Appendix 2 of Part 20:

“**Commercial ship**” means a ship that is not -

- (a) a pleasure craft; or
- (b) solely powered manually; or
- (c) solely powered by sail:

“**Director**” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“**Enclosed water limits**” means -

- (a) the enclosed water limits set out in Appendix 1 of Part 20; and
- (b) all New Zealand inland waters:

“**Fishing ship**” means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

“**Foreign ship**” means any ship that is not a New Zealand ship:

**“Inshore limits”** means -

- (a) the inshore limits set out in Appendix 1 of Part 20; and
- (b) in relation to a ship, any defined section of the coastal limits not beyond the limit of the territorial sea of New Zealand which has been assigned to that ship by a surveyor under rule 20.5(1), subject to rule 20.5(4):

**“International voyage”** means a voyage from New Zealand to a port outside New Zealand or conversely:

**“Length”** means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

**“New Zealand Defence Force”** has the same meaning as the term “Defence Force” in section 2(1) of the Defence Act 1990:

**“New Zealand inland waters”** means all rivers and other inland waters of New Zealand, which are navigable:

**“New Zealand ship”** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

**“Non-passenger ship”** means any ship that is not a passenger ship or a fishing ship:

**“Operating limits”** means the limits defined in rule 20.2:

**“Owner”, -**

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:

- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:
- (f) for the purposes of the SOLAS certificates shown in Appendices 1 to 4 inclusive of Part 21, means the company to which the document relates:

**“Part”** means a group of rules made under the Maritime Transport Act 1994:

**“Passenger”** means any person carried on a ship, other than -

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

**“Passenger ship”** means a ship which carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

**“Restricted limits”** means -

- (a) enclosed water limits; and
- (b) inshore limits:

**“Rules”** includes maritime rules and marine protection rules:

**“SOLAS ship”** means any ship to which the International Convention for the Safety of Life at Sea 1974 applies; namely -

- (a) a passenger ship engaged on an international voyage: or

- (b) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage:

***Section 1: SOLAS Ships and Ships of 45 metres or more in length that proceed beyond restricted limits***

**21.3 Application of Section 1**

- (1) Rules 21.4 to 21.7 inclusive apply to a New Zealand ship that is a commercial ship and that is -
  - (a) a SOLAS ship; or
  - (b) a passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
  - (c) a non-passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
  - (d) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more.
- (2) Rules 21.4 to 21.6 inclusive also apply, and rule 21.8 applies to a foreign ship that is -
  - (a) a non-passenger ship of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal; or
  - (b) a passenger ship which is at a New Zealand port or offshore terminal; or
  - (c) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal or is operating in New Zealand continental waters.
- (3) Section 1 does not apply to pleasure craft, fishing ships or barges.

**21.4 Compliance with Section 1**

- (1) For passenger ships (including passenger high-speed craft) compliance with section 1 is required by 1 July 1998.

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- (2) Compliance with section 1 is required by 1 July 1998 in respect of the following ships -
- (a) oil tankers; and
  - (b) chemical tankers; and
  - (c) gas carriers; and
  - (d) bulk carriers; and
  - (e) non-passenger high-speed craft.
- (3) Compliance with section 1 is required by 1 July 2002 in respect of the following ships -
- (a) non-passenger ships to which rule 21.4(2) does not apply; and
  - (b) mobile offshore drilling units.

## 21.5 Definitions Relating Only to Section 1

In section 1:

**“Authorised organisation”** means an organisation which has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organisation Assembly Resolution A.739(18) and the Annexes thereto entitled *Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration*, whereby that organisation may verify compliance with and the proper functioning of shipowners’ and ships’ safety management systems in accordance with the ISM Code:

**“Authorised person”** means a person employed by an authorised organisation who has delegated powers from the Director to issue and suspend or to issue or to suspend certain maritime documents under Part V of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

**“Bulk carrier”** means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk; and includes such types as ore carriers and combination carriers:

**“Chemical tanker”** means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code:

**“Document of Compliance”** means -

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(1) and 21.7(2);
- (b) in relation to an owner of a foreign ship, the document of compliance or equivalent referred to under rule 21.8:

**“Gas carrier”** means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code:

**“High speed craft”** means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the *International Code of Safety for High Speed Craft* adopted by Resolution MSC 36(63) of the International Maritime Organisation’s Maritime Safety Committee dated June 1994, as amended by that committee from time to time:

**“Interim Document of Compliance”** means -

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(8) and 21.7(9);
- (b) in relation to an owner of a foreign ship, the interim document of compliance referred to in rule 21.8:

**“Interim Safety Management Certificate”** means -

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(11) and 21.7(12);
- (b) in relation to a foreign ship, the interim safety management certificate or equivalent referred to in rule 21.8:

**“International Bulk Chemical Code”** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment Protection Committee of the International Maritime Organisation by resolution MEPC.19(22), as amended by that organisation from time to time:

**“International Safety Management Code” or “ISM Code”** means the *International Management Code for the Safe Operation of Ships and for Pollution Prevention* adopted by the International Maritime Organisation by resolution A.741(18), as amended by that organisation from time to time:

**“Major non-conformity”** means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the marine environment, and requires immediate corrective action; and includes a lack of effective and systematic implementation of a requirement of the International Safety Management Code:

**“Mobile offshore drilling unit”** means a ship capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur, or salt:

**“Offshore terminal”** means any place in the sea where cargo is loaded or unloaded:

**“Oil tanker”** means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any “chemical tanker” as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

**“Safety Management Certificate”** means -

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(4) and 21.7(5);
- (b) in relation to a foreign ship, the safety management certificate or equivalent referred to in rule 21.8:

**“Safety management system”** means a structured and documented system enabling ship and shore based personnel to implement the owner’s safety and pollution prevention policy in accordance with the ISM Code:

**“Verification”** means an investigation and confirmation that an activity or operation is in accordance with specified requirements, such as inspections, tests, operational checks, and audits.

**21.6 Safety Management Requirements**

- (1) The owner of a ship to which this rule applies must -
  - (a) implement a safety management system complying with the International Safety Management Code; and
  - (b) maintain a safety management system complying with the International Safety Management Code.
  
- (2) The owner of a ship to which this rule applies must hold either -
  - (a) a valid Interim Document of Compliance; or
  - (b) a valid Document of Compliance.
  
- (3) The owner and the master of a ship to which this rule applies must ensure that either -
  - (a) a valid Interim Safety Management Certificate; or
  - (b) a valid Safety Management Certificate;

is for the time being in force in respect of the ship.
  
- (4) The master of a ship to which this rule applies must ensure that a copy of the valid Interim Document of Compliance or a copy of the valid Document of Compliance issued to the owner of the ship -
  - (a) is kept on board the ship at all times; and
  - (b) is produced when requested by the Director.
  
- (5) The master of a ship to which this rule applies must ensure that the original of the valid Interim Safety Management Certificate or the original of the valid Safety Management Certificate in respect of the ship -
  - (a) is kept on board the ship at all times; and
  - (b) is produced when requested by the Director.

**21.7 Certification**

- (1) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Document of Compliance, and the Director or authorised person to whom application is made is satisfied that the owner has implemented a safety management system complying

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with the requirements of the International Safety Management Code, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act a Document of Compliance.

(2) A Document of Compliance -

- (a) must be in the form shown in Appendix 1; and
- (b) must indicate the types of ship for which it is valid; and
- (c) is valid for the period specified in it, which period must not exceed 5 years; and
- (d) is subject to annual verifications by the Director or authorised organisation within 3 months before or after the anniversary date of the issue of the Document of Compliance which confirm the continuing compliance of the safety management system with the requirements of the International Safety Management Code.

(3) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake an annual verification may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.

(4) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Safety Management Certificate in respect of the ship, and the Director or authorised person to whom application is made is satisfied that -

- (a) the owner holds a valid Document of Compliance in respect of that type of ship; and
- (b) the shipboard management is operating in accordance with the approved safety management system, -

the Director or authorised person to whom application is made must issue under section 41 of the Act a Safety Management Certificate in respect of the ship.

(5) A Safety Management Certificate -

- (a) must be in the form shown in Appendix 2; and
- (b) is valid for the period specified in it, which period must not exceed 5 years; and

- (c) is subject to the condition that at least one intermediate verification by the Director or an authorised organisation takes place which confirm the effective functioning of the safe management system, and that any modifications carried out since the previous audit comply with the requirements of the International Safety Management Code. Provided that where there is only one intermediate verification it must take place between the second and third anniversaries of the date of issue of the Safety Management Certificate.
- (6) It is a condition of every Safety Management Certificate that a valid Document of Compliance is in force for that ship type at all times.
- (7) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake intermediate verifications may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.
- (8) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Document of Compliance, (the purpose of which document is to facilitate initial implementation of the International Safety Management Code or implementation where the owner's operation is newly established or where new ship types are added to an existing Document of Compliance), and the Director or authorised person to whom application is made is satisfied that the owner has a safety management system that meets the objectives of section 1.2.3 of the International Safety Management Code, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act an Interim Document of Compliance.
- (9) An Interim Document of Compliance -
- (a) must be in the form shown in Appendix 3; and
  - (b) is valid for the period specified in it, which period must not exceed 12 months.
- (10) Within the period of validity of an Interim Document of Compliance, the owner must demonstrate to the Director or to the authorised person to whom application for the document was made, as and when required by the Director or the authorised person, plans to implement a safety management system meeting the full requirements of the International Safety Management Code.



11 July 1997

The Minister of Transport

## MARITIME RULE PART 21: SAFE SHIP MANAGEMENT SYSTEMS

### Proposal

1. The Director of Maritime Transport, in his letter of 10 July 1997, has forwarded for your consideration and signature the proposed Part 21 of the Maritime Rules. This will be the first rules Part made under the Maritime Transport Act 1994.

### Background

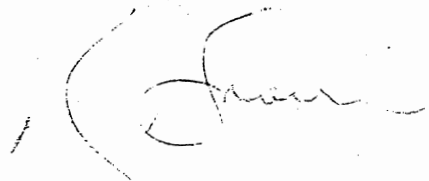
2. Part 21 relates to Safe Ship Management Systems. Section 1 of the rule implements the requirements of the International Safety Management Code, which, under international law, is to become mandatory for ships trading internationally from 1998. Section 2 of the rule will apply the Maritime Safety Authority's New Zealand Safe Ship Management Code, an adaptation of the international code for smaller vessels.

3. You will recall that the proposal to make this rule was referred to the Cabinet on Industry and the Environment for the information of Ministers, in view of the significant change that it represents in the way that ship safety will be regulated (CIE (97) M 15/2, CAB (97) M 25/8A refer). The submission to the Committee outlined the purpose and implications of the rule, and the cost, compliance and implementation issues that had been taken into consideration in its development. A copy of the submission is attached for reference.

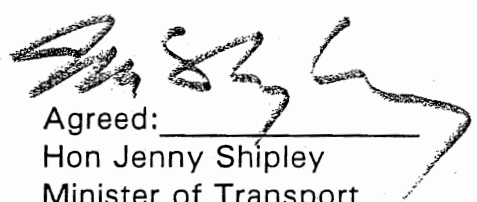
4. As was advised in the submission to CIE, the rule has been the subject of thorough and extended consultation with the commercial shipping and fishing industries. In view of industry familiarity with the content and effects of the rule, it is unlikely to be controversial. The Ministry of Transport considers that the rule and the procedures followed in its development meet all the requirements of the Maritime Transport Act relating to the making of maritime rules by the Minister of Transport.

**Recommendation**

5. It is recommended that you:
- (a) **sign** the attached rule Part 21;
  - (b) **authorise** the notification of the rule in the *Gazette*; and
  - (c) **authorise** the laying of the rule before the House.



Roger Brown  
Policy Advisor



Agreed: \_\_\_\_\_  
Hon Jenny Shipley  
Minister of Transport

Date: 16/7/1997

(11) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Safety Management Certificate in respect of a new ship on delivery or where the owner is taking on responsibility for the management of a ship that is new to that owner, and the Director or authorised person to whom application is made is satisfied that -

- (a) the owner holds a valid Interim Document of Compliance or a valid Document of Compliance in respect of that type of ship; and
- (b) the safe management system provided by the owner for the ship includes key elements of the ISM Code, and the master and senior officers of the ship are familiar with the safe ship management system and planned arrangements for its implementation;

the Director or authorised person to whom application is made must issue under section 41 of the Act an Interim Safety Management Certificate in respect of the ship.

(12) An Interim Safety Management Certificate -

- (a) must be in the form shown in Appendix 4; and
- (b) is valid for the period specified in it, which period must not exceed 6 months; and
- (c) may be extended by the Director or authorised person to whom application is made for one further period not exceeding 6 months if the Director or authorised person considers that -
  - (i) the initial period of validity of up to 6 months is insufficient time to evaluate whether the requirements of rule 21.7(4) have been met; or
  - (ii) given the circumstances it is impracticable to assess the application for a Safety Management Certificate for that ship.

## **21.8 Port State Control**

The owner and the master of a foreign ship to which this rule applies must ensure that there is carried on board the ship either -

- (a) (i) a copy of the valid Interim Document of Compliance or valid Document of Compliance; and

(ii) a valid Interim Safety Management Certificate or a valid Safety Management Certificate;

issued by or on behalf of the flag state in accordance with Chapter IX of the International Convention for the Safety of Life at Sea 1974; or

(b) equivalent documents and certificates to those referred to in rule 21.8(a) which are recognised by the Director under section 41 of the Act.

***Section 2: Ships which do not Proceed Beyond Restricted Limits, Fishing Ships, and Ships of less than 45 metres in Length which are not required to comply with Section 1***

**21.9 Application of Section 2**

(1) Subject to rule 21.9(3), section 2 applies to every New Zealand ship which is -

(a) a commercial ship required to be registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996; or

(b) a commercial ship, other than a fishing ship, which does not proceed beyond restricted limits; or

(c) a commercial ship of less than 45 metres in length that proceeds beyond restricted limits, other than:

(i) a fishing ship;

(ii) a passenger ship engaged on an international voyage;

(iii) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage; or

(d) a barge which carries any persons on board during the course of a voyage.

(2) Section 2 applies to every foreign ship which is -

(a) a non-passenger ship of less than 500 tons gross tonnage which the owner intends to operate on the New Zealand coast; or

- (b) a fishing ship which is registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996;
- and which has certificates recognised by the Director under section 41 of the Maritime Transport Act 1994.
- (3) Section 2 does not apply to any New Zealand ship -
- (a) which complies with any applicable maritime rules requiring the implementation and audit of a safe operational plan for that ship; or
- (b) for which a certificate as an amusement device is required under the Machinery Act 1950.

#### **21.10 Compliance with Section 2**

- (1) Every New Zealand ship to which section 2 applies must comply with this section by 1 February 1998.
- (2) Every foreign ship to which section 2 applies must comply with this section within 24 months of the date of recognition of the ship's certificates by the Director under section 41 of the Maritime Transport Act 1994.

#### **21.11 Definitions Relating to Section 2**

In section 2:

**“Accident”** has the same meaning as in section 2 of the Maritime Transport Act 1994:

**“Approved safe ship management system”** means a safe ship management system approved by the Director under rule 21.12(1), or permitted to operate by the Director under rule 21.12(2):

**“Audit”** means a systematic and independent examination to determine whether the safe ship management system activities and related results comply with the New Zealand Safe Ship Management Code and whether these arrangements are implemented effectively and are suitable to achieve the safe ship management system's objectives:

**“Authorised person”** means a person employed by the organisation to whose approved safe ship management system the ship in question

belongs who has delegated powers from the Director to issue and or suspend certain maritime documents under Part V of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

**“Certificate of survey”** means -

- (a) a certificate of survey issued under section 219 of the Shipping and Seamen Act 1952 and deemed to be issued or recognised as a maritime document under Part V of the Act pursuant to section 468(5) of the Act; or
- (b) a certificate of survey issued under section 143 of the Maritime Transport Act 1994 and saved under section 468(8) of the Act.

**“Corrective action”** means the action taken to correct an identified non-compliance:

**“Discharge”** has the same meaning as in section 225 of the Maritime Transport Act 1994:

**“Hazardous occurrence”** means an occurrence other than an accident which could affect the safety of the ship or persons, and includes a “pollution incident” as defined in section 225 of the Maritime Transport Act 1994:

**“Inspection”** when referred to in rule 21.13(10) means an examination of the ship and its equipment to ensure that it is being maintained in accordance with the approved maintenance plan required by rule 21.13(5) and is in accordance with the applicable maritime rules and marine protection rules:

**“Major alteration”** and **“major repair”** mean the repair or alteration of a ship, or the replacement or removal or addition of any part of a ship, that is likely -

- (a) to significantly affect the structural integrity, tonnage, freeboard, cargo or passenger capacity, crew or passenger accommodation, conditions of assignment of load line, watertight subdivision, stability, structural fire protection, or safety equipment of the ship; or
- (b) to result in significant changes to the propulsion machinery, auxiliary machinery, or method of propulsion of the ship:

**“New Zealand Safe Ship Management Certificate”** means the maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rule 21.13(7) or rule 21.13(11):

**“New Zealand Safe Ship Management Code”** means the New Zealand Safe Ship Management Code set out in Appendix 6:

**“Non-conformity”** means an identifiable deviation from the stated practices and conditions of the organisation’s documented approved safe ship management system, which poses a risk to personnel or ship safety or to the marine environment, and requires corrective action; and includes lack of effective and systematic implementation of a requirement of the New Zealand Safe Ship Management Code:

**“Operate on the New Zealand coast”** means to undertake a voyage as a commercial ship from one New Zealand port or offshore terminal to another New Zealand port or offshore terminal or back to the same New Zealand port or offshore terminal:

**“Organisation”** means a partnership, a corporation sole, a body of persons whether corporate or unincorporate, or any other entity that is managing a safe ship management system, and that represents any party and the shipowners belonging to that safe ship management system, or solely the shipowners belonging to that system:

**“Recognised accreditation body”** means a quality system certification body recognised by the Director:

**“Safe ship management system”** means a structured and documented system enabling ship and shore based personnel to implement the owner’s safety and pollution prevention policy in accordance with the New Zealand Safe Ship Management Code:

**“Safety Management Manual”** means the document describing an organisation’s safe ship management system and serving as a permanent reference in the implementation and maintenance of that system:

**“Survey limits”** means the limits assigned to a ship under the Shipping and Seamen Act 1952 or the Maritime Transport Act 1994, as recorded on the ship’s certificate of survey:

**“Surveyor”** means any suitably qualified person who has been -

- (a) recognised by the Director under rule 46.29 as a surveyor entitled to undertake the particular functions referred to in Part 21 section 2; and
- (b) holds a valid maritime document as a surveyor issued under section 41 of the Maritime Transport Act 1994.

#### **21.12 Safe Ship Management System**

- (1) If an organisation applies in writing to the Director for approval of that organisation's safe ship management system, and the Director is satisfied that -
  - (a) the organisation possesses a valid certificate issued by a recognised accreditation body indicating that the organisation has implemented a quality assurance system which has been approved by that body and is subject to continuing audit; and
  - (b) the scope and field of application of the quality assurance system is for the safe management of ships in accordance with the New Zealand Safe Ship Management Code; and
  - (c) the organisation has been granted quality assured supplier status in terms of:
    - (i) AS/NZS ISO 9001:1994 as amended from time to time, for organisations which are not the owners of the ships which are in their safe ship management system ; or
    - (ii) AS/NZS ISO 9002:1994 as amended from time to time, for organisations operating a safe ship management system for ships of which they are the owners;

then the Director must grant approval in writing to that organisation's safe ship management system.

- (2) For the purposes of approving a safe ship management system, the Director may permit an organisation to operate a safe ship management system for an agreed period and maximum number of ships prior to the organisation's system obtaining the approval in writing referred to in rule 21.12(1).
- (3) An organisation operating an approved safe ship management system must maintain a record of audits, inspections, accidents, discharges in contravention of a marine protection rule, hazardous occurrences, major

non-conformities, and corrective actions for all ships within the safe ship management system.

- (4) An organisation operating an approved safe ship management system must provide the Director with such information from the records maintained in accordance with rule 21.12(3), as the Director may from time to time reasonably require.
- (5) An organisation operating an approved safe ship management system must notify the Director as soon as possible of -
  - (a) the name and the owner of each ship entering the organisation's approved safe ship management system; and
  - (b) any change of owner of any ship in the organisation's approved safe ship management system; and
  - (c) the suspension of the New Zealand Safe Ship Management Certificate of any ship in the organisation's approved safe ship management system; and
  - (d) the details of any ship that leaves the organisation's approved safe ship management system.
- (6) If at any time after an organisation's safe ship management system has been approved by the Director under rule 21.12(1) -
  - (a) the organisation ceases to have a valid certificate issued by a recognised accreditation body indicating that the organisation has implemented a quality assurance system which has been approved by that body and is subject to continuing audit; or
  - (b) the scope and field of application of the organisation's quality assurance system ceases to be for the safe management of ships in accordance with the New Zealand Safe Ship Management Code; or
  - (c) the organisation ceases to have quality assured supplier status as referred to in rule 21.12(1)(c); or
  - (d) the organisation fails to meet the requirements of rules 21.12(3), 21.12(4), 21.12(5), 21.13(6), 21.13(8) and 21.13(10);

then the Director may, in writing, withdraw his or her approval of that organisation's safe ship management system, and that system will cease to be an approved safe ship management system under Part 21.

**21.13 Entry to and Conditions to be Met in Order for Ship to Remain in Safe Ship Management System**

- (1) The owner of a ship to which this section applies must ensure that -
  - (a) the ship belongs to an organisation's approved safe ship management system; and
  - (b) a New Zealand Safe Ship Management Certificate issued by the Director or by an authorised person is for the time being in force in respect of the ship; and
  - (c) the ship complies with the conditions and limitations stated in -
    - (i) the certificate issued by the surveyor under rule 21.13(2)(a), or the certificate of survey referred to in rule 21.13(2)(b), or the certificate referred to in rule 21.13(2)(c), and in addition, where applicable, the statement from a surveyor made under rule 21.13(4); and
    - (ii) the ship's New Zealand Safe Ship Management Certificate.
- (2) No ship to which this section applies may enter or remain in an organisation's approved safe ship management system unless -
  - (a) the owner is in possession of a certificate issued by a surveyor dated not more than 12 months prior to the date the ship entered the approved safe ship management system, which states:
    - (i) the particulars of the ship; and
    - (ii) the permitted operating limits assigned to that ship under rule 20.5(1); and
    - (iii) the maximum number of passengers that may be carried; and
    - (iv) that the ship is fit for its intended service and intended operating limits; and
    - (v) any minimum freeboards assigned under Part 47; and
    - (vi) any limitations on the use of the ship, including any restrictions on the carriage of cargo; and
    - (vii) that the ship complies with the applicable maritime rules and marine protection rules; or

- 
- (b) the ship has a certificate of survey which has not expired at the date of the ship's entry into the approved safe ship management system; or
    - (c) the ship has a new certificate issued by a surveyor in accordance with the requirements of rule 21.13(19)(a).
  - (3) The owner of a ship to which this section applies must retain the document required by rule 21.13(2) as evidence of the ship's eligibility to enter and remain in the organisation's approved safe ship management system.
  - (4) Any ship to which rule 21.13(2)(b) is applicable may maintain the survey limits shown on its certificate of survey at the time it enters an approved safe ship management system until 1 February 2000. After this date the owner of the ship must be in possession of a written statement from a surveyor as to the permitted operating limits assigned to that ship under rule 20.5(1).
  - (5) The owner of a ship to which this section applies must ensure that the ship has a maintenance plan -
    - (a) which includes any inspection and test requirements of Part 46; and
    - (b) approved by the organisation if the ship enters and remains in an approved safe ship management system operated by an organisation which is not the owner of the ship.
  - (6) Upon entry of a ship into an organisation's approved safe ship management system in compliance with rule 21.13(2), the organisation must carry out an initial audit of the safety management of the ship to ensure compliance with the New Zealand Safe Ship Management Code.
  - (7) If the owner of a ship to which this section applies makes an application under section 35 of the Act for an initial New Zealand Safe Ship Management Certificate in respect of the ship, and the Director or authorised person to whom application is made is satisfied that a satisfactory initial audit of the ship under rule 21.13(6) has occurred, then the Director or authorised person to whom application is made must issue under section 41 of the Act a New Zealand Safe Ship Management Certificate in respect of the ship stating that the safety management of the ship complies with the requirements of the New Zealand Safe Ship Management Code.
-

- (8) The organisation must carry out subsequent audits of the safety management of each ship in that organisation's approved safe ship management system to ensure compliance with the New Zealand Safe Ship Management Code. These subsequent audits are to be undertaken when the ship is operational, and in its normal service.
- (9) Audits must be conducted by persons nominated by the organisation and named in the document used to describe and implement the organisation's approved safe ship management system. The person undertaking the audit must not be the master or a member of the crew of the ship undergoing the audit.
- (10) The organisation must carry out inspections of each ship from time to time to ensure that the ship and its equipment are being maintained in accordance with the approved maintenance plan and remain fit for their intended purpose. These inspections are to include the inspections required by rule 46.17, and such inspections are to be independent of any audit required by rule 21.13(8).
- (11) If the owner of a ship to which this section applies makes an application under section 35 of the Act for a subsequent New Zealand Safe Ship Management Certificate in respect of the ship, not required to be issued under rule 21.13(7) pursuant to an initial audit under rule 21.13(6), and the Director or authorised person to whom application is made has received confirmation -
  - (a) from a surveyor that the ship and its equipment -
    - (i) have been maintained in accordance with the approved maintenance plan required by rule 21.13(5); and
    - (ii) remain fit for their intended purpose; and
  - (b) from the organisation to whose system the ship belongs, that the audits of the safety management of the ship, referred to in rule 21.13(8), have been undertaken to the satisfaction of that organisation;

then the Director or authorised person to whom application is made must issue under section 41 of the Act a New Zealand Safe Ship Management Certificate in respect of the ship stating that the safety management of the ship complies with the requirements of the New Zealand Safe Ship Management Code.

- (12) The provisions of rules 21.13(13) to 21.13(19) inclusive apply to every initial and every subsequent New Zealand Safe Ship Management Certificate.
- (13) No New Zealand Safe Ship Management Certificate is to be issued by the Director, or by an authorised person for a period exceeding the maintenance plan period required by rule 46.18.
- (14) Every New Zealand Safe Ship Management Certificate issued by the Director, or by an authorised person must be in the form shown in Appendix 5. However, an authorised person may add additional information to a certificate provided that the additions are kept to a minimum and do not detract from or conflict with the content of the form as shown in Appendix 5.
- (15) The owner of a ship to which a New Zealand Safe Ship Management Certificate has been issued must ensure that a copy of the certificate is displayed in a prominent position on the ship at all times.
- (16) It is a condition of every New Zealand Ship Safety Management Certificate that the ship undergoes the subsequent audits and inspections referred to in rule 21.13(8) and rule 21.13(10) respectively, as required by the organisation to whose system the ship belongs.
- (17) Where -
  - (a) following an audit of a ship in an approved safe ship management system, or for any other reason, a corrective action is not undertaken by the owner of the ship in respect of a non-conformity; or
  - (b) following any inspection, or otherwise, the organisation considers that a ship belonging to that organisation's approved safe ship management system, or its equipment is not being maintained in accordance with the approved maintenance plan; or
  - (c) the organisation considers that a ship belonging to that organisation's approved safe ship management system is no longer fit for its intended purpose; or
  - (d) a ship is operated in breach of rule 21.13 or any other applicable maritime rule or marine protection rule; or

- (e) the owner of a ship breaches any other conditions or rules of the organisation to whose approved safe ship management system the owner's ship belongs;

the Director or an authorised person may suspend, in accordance with section 43 of the Act, the ship's New Zealand Safe Ship Management Certificate issued under rule 21.13(7) or rule 21.13(11).

- (18) Where any of the circumstances referred to in rule 21.13(17) occur or the owner of a ship to which this section applies removes the ship from an organisation's approved safe ship management system the Director may revoke that ship's New Zealand Safe Ship Management Certificate in accordance with Part V of the Act.
- (19) The owner of a ship to which this section applies must ensure that if the ship undergoes major modification, major repair, changes its operating limits temporarily or permanently, or increases its passenger carrying capacity the ship is not operated until the owner has obtained -
  - (a) a new certificate issued by a surveyor stating the particulars referred to in rule 21.13(2)(a)(i) to (vii) inclusive; and
  - (b) a new New Zealand Safe Ship Management Certificate issued under rule 21.13(11) stating that the safety management of that ship complies with the requirements of the New Zealand Safe Ship Management Code.

Appendix 1

DOCUMENT OF COMPLIANCE

(Official seal)

New Zealand

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of New Zealand

by

.....  
(person or organisation authorised)

Name and address of the Company

.....

.....  
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the Company has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution prevention (ISM Code) adopted by the International Maritime Organisation by Resolution A 741(18), as amended, for the types of ship listed below (delete as appropriate):

- Passenger ship
- Passenger high speed craft
- Cargo high speed craft
- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Mobile offshore drilling unit
- Other cargo ship

This Document of Compliance is valid until ....., subject to periodical verification.

Issued at .....  
(place of issue of the document)

Date of issue .....

.....  
(Signature of the duly authorised official issuing the document)

**ENDORSEMENT FOR ANNUAL VERIFICATION**

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation 6 of chapter IX of the Convention, the Safety Management System was found to comply with the requirements of the ISM Code.

**1st ANNUAL VERIFICATION**

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

**2nd ANNUAL VERIFICATION**

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

**3rd ANNUAL VERIFICATION**

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

**4th ANNUAL VERIFICATION**

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

Appendix 2

**SAFETY MANAGEMENT CERTIFICATE**

(Official seal)

New Zealand

Issued under the provisions of the INTERNATIONAL CONVENTION  
FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of New Zealand

by .....  
(person or organisation authorised)

Name of ship:.....

Distinctive number or  
letters:.....

Port of registry:  
.....

Type of ship:  
.....

Gross tonnage:  
.....

IMO number:  
.....

Name and address of Company:  
.....

(see paragraph 1.1.2 of the ISM Code)

**THIS IS TO CERTIFY THAT** the Safety Management System of the ship has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), adopted by the International Maritime Organisation by resolution A.741(18) as amended by that organisation, following verification that the Document of Compliance for the Company is applicable to this type of ship.

This Safety Management Certificate is valid until ....., subject to periodical verification and the validity of the Document of Compliance.

Issued at .....  
(place of issue of the certificate)

Date of issue .....

.....  
(signature of the duly authorised official issuing the certificate)

ENDORSEMENT FOR PERIODICAL VERIFICATION AND  
ADDITIONAL VERIFICATION (IF REQUIRED)

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation 6 of chapter IX of the Convention, the Safety Management System was found to comply with the requirements of the ISM Code.

**INTERMEDIATE VERIFICATION**  
(to be completed between the **second** and the **third** anniversary date)

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

---

**ADDITIONAL VERIFICATION\***

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

**ADDITIONAL VERIFICATION\***

Signed: .....  
(Signature of authorised official)

Place: .....

Date: .....

\* If applicable

Appendix 3

**INTERIM DOCUMENT OF COMPLIANCE**

*(Official seal)*

New Zealand

Issued under the provisions of the INTERNATIONAL CONVENTION  
FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of New Zealand

by .....  
(person or organisation authorised)

Name and address of the Company

.....  
.....  
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the Company has been recognised as meeting the objectives of paragraph 1.2.3 of the International Management Code for the Safe Operation of Ships and for Pollution prevention (ISM Code) adopted by the International Maritime Organisation by Resolution A 741(18), as amended by that organisation, for the types of ship listed below (delete as appropriate):

- Passenger ship
- Passenger high speed craft
- Cargo high speed craft
- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Mobile offshore drilling unit
- Other cargo ship

This Document of Compliance is valid until

.....

Issued at .....

(place of issue of the document)

Date of issue .....

.....  
(Signature of the duly authorised official issuing the document)

Appendix 4

INTERIM SAFETY MANAGEMENT CERTIFICATE

(Official seal) New Zealand

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of New Zealand

by ..... (person or organisation authorised)

Name of ship:.....

Distinctive number or letters:.....

Port of registry:.....

Type of ship:.....

Gross tonnage:.....

IMO number:.....

Name and address of Company:.....

(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the ship complies with paragraphs 3.3.4 and 3.3.5 of the Guidelines on the Implementation of the ISM Code by Administrations, adopted by the International Maritime Organisation by resolution A...(..) as amended by that organisation.

This Interim Safety Management Certificate is valid until .....

Issued at ..... (place of issue of the certificate)

Date of issue .....

..... (signature of the duly authorised official issuing the certificate)

The validity of the Interim Safety Management Certificate is extended to ..... Date of extension .....

..... (signature of the duly authorised official issuing the certificate)

Appendix 5

**NEW ZEALAND SAFE SHIP MANAGEMENT  
CERTIFICATE**

Issued under the provisions of rule 21.13(7) or 21.13(11) of Part 21 of  
the Maritime Rules

by.....  
(organisation managing an approved safe ship management system)

Name of ship: ..... Port of registry:  
.....

MSA Number: ..... Gross tonnage:  
.....

Name and Address of Owner:  
.....  
.....

The above ship must not proceed beyond the following operating limits:  
.....  
.....  
.....  
.....

The above ship must not carry more than the following number of  
passengers:  
.....  
.....  
.....  
.....

Lifesaving appliances are provided for a total number of ..... persons.

**THIS IS TO CERTIFY THAT** the Safe Ship Management System of the  
ship has been audited and that it complies with the requirements of the  
New Zealand Safe Ship Management Code and that the ship and its  
equipment remain fit for their intended purpose.

This certificate is valid until ....., subject to  
periodical audit/inspection of the ship.

Date of issue .....

.....  
(signature of authorised person)

**Appendix 6**

**NEW ZEALAND SAFE SHIP MANAGEMENT CODE**

**Contents**

- Preamble
- 1. General
  - 1.1 Definitions
  - 1.2 Objectives
  - 1.3 Functional Requirements for a Safe Ship Management System
- 2 Safety and Environmental Protection Policy
- 3. Owner Responsibilities and Authority
- 4. Designated Person
- 5. Masters Responsibility and Authority
- 6. Resources and Personnel
- 7. Development of Plans for Shipboard Operations
- 8. Emergency Preparedness
- 9. Reports and Analysis of Non-Conformities, Accidents and Hazardous Occurrences
- 10. Maintenance of the Ship and Equipment
- 11. Documentation
- 12. Owner Verification, Review and Evaluation
- 13. Certification, Verification and Control

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PREAMBLE

1. The Maritime Transport Act 1994 marks a move away from the tradition of Government setting standards and then inspecting participants in the industry to ensure that the standards are met. The Act places much greater responsibility upon the operator for conforming with those standards. It also provides for organisations to have more flexibility to enable them to develop their own internal means of compliance.
2. The purpose of this Code is to provide a standard for the safe management and operation of New Zealand's domestic shipping and for pollution prevention.
3. Recognising that no two shipping companies or shipowners are the same, and that ships operate a wide range of services under different conditions, the Code is based on general principles and objectives. These general principles and objectives are as applicable to a single small ship organisation as to a shipowner with a fleet of large ships.
4. The Code is expressed in broad terms so that it can have a widespread application. Clearly, different levels of management, whether shore based or at sea, will require varying levels of knowledge and awareness of the items outlined.
5. The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of all individuals at each level that determines the end result.

1. GENERAL

1.1 Definitions

"Code" means the New Zealand Safe Ship Management Code:

"New Zealand Marine Waters" means -

- (a) the territorial sea of New Zealand; and
- (b) the waters of the exclusive economic zone of New Zealand.

1.2 Objectives

The objectives of the New Zealand Safe Ship Management Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment, and to property.

Safety management objectives of the owner should, inter alia:

- .1 provide for safe practices in ship operation and a safe working environment;
- .2 establish safeguards against all identified risks; and
- .3 continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related to both safety and environmental protection.

The safe ship management system should ensure:

- .1 compliance with mandatory rules and regulations; and
- .2 that applicable codes and standards prescribed or recommended by the Maritime Safety Authority are taken into account.

### 1.3 Functional requirements for a Safe Ship Management System

Every owner should develop, implement and maintain a Safe Ship Management System which includes the following functional requirements:

- .1 a safety and environmental protection policy;
- .2 instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant New Zealand legislation;
- .3 defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- .4 procedures for reporting accidents and non-conformities within the provisions of this Code;
- .5 procedures to prepare for and respond to emergency situations; and
- .6 procedures for internal audits and management reviews.

## 2 SAFETY AND ENVIRONMENTAL PROTECTION POLICY

- 2.1 The owner should establish a safety and environmental protection policy which describes how the objectives given in paragraph 1.2. will be achieved.

- 2.2 The owner should ensure that the policy is implemented and maintained at all levels of the organisation, both ship based as well as shore based.

### 3 OWNER RESPONSIBILITIES AND AUTHORITY

- 3.1 The owner should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.
- 3.2 The owner is responsible for ensuring that adequate resources and shore based support are provided to enable the designated person or persons to carry out their functions.

### 4 DESIGNATED PERSON

To ensure the safe operation of each ship and to provide a link between the owner and those on board, every owner, as appropriate, should designate a person ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution protection aspects of the operation of each ship and to ensure that adequate resources and shore based support are applied, as required.

### 5 MASTERS RESPONSIBILITY AND AUTHORITY

- 5.1 The owner should clearly define and document the master's responsibility with regard to:
- .1 implementing the safety and environmental protection policy of the owner;
  - .2 motivating the crew in the observation of the policy;
  - .3 issuing appropriate orders and instructions in a clear and simple manner;
  - .4 verifying that specified requirements are observed; and
  - .5 reviewing the Safe Ship Management System and reporting its deficiencies to the shore based management.
- 5.2 The owner should ensure that the Safe Ship Management System operating on board the ship contains a clear statement emphasising the master's authority.

The owner should establish in the Safe Ship Management System that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the owner's assistance as may be necessary.

## 6 RESOURCES AND PERSONNEL

6.1 The owner should ensure that the master is:

- .1 properly qualified for command;
- .2 is fully conversant with the owner's Safe Ship Management System; and
- .3 given the necessary support so that the master's duties can be safely performed.

6.2 The owner should ensure that the ship is crewed, as appropriate, with qualified, certificated and medically fit seafarers in accordance with any relevant mandatory rules and regulations.

6.3 The owner should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarisation with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and given.

6.4 The owner should ensure that all personnel involved in the owner's Safe Ship Management System have an adequate understanding of relevant mandatory rules and regulations.

6.5 The owner should establish and maintain procedures for identifying any training which may be required in support of the Safe Ship Management System and ensure that such training is provided for all personnel concerned.

6.6 The owner should establish procedures by which the ship's personnel receive relevant and easily understood information on the Safe Ship Management System.

## 7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

The owner should establish procedures for the preparation of plans and instructions for key shipboard operations concerning the safety of the ship. The various tasks involved should be defined and assigned to appropriately qualified personnel.

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## 8 EMERGENCY PREPAREDNESS

The owner should establish procedures to identify, describe and respond to potential emergency shipboard situations. The owner should also establish programmes for drills and exercises to prepare for emergency actions. The Safe Ship Management System should provide for measures ensuring that the owner can respond at any time to hazards, accidents and emergency situations involving the owner's ship.

## 9 REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURRENCES

The safe ship management system should include procedures ensuring that non-conformities, accidents and hazardous occurrences are reported to the owner, investigated and are analysed with the objective of improving safety and pollution prevention. Procedures should be established for the implementation of corrective action.

## 10 MAINTENANCE OF THE SHIP AND ITS EQUIPMENT

10.1 The owner should establish procedures to ensure that the ship is maintained in conformity with the provisions of relevant mandatory rules and regulations and with any additional requirements established by the owner.

10.2 In meeting these requirements the owner should ensure that:

- .1 inspections are held at appropriate intervals;
- .2 any non-conformity is reported with its possible cause, if known;
- .3 appropriate corrective action is taken;
- .4 records of these activities are maintained; and
- .5 for each ship an appropriate maintenance plan is maintained.

10.3 The owner should establish procedures in the Safe Ship Management System to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The Safe Ship Management System should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

10.4 The inspections mentioned in 10.2 as well as the measures referred to in 10.3 should be integrated in the ship's operational maintenance routine.

## 11 DOCUMENTATION

11.1 The owner should establish and maintain procedures to control all documents and data which are relevant to the Safe Management System.

11.2 The owner should ensure that:

- .1 valid documents are available at all relevant locations;
- .2 changes to documents are reviewed and approved by authorised personnel;
- .3 obsolete documents are promptly removed; and
- .4 for each ship an appropriate logbook is maintained.

11.2 The document used to describe and implement the Safe Ship Management System may be referred to as the "Safety Management Manual". Documentation should be kept in a form that the owner considers most effective. Each ship should carry on board all documentation relevant to that ship.

## 12 OWNER VERIFICATION, REVIEW AND EVALUATION

12.1 The owner should carry out internal audits to verify whether safety and pollution prevention activities comply with the Safe Ship Management System.

12.2 The owner should periodically evaluate the efficiency and, when needed, review the Safe Ship Management System in accordance with procedures established by the owner.

12.3 The audits and possible corrective actions should be carried out in accordance with documented procedures.

12.4 Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and nature of the owner operation.

12.5 The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.

12.6 The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

13 CERTIFICATION, VERIFICATION AND CONTROL

- 13.1 The owner should hold in respect of the ship a New Zealand Safe Ship Management Certificate. This maritime document should be accepted as evidence that the owner is capable of complying with the requirements of the Code and that the owner and its shipboard management operate in accordance with the approved Safe Ship Management System.
- 13.2 The maritime document should be issued and displayed in accordance with the provisions of rule 21.13 of the maritime rules made under the Maritime Transport Act 1994 and should be in a form prescribed by the rules.
- 13.3 The proper functioning of the Safe Ship Management System for the ship should be periodically verified as may be prescribed in rule 21.13 of the maritime rules made under the Maritime Transport Act 1994.

# Maritime Rules

## PART 21

### SAFE SHIP MANAGEMENT SYSTEMS

## Consultation Details

*(This text does not form part of the rules contained in Part 21. It provides details of the consultation undertaken in making the rules)*

#### **Summary of Consultation**

Three organisations provided written comments on the draft of “Part 21 Safe Ship Management Systems”. Responses to these contributions are given below. It should be noted that the concept of safe ship management which aims to introduce radical change in the management of ship safety has been the subject of extensive consultation with the shipping industry over the past few years. That consultation occurred outside the rules process and preceded drafting of Part 21. The content of the Part was therefore already well known to the industry when consultation on Part 21 commenced.

#### **Rule 21.2**

The New Zealand Shipping Federation commented on the “*New Zealand ship*” definition, and the consistency between the rule and the Advisory Circular in respect to this definition.

*The definition used in the Part is taken directly from the Maritime Transport Act 1994. The term “New Zealand ship” has been the subject of some debate. However, the Maritime Transport Act provides that any ship registered as a New Zealand ship and any ship entitled to be registered as a New Zealand ship comes within the definition of “New Zealand ship” under the Act and rules.*

The New Zealand Marine Transport Association Inc., (NZMTA), and Maritime Management Services Ltd., (MMS), suggested that the

definition of “length” in rule 21.2 was unnecessarily complex and different from that used in Part X of the Maritime Transport Act 1994.

*The only reference to length in Part 21 is to ships of 45 metres in length. Ships of 45 metres in length or more which are operating outside restricted limits but not making overseas voyages are required to comply with Section 1. Part 21 which applies the SOLAS convention requirements for a safety management system. The length defined in rule 21.2 is that used in SOLAS and other International Maritime Organisation conventions. It is easily ascertained from the ship’s lines and is more precise and therefore not subject to dispute, as is often the case with “overall length”.*

*Part X of the Maritime Transport Act 1994 defines length as “overall length” in relation to ships which are required to be surveyed. Part X is transitional and its survey provisions will be superseded by Part 21 and Part 46 of the maritime rules at 1 February 1998.*

#### **Rule 21.11**

The NZMTA pointed out that the definition of “surveyor” should refer to rule 46.29.

*We agree and have amended the definition accordingly.*

The NZMTA also suggested that the definitions of “audit” and “inspection” are not as clear in rule 21.11 as they are in paragraph 13 of the Advisory Circular

*We consider that “audit” and “inspection” are fully defined in rule 21.11. Paragraph 13 of the Advisory Circular does not define these terms but recommends administrative procedures to be followed by the safe ship management organisation undertaking the audits and inspections. It would not be appropriate to include this advice in rule 21.11.*

#### **Rule 21.13**

The NZMTA was concerned that, while rule 21.13(6), (renumbered 21.13(8)), requires subsequent audits there appears to be no formal requirement for subsequent inspections to verify the condition of the ship and its equipment. The only reference to inspections is in rule 21.13(13)(b), (renumbered 21.13(17)(b)), regarding suspension of the

New Zealand Safe Ship Management Certificate where, on inspection or otherwise, the ship and its equipment are found not to be maintained in accordance with the approved maintenance plan. The NZMTA believes that audits and inspections should be carried out by different members of the safe ship management organisation and on different occasions. Maritime Management Services Ltd, (MMS), which is an organisation established by the NZMTA to operate a safe ship management system, also submitted that audits and inspections should be independent and that management audits should be done when the ship is operating normally. MMS also suggested that it should be indicated when audits and inspections should be carried out and the periods between these.

*We agree that inspections of the ship and its equipment should be carried out independently of the audits of the management of the ship, as indicated in the Advisory Circular. Also a requirement for subsequent inspections, as for audits, should be included in the rules. We have therefore added to rule 21.13 a new clause 21.13(7), (renumbered 21.13(10)), as follows:*

*“(10) The organisation must carry out inspections of each ship from time to time to ensure that the ship and its equipment are being maintained in accordance with the approved maintenance plan and remain fit for their intended purpose. These inspections are to include the inspections required by rule 46.17, and such inspections are to be independent of any audit required by rule 21.13(8).”*

*We do not consider that the rule should indicate when audits and inspections are to be carried out, as this should be a matter for the organisation to determine having regard to each ship rather than applying a fixed general standard. We are, however, adding an additional sentence to rule 21.13(8) as follows:*

*“(8) The organisation ..... Safe Ship Management Code. These subsequent audits are to be undertaken when the ship is operational, and in its normal service.”*

The NZMTA pointed out that in rule 21.13(9) (renumbered 21.13(13)), the final reference should be to Rule 46.18.

*We agree and have amended the rule accordingly.*

The form of the New Zealand Safe Ship Management Certificate in Appendix 5 was commented on by MMS, which asked that it be allowed to include a certificate number, agent of the owner, and length of ship.

*We see no objection to relevant additional information being added to the form of the New Zealand Safe Ship Management Certificate if this is useful to the organisation. It should be noted that MMS's wish to include the agent of the owner is unnecessary, as the definition of "owner" includes the owner's agent. We have added the following sentence to rule 21.13(10), (renumbered 21.13(14)), to cover the issue of additional information:*

*"(14) Every ..... , must be in the form shown in Appendix 5. However an authorised person may add additional information to a certificate provided that the additions are kept to a minimum and do not detract from or conflict with the content of the form as shown in Appendix 5."*

### **Amendments Initiated by the Maritime Safety Authority**

#### **Definitions**

The definition of "foreign ship" has been amended to reflect the definition in the Maritime Transport Act 1994, and has been moved to the beginning of the Part.

A definition of "barge" and a definition of "international voyage" have been added to Part 21.

"Non-passenger ship" has been defined.

The various operating limits referred to in Part 21 have been defined in rule 21.2.

The "passenger ship" definition has been altered in light of subsequent maritime rules and has been moved to the beginning of the Part because it is used in both sections 1 and 2.

Definitions of "Part" and "rule" have been added for ease of understanding and referencing. The "rule" definition is taken directly from the Maritime Transport Act. The Act does not define the term "Part".

### **Section 1 Definitions**

The “Document of Compliance” and “Interim Document of Compliance” definitions have been altered to make it clear that the owner of the ship holds the document not the ship itself.

The references to the *maritime rules* at the end of the definitions of “Interim Safety Management Certificate” and “Safety Management Certificate” were superfluous and have been deleted. This comment also applies to the section 2 definition of “New Zealand Safe Ship Management Certificate”.

The definition of “oil tanker” has been changed by adding a reference to rule 141.2 which defines chemical tankers. This makes the definition consistent with the one used in other Parts.

### **Section 2 Definitions**

A definition of “approved safe ship management system” has been added because this phrase is used throughout section 2.

### **Rules 21.3 and 21.4**

The application provisions have been moved to rule 21.3 and the compliance dates for section 1 now follow in rule 21.4. No substantive changes have been made to the contents of these two rules, but rule 21.3 has been split up for ease of reading.

### **Rule 21.6(2) and 21.6(3)**

The words “...[a valid Document of Compliance] *issued in accordance with rule 21.7(1)*” have been deleted as the Document of Compliance definition already provides that it is issued in accordance with rule 21.7(1).

This same comment applies to rule 21.6(3) in regard to Safety Management Certificates issued in accordance with rule 21.7(4).

### **Rule 21.7**

The wording of rules 21.7(1), 21.7(4), 21.7(9), and 21.7(10), has been amended in light of other Parts, but the intention of these provisions has not been altered.

References to “as the case may be” have also been removed from rule 21.7 for ease of reading and because the meaning remains clear without them.

#### **Rule 21.10 (renumbered 21.9)**

The words “*Subject to rule 21.9(3)...*” have been added to rule 21.10(1) (renumbered 21.9(1)).

The application has been altered so that fishing ships that are required to register under the 1983 or 1996 Fisheries Act are covered by the section even if they do not actually register under the applicable Act.

Rule 21.10(1)(c) (renumbered 21.9(1)(c)), has been altered so that commercial ships of less than 45 metres in length that proceed beyond restricted limits are required to comply with section 2. The rule as expressed originally only required those ships that obtained certificates under rule 21.13(1) to comply with the section.

Reference to the new 1996 Fisheries Act which is now in force has been added.

Rule 21.10(2), (renumbered 21.9(3)), has been amended to refer simply to maritime rules. The reference to a possible code of practice incorporated into the rules is unnecessary.

#### **Rule 21.12**

The word “...*approved* [safe ship management system]...” has been added to rule 21.12 as this is now a defined term under the Part. This comment also applies to rule 21.13.

In rules 21.12(2)(i) and (ii), (renumbered 21.12(1)(c)(i) and (ii)), the references to “*safety management system*” have been amended to read “*safe ship management system*” for the sake of consistency throughout section 2.