



MINISTRY of TRANSPORT
TE MANATŪ WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 36 of the Maritime Transport Act 1994

I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following maritime rules.

SIGNED AT Wellington

This

21

day of

September

1999

by MAURICE DONALD WILLIAMSON

Minister of Transport

Maritime Rules

Part 32

Ships' Personnel — Qualifications

Maritime Transport Act 1994

Maritime Rules

PART 32

SHIPS' PERSONNEL — QUALIFICATIONS

Maritime Rules

PART 32

Part Objective, Extent of Consultation and Commencement

Objective

Part 32 contains the requirements that need to be fulfilled by seafarers to obtain Maritime Safety Authority certificates of competency.

Part 32 modernises New Zealand's qualification structure. It introduces changes to requirements for nautical and engineering certificates for use internationally. These changes implement New Zealand's obligations under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as amended in 1995 (STCW-95).

This Part also introduces changes to the qualification structure for participants operating in New Zealand waters. The new rules reflect changes in the various commercial shipping sectors in recent times and the new skills these changes require. They also acknowledge advances in training techniques through greater recognition of structured training programmes developed for specific maritime qualifications.

The qualification structure has also been modified by Part 32 to ensure a seamless certificate structure so that interested personnel can move through from the lowest certificates to the very highest, without the present barriers to progress.

Part 32 also addresses the recognition of qualifications and experience gained with the Royal New Zealand Navy and on foreign warships.

Authority for making Part 32 is found in section 36(b), (o), and (s) of the Maritime Transport Act 1994.

Extent of Consultation

On 23 December 1999, 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 32. A notice was also published in the *New Zealand Gazette* on 14 January 1999. Three hundred and eighty two copies of the draft Part 32, the invitation to comment, and the accompanying advisory circular were then sent automatically to interested parties. Comments on the Part were requested to be made by 1 March 1999.

Sixty one submissions were received on Part 32. All submissions were considered and, where appropriate, the proposed rules were amended to take account of the comments made.

Commencement

Part 32 as amended was referred to and signed by the Minister of Transport.

Part 32 will come into force 28 days after the Part's notification in the *Gazette*.

MARITIME RULES

PART 32

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General

32.1 Entry into force

Part 32 shall come into force 28 days after notification in the *Gazette*.

32.2 Definitions

In Part 32:

“Act” means the Maritime Transport Act 1994:

“Approved” means approved in writing by the Director for the relevant purpose:

“Approved medical practitioner” means a registered medical practitioner approved under rule 34.3:

“Candidate” means a person who applies —

- (a) to take an examination, or part of an examination, prescribed in Part 32; or
- (b) to be issued with a certificate of competency under Part 32:

“Certificate of competency” means a certificate issued under rule 32.3, for which the requirements are prescribed in rules 32.4 to 32.33, as applicable:

“Commercial ship” means a ship that is not —

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

and includes a naval vessel¹, but does not include a warship:

“Commercial trading ship” means a commercial ship that is engaged in carrying passengers or cargo:

“Commercial vessel” means commercial ship:

“Crew” means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

“Deep sea fishing vessel” means a fishing ship which operates in the unlimited area:

“Designated optometric examiner” means a registered optometrist approved —

¹ Navy sea service will only be counted by actual days at sea, not including time in port except when cargo operations are being undertaken.

- (a) as a designated optometric examiner for the purposes of the Masters and Mates (Foreign-Going and Coastal) Qualification Regulations 1993; or
- (b) as a designated optometric examiner for the purposes of the Masters, Mates, and Fishing Deckhands (Coastal, Fishing, and Restricted-Limit Ships) Qualification Regulations 1993; or
- (c) under rule 34.3:

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

"DP ship" means a dynamically positioned ship:

"Duties involved in navigational watchkeeping" includes any of the following duties:

- (a) keeping a lookout and reporting sighted objects to the person in charge of the navigation watch:
- (b) steering the vessel:
- (c) being the person in charge of the navigation watch:

"Engineer officer" means a person who holds a —

- (a) New Zealand Class One Engineer certificate or equivalent; or
- (b) New Zealand Class Two Engineer certificate or equivalent; or
- (c) New Zealand Class Three Engineer certificate or equivalent:

"Evidence" means evidence acceptable to the Director:

"Examiner" means a person recognised by the Director as an examiner under Part 35:

"Fishing ship", "fishing vessel" and "fishing boat" mean a ship that is required to be registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996:

"Foreign ship" means any ship that is not a New Zealand ship:

"GMDSS" means Global Maritime Distress and Safety System:

"Inshore limits" has the same meaning as in Part 20:

"Length" means the length overall of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the overall length. Structures (such as bulbous bows, deckhouses and free flooding bait tanks) and buoyancy tubing projecting beyond these terminal points are to be included in the overall length:²

² For further explanation and diagrams illustrating 'length overall' see the Advisory Circular to Part 40A.

"Marine farming vessel" means a vessel of less than 15 metres in length that is used solely for the carriage of persons, materials, or produce for the sole purpose of marine farming activities on the marine farming vessel owner's marine farm, and does not include a vessel used for carrying fare paying passengers or otherwise used for hire or reward:

"Master" means any person (except a pilot) having command or charge of any ship:

"Month" means 30 days:

"Motor ship" means a ship with diesel main propelling machinery:

"Naval vessel" means a ship that carries cargo or passengers or carries out operations that may be carried out by a commercial operator —

- (a) belonging to the armed forces of a State and bearing the external marks distinguishing the nationality of ships of that State, being a ship —
 - (i) under the command of an officer duly commissioned by the Government of that State whose name appears in the appropriate service list or its equivalent; and
 - (ii) crewed by crew subject to regular armed forces discipline; or
- (b) requisitioned under section 10 of the Defence Act 1990:

"Navigating officer" means a person who holds a —

- (a) New Zealand Master of a Foreign-Going Ship certificate or equivalent; or
- (b) New Zealand First Mate of a Foreign-Going Ship certificate or equivalent; or
- (c) New Zealand Second Mate of a Foreign-Going Ship Certificate or equivalent; or
- (d) officer watchkeeping qualification acceptable to the Director from the Royal New Zealand Navy or the navy of another country:

"Near coastal voyages", as defined by STCW-95, means voyages within offshore limits:

"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-fishing vessel" means any commercial ship that is not a fishing vessel:

"Non-passenger ship" means any ship that is not a passenger ship or a fishing vessel, pleasure craft or a warship:

"Offshore terminal" means any place in the sea where cargo is loaded or unloaded:

"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; or

- (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 circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; or
- (c) a child under the age of 1 year:

"Passenger ship" means a ship that carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

"Pleasure craft" means a ship that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include —

- (a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business; or
- (b) a ship that is used on any voyage for pleasure if it is normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; or
- (c) a ship that is operated or provided by any club, incorporated society, trust, or business:

"Port" includes place and harbour:

"Registered medical practitioner" has the same meaning as in the Medical Practitioner Act 1995:

"Restricted limits" means —

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

"Rules" includes maritime rules and marine protection rules:

"Sea experience" means service on any vessel including —

- (a) commercial vessels; and
- (b) pleasure vessels; and
- (c) warships:

"Seafarer" —

- (a) means any person who —
 - (i) is employed or engaged on any ship in any capacity for hire or reward; or
 - (ii) works on any ship for gain or reward otherwise than under a contract of employment; but
- (b) does not include a pilot or any other person temporarily employed on a ship while it is in port:

"Ship" means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes —

- (a) a barge, lighter, or other like vessel; and
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; and
- (c) a submarine or other submersible:

"STCW-95" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995:

"STCW-95 certificate" means —

- (a) the New Zealand offshore master certificate with STCW-95 endorsement; or
- (b) the second mate of a foreign-going ship certificate; or
- (c) the first mate of a foreign-going ship certificate; or
- (d) the master of a foreign-going ship certificate; or
- (e) the marine engineer class 3 certificate; or
- (f) the marine engineer class 2 certificate; or
- (g) the marine engineer class 2 endorsed chief engineer certificate; or
- (h) the marine engineer class 1 certificate; or
- (i) the deck watch rating certificate; or
- (j) the engine-room rating certificate:

"STCW-F" means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995:

"STCW-F certificate" means —

- (a) the New Zealand offshore master certificate with STCW-F endorsement; and
- (b) the mate of a deep sea fishing vessel certificate; and
- (c) the master of a deep sea fishing vessel certificate:

"Steering certificate" in relation to —

- (a) a fishing vessel, means a certificate relating to a seafarer signed by the owner or master of a ship certifying that the seafarer, other than when receiving training, has for periods amounting to ten hours or more manually steered the ship; and
- (b) a non-fishing vessel, means a certificate relating to a seafarer signed by the owner or master of a ship, other than a fishing vessel, of 100 tons gross tonnage or more certifying that the seafarer, other than when receiving training, has for periods amounting to ten hours or more manually steered the ship:

"Structured training programme" means a competency based training programme that takes place on and off the job according to a pre-determined programme. The training must be formally agreed between the trainer and the trainee, and, if appropriate, the trainee's employer:

"Territorial sea of New Zealand" or "territorial sea" means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

"Training programme" means an on board programme or college based course approved by the Director for a certificate of competency:

"Tug" means a ship designed and constructed solely for the purpose of towing, pushing, or otherwise propelling any floating plant, barge or other ship:

"Unlimited area" means the sea area outside the offshore limits of New Zealand and the sea area outside any area considered by the Director to be the short sea trade area of another country:³

"Vessel" means ship:

"Voyage" means a journey by water from one port:⁴

- (a) to another port; or
- (b) back to the same port without calling at any other port:

"Warship" —

- (a) means a ship belonging to the armed forces of a State and bearing the external marks distinguishing the nationality of ships of that State, being a ship —
 - (i) under the command of an officer duly commissioned by the Government of that State whose name appears in the appropriate service list or its equivalent; and
 - (ii) crewed by crew subject to regular armed forces discipline; and
- (b) includes a ship requisitioned under section 10 of the Defence Act 1990; but
- (c) does not include any ship operated by the New Zealand Defence Force that operates, for the time being, for a commercial purpose.

³ For example a voyage on a European Near Coastal Waters Ship does not constitute a voyage in the unlimited area.

⁴ The definition of port allows a trip across a harbour to be counted as a voyage.

Section 1 — Certificates of Competency

32.3 Application and issue of documents

- (1) An applicant is entitled to a certificate of competency under this Part if —
 - (a) the applicant makes an application under section 35 of the Act; and
 - (b) the Director is satisfied that the requirements specified in this Part and section 41 of the Act have been complied with in respect of that certificate.
- (2) The Director may endorse a person's certificate of competency at any time to the effect that that person holds any additional certificate of competency or qualification relevant to maritime activities, if the Director is satisfied that the person has gained that additional certificate of competency or qualification.

Deck ratings

32.4 Advanced deckhand

- (1) A candidate for the issue of an advanced deckhand certificate must —
 - (a) be at least 16 years of age; and
 - (b) provide evidence of having, in the last ten years, completed 12 months sea service on commercial ships of over 6 metres length, 6 months of which must have been sea service as a deckhand or equivalent, except that —
 - (i) if a candidate has attended a fulltime pre-employment training course approved by the Director, the total length of the sea service may be reduced by the period spent by the candidate at the course, subject to a maximum reduction of three months; or
 - (ii) if a candidate has completed a structured training programme approved by the Director, the total length of sea service may be reduced by a maximum of three months; and
 - (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral and a practical examination that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.

- (2) For the purpose of rule 32.4(1), sea service acquired on a commercial vessel other than in the capacity of a deckhand or equivalent may be counted by the Director as non deckhand qualifying sea service, equivalent to two-thirds of the actual time served.⁵
- (3) For the purpose of rule 32.4(1), sea service acquired on pleasure craft may be counted by the Director as non deckhand qualifying sea service, equivalent to one-quarter of the actual time served.
- (4) For the purpose of rule 32.4(1), sea service on vessels undergoing major repairs may be counted by the Director as non deckhand qualifying sea service up to a maximum of one month.⁶
- (5) For the purpose of rule 32.4(1), under no circumstances will time spent as a passenger be counted as sea service.
- (6) The Director may accept a candidate who —
 - (a) has attained the rank of Able Rate or higher within the Royal New Zealand Navy, or an equivalent certificate within the Navy of another country; and
 - (b) provides evidence of 12 months sea service in a deck capacity;as complying with the sea service requirements of rule 32.4(1)(b) and the training programme requirements of rule 32.4(1)(c)(i).

32.5 Advanced deckhand fishing endorsement

- (1) A candidate for the issue of an advanced deckhand certificate fishing endorsement must —
 - (a) hold an advanced deckhand certificate; and
 - (b) provide evidence of having completed either —
 - (i) six months sea service⁷ as a deckhand on fishing vessels; or
 - (ii) three months sea service as a deckhand on fishing vessels —
 - (aa) operating beyond enclosed limits; and
 - (bb) of over nine metres length; and
 - (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral and a practical examination that test knowledge of a syllabus approved for this qualification by the Director.

⁵ The purpose of this provision is to ensure that sea service is not acquired towards an advanced deckhand certificate by seafarers employed solely in capacities such as factory hands or stewards.

⁶ Note that 32.4(2), (3), and (4) do not exempt a candidate from being required to complete six months sea service as a deckhand (or equivalent).

⁷ This may be the same sea service as that counted for the advanced deckhand certificate.

(2) The holder of —

- (a) a deck watch rating certificate; or
- (b) an AB Certificate; or
- (c) an inshore launchmaster certificate;

may apply for an advanced deckhand certificate with fishing vessel endorsement if she or he —

- (i) provides evidence of 12 months sea service including three months sea service on fishing boats of over nine metres length; and
- (ii) provides evidence of having satisfactorily passed an oral examination and a practical examination that test knowledge of a syllabus approved for this qualification by the Director.

32.6 Deck watch rating⁸

(1) A candidate for the issue of a deck watch rating certificate must —

- (a) be at least 16 years of age; and
- (b) provide evidence of having completed, in the last ten years, either —
 - (i) six months sea service on commercial ships or New Zealand warships; or
 - (ii) two months sea service on commercial ships and a special training programme⁹ approved by the Director;

on ships that are —

- (aa) of 500 tons gross tonnage or more; and
- (bb) operating beyond restricted limits;

performing duties associated with navigational watchkeeping under the supervision of a Navigating Officer or the holder of a Deck Watch Rating certificate or equivalent; and

- (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral and a practical examination that test knowledge of the syllabus approved for this qualification by the Director; and
- (d) provide evidence of being the holder of a steering certificate; and
- (e) provide evidence of being the holder of the following certificates that must be acceptable to the Director —

⁸ This is a STCW-95 certificate for SOLAS ships.

⁹ The training programme may be either pre-sea or on board ship.

- (i) a competence in fire prevention and fire-fighting certificate; and
 - (ii) a first aid certificate; and
 - (iii) a basic sea survival certificate; and
- (f) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) A candidate for the issue of a deck watch rating certificate who is the holder of an integrated rating certificate¹⁰ issued under the Shipping (Manning and Watchkeeping) Regulations 1986 must provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (3) For the purpose of rule 32.6(1), sea service that is obtained by candidates while —
- (a) in the Seaman Branch or Hydrographic Branch of the Royal New Zealand Navy or an equivalent in the Navy of another country; and
 - (b) on ships of 500 tons gross tonnage or more operating beyond restricted limits acquired;

may be counted by the Director as qualifying sea service, provided that the candidate has two months sea service on commercial ships of 500 tons gross tonnage or more operating beyond restricted limits.

32.7 AB certificate

- (1) A candidate for the issue of an AB certificate must —
- (a) be at least 18 years of age; and
 - (b) provide evidence that he or she has completed 36 months sea service as a deck rating on commercial ships, including 12 months in the last ten years, except that where a candidate has attended a fulltime pre-employment training course acceptable to the Director, the total length of the sea service may be reduced by the period spent at the course, subject to a maximum reduction of six months; and
 - (c) provide evidence of having completed nine months of the sea service required by rule 32.7(1)(b) on non-fishing vessels of 100 tons gross tonnage or more; and
 - (d) provide evidence of having satisfactorily —
 - (iii) completed the syllabus required by the Director; and
 - (iii) passed an oral and a practical examination that test knowledge of a syllabus approved for this qualification by the Director; and
 - (e) provide evidence of being the holder of a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate that is acceptable to the Director; and

¹⁰ Although integrated rating certificates will be acceptable in New Zealand as equivalent to deck watch rating certificates, the certificates have been issued under STCW-78 and must be upgraded to STCW-95 to be acceptable overseas.

- (f) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) Examination of a candidate may take place at any time after the candidate provides evidence of —
 - (a) twelve months sea service as a deck rating including three months on non-fishing vessels of 100 tons gross tonnage or more; and
 - (b) being the holder of a steering certificate.
- (3) For the purpose of rule 32.7(1), sea service by candidates in the Seaman Branch or Operations Branch of the Royal New Zealand Navy or an equivalent in the Navy of another country may be counted by the Director as qualifying sea service, provided that the candidate has twelve months sea service on commercial vessels and nine months sea service on non-fishing vessels of over 100 tons gross tonnage.

Engine-room ratings

32.8 Engine-room watch rating^{11,12}

- (1) A candidate for the issue of an engine-room watch rating certificate must —
 - (a) be at least 16 years of age; and
 - (b) provide evidence of having completed, in the last ten years, either —
 - (i) six months sea service on commercial ships or New Zealand warships; or
 - (ii) two months sea service on commercial ships and a special training programme¹³ approved by the Director;
- while
- (iii) performing duties associated with engine-room watchkeeping under the supervision of an Engineer Officer or the holder of an engine-room rating certificate or equivalent on ships with main propulsion machinery of 750 kW or more that operate beyond restricted limits: or
 - (iv) holding a marine engineer class 5 certificate or equivalent; and
- (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and

¹¹ This is a STCW-95 certificate and is for vessels with main propulsion machinery over 750 kW operating beyond restricted limits.

¹² Holders of both deck watch and engine-room watch rating certificates may have them issued as a combined certificate.

¹³ The training programme may be either pre-sea or on board ship.

- (ii) passed an oral and a practical examination that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of the following certificates that must be acceptable to the Director —
 - (i) a competence in fire prevention and fire-fighting certificate; and
 - (ii) a first aid certificate; and
 - (iii) a basic sea survival certificate; and
 - (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) A candidate for the issue of an engine-room watch rating certificate who is the holder of an integrated rating certificate¹⁴ issued under the Shipping (Manning and Watchkeeping) Regulations 1986 must provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.

Combined skipper/engineer certificates

32.9 Local Launch Operator (LLO)

- (1) A candidate for the issue of a local launch operator certificate must —
- (a) be at least 18 years of age; and
 - (b) provide evidence of having completed, in the last ten years, not less than 6 months sea experience in a deck capacity which must include —
 - (i) not less than one months experience on the type of vessel which is to be endorsed on the certificate; and
 - (ii) not less than one months experience in the area of operation for which the certificate is required, completed within the 12 months immediately preceding the date of the candidate's application for examination; and
 - (iii) either not less than one month sea service on a commercial vessel or not less than one month as skipper on a pleasure craft; and
 - (c) provide evidence of having passed an oral and a written examination that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of a first aid certificate that is acceptable to the Director; and
 - (e) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
 - (f) provide evidence of, within the last 12 months —

¹⁴ Although the integrated rating certificate will be acceptable in New Zealand as an equivalent to the engine-room watch rating certificate, they have been issued under STCW-78 and must be upgraded to STCW-95 to be acceptable overseas.

- (i) having passed the reduced eyesight test prescribed in the Appendix; and
 - (ii) taking the alternative colour vision test prescribed in the Appendix¹⁵; and
 - (g) specify —
 - (i) the name of the vessel or vessels she or he intends to serve on; and
 - (ii) the intended area of operation, being —
 - (aa) an enclosed limit; or
 - (bb) a nominated safe haven in the inshore limit.
- (2) If the Director issues a local launch operator's certificate, the Director must endorse the certificate with —
- (a) the name of the vessel or names of vessels to be used, or in the case of a vessel of six metres or less, the name or design¹⁶ of the vessel; and
 - (b) the intended area of operation.
- (3) The Director may endorse a local launch operator's certificate issued under Part 32, or an existing local launchman's licence, with up to 5 additional vessels or up to 5 additional areas of intended operation, or any combination of additional vessels and additional areas provided the combined maximum total does not exceed 6, if the candidate or certificate holder —
- (a) for an additional vessel that is substantially different to any vessel nominated on the certificate or licence, passes any additional written or practical examination required by the Director; and
 - (b) for an additional area, provides evidence of having completed not less than one months experience in the area for which the certificate is required within the 12 months immediately preceding the date of the candidate's application for examination or the certificate holder's application for endorsement.
- (4) A candidate for the issue of a certificate of service as a local launch operator¹⁷ to operate a vessel of six metres or less in length or a marine farming vessel must —
- (a) provide evidence that he or she has completed 24 months sea service on commercial vessels, including —
 - (i) not less than six months experience on the type of vessel which is to be endorsed on the certificate; and

¹⁵ A candidate that fails the colour vision test will be able to operate during daylight only.

¹⁶ The design is acceptable in ships of 6 metres or as an alternative to specified ships in recognition of the similar handling characteristics of ships of the same design.

¹⁷ The certificate of service as a local launch operator is for existing operators of under 6 metre vessels. It is granted to applicants that have at least two years sea service in the last five years and have safe operating records. The certificate will be endorsed for one vessel only, and the area of operation the applicant has experience in. The holder of a certificate of service as a local launch operator will need to sit for a local launch operator certificate or higher certificate if they wish to operate another vessel or in another area.

- (ii) not less than six months experience in the area for which the certificate is required;
within the five years immediately preceding the date of the candidate's application for the certificate; and
 - (b) provide evidence of being the holder of a first aid certificate that is acceptable to the Director; and
 - (c) provide evidence of complying with medical and eyesight requirements for a local launch operator; and
 - (d) provide evidence of having a safe operating record that is satisfactory to the Director.
- (5) A certificate of service as a local launch operator —
- (a) may only be endorsed for —
 - (i) a maximum of six —
 - (aa) vessels of six metres or less; or
 - (bb) designs of vessel of six metres or less; or
 - (cc) marine farming vessels; and
 - (ii) the area operated by those vessels immediately prior to the entry into force of this Part; and
 - (b) must not be endorsed with additional vessels or areas after its initial issue.
- (6) A local launch operator certificate and a certificate of service as a local launch operator —
- (a) shall be valid for five years from the date of issue; and
 - (b) may be renewed prior to expiry upon the applicant providing evidence of —
 - (i) having completed six months sea service as skipper on a vessel or vessels endorsed on the certificate since the issue or most recent renewal of the certificate; and
 - (ii) if the applicant is over 65 years of age, medical fitness to the satisfaction of the Director; and
 - (iii) within the last 12 months —
 - (aa) having passed the reduced eyesight test prescribed in the Appendix; and
 - (bb) having taken the alternative colour vision test prescribed in the Appendix.

32.10 Inshore Launchmaster (ILM)

- (1) A candidate for the issue of an inshore launchmaster certificate must —
- (a) be at least 18 years of age; and
 - (b) provide evidence of having completed 18 months sea service as a deckhand or in a higher deck position including —
 - (i) 12 months in the last ten years; and
 - (ii) six months on commercial vessels of not less than six metres; and
 - (iii) two months on vessels of 20 metres or less in length; and
 - (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral and a written examination that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a first aid certificate; and
 - (ii) a restricted radio operator's certificate; and
 - (iii) a restricted radar certificate; and
 - (e) provide evidence that she or he complies with any applicable medical fitness requirements of Part 34; and
 - (f) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
 - (g) provide evidence of, within the last 12 months —
 - (i) having passed the reduced eyesight test prescribed in the Appendix; and
 - (ii) having taken the alternative colour vision test prescribed in the Appendix.¹⁸
- (2) For the purpose of rule 32.10(1), sea service acquired on a commercial vessel other than in the capacity of a deckhand or equivalent may be counted by the Director as qualifying sea service equivalent to two-thirds of the actual time served, if the Director is satisfied that the candidate has, during the whole time claimed, performed deck duties including steering, mooring and lookout duties in addition to the candidate's own particular work.
- (3) For the purpose of rule 32.10(1) in relation to sea service not required to be on commercial vessels, sea service acquired on pleasure craft may be counted by the Director as qualifying sea service equivalent to one-quarter of the actual time served.

¹⁸ A candidate that fails the colour vision test will be able to operate during daylight only.

- (4) For the purpose of rule 32.10(1), sea service on vessels undergoing major repairs may be acceptable as sea service up to a maximum of one month.
- (5) For the purpose of rule 32.10(1), under no circumstances will time spent as a passenger be counted as sea service.
- (6) For the purpose of rule 32.10(1), the total length of required sea service may be reduced—
 - (a) if a candidate has attended a full-time fishery cadet training course approved by the Director, by the period spent by the candidate at the course, subject to a maximum reduction of four months, and the sea service on commercial vessels need only be four months; or
 - (b) if a candidate provides evidence of having completed a structured training programme acceptable to the Director and six months sea service on commercial vessels, by three months; or
 - (c) if a candidate —
 - (i) has completed three months sea service as the holder of an advanced deckhand certificate; and
 - (ii) has completed 6 months sea service on commercial vessels; and
 - (iii) provides evidence of having completed a structured training programme acceptable to the Director;
by six months.
- (7) The Director shall endorse the certificate of competency of a candidate who fails the alternative colour vision test prescribed in the Appendix with the limitation “for use in daylight hours only”.
- (8) The holder of any bridge watchkeeper, mate or master certificate, the requirements for which are prescribed in rules 32.11 to 32.19, qualifies for an endorsement as an inshore launchmaster if she or he —
 - (a) complies with the requirements of rule 32.10(1)(a), (b), (d) and (e); and
 - (b) provides evidence of passing the engineering section of the examination for inshore launchmaster or other acceptable engineering certificate.

Bridge watchkeepers, Mates and Masters

32.11 New Zealand Offshore Watchkeeper (NZOW)

- (1) A candidate for the issue of a New Zealand offshore watchkeeper certificate must —
 - (a) be at least 18 years of age; and
 - (b) provide evidence of having completed —
 - (i) 18 months sea service in a deck capacity while being the holder of a local launch operator certificate, including 12 months sea service in the last ten

years, provided a commercial launch master course was attended to obtain the local launch operator certificate;¹⁹ or

- (ii) 12 months sea service in the last ten years in a deck capacity while being the holder of an advanced deckhand certificate; or
- (iii) 12 months sea service in the last ten years in a deck capacity, of which six months sea service must have been while being the holder of an inshore launchmaster certificate;

of which at least six months must have been spent on commercial vessels —

- (iv) of ten metres or more in length; and
- (v) operating beyond restricted limits;

except that where a candidate has evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; and

- (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
- (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a first aid certificate; and
 - (ii) a restricted radio telephone operator's certificate; and
 - (iii) a restricted radar certificate; and
 - (iv) a competence in fire prevention and fire-fighting certificate; and
 - (v) a survival craft course attendance certificate; and
- (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification; and
- (f) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
- (g) provide evidence of, within the last 12 months —
 - (i) having passed the standard eyesight test prescribed in the Appendix; and
 - (ii) having passed the lantern colour vision test prescribed in the Appendix.

- (2) For the purpose of rule 32.11(1), sea service on vessels undergoing major repairs may be acceptable as sea service up to a maximum of one month.

¹⁹ A holder of a LLO certificate who did not attend a ILM course while obtaining LLO is not eligible for a New Zealand offshore watchkeeper without acquiring an advanced deckhand or ILM certificate and acquiring the required sea service.

- (3) The Director may accept a course or certificate of the Royal New Zealand Navy, or Navy of another country, as equivalent to any certificate specified in rule 32.11(1)(b).²⁰
- (4) For the purpose of rule 32.11(1)(b), in respect of the required six months sea service on vessels of ten metres or more in length operating beyond restricted limits, the following sea service may be accepted by the Director on commercial vessels of ten metres or more in length —
 - (a) service as master on a vessel operating in restricted limits at a rate of one day for every four days served; or
 - (b) service in a deck capacity on a vessel proceeding in the inshore limit on a voyage of two days or more at a rate of one day for every two days served; or
 - (c) service in a deck capacity on a vessel proceeding in the inshore limit on a voyage of over 100 miles between arrival and departure points at a rate of one day for every two days served.
- (5) For the purpose of rule 32.11(4)(c), the distance is that shown in the New Zealand Nautical Almanac, or the shortest safe course for ports not listed in the New Zealand Nautical Almanac.

32.12 New Zealand Offshore Master (NZOM)

- (1) A candidate for the issue of a New Zealand offshore master certificate must —
 - (a) be at least 19 years of age; and
 - (b) provide evidence of having completed, either concurrently or consecutively —
 - (i) 12 months sea service on vessels operating beyond restricted limits; and
 - (ii) six months sea service on power driven vessels of ten metres or more in length; and
 - (iii) either —
 - (aa) 18 months sea service in a deck capacity, including 12 months sea service in the last ten years, on commercial vessels while being the holder of an inshore launchmaster certificate; or
 - (bb) 12 months sea service in the last ten years in a deck capacity on commercial vessels while being the holder of a New Zealand offshore watchkeeper certificate;

except that where a candidate has evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; and

 - (c) provide evidence acceptable to the Director, including a watch keeping observation record, of having completed, while being the holder of an inshore launchmaster or New Zealand offshore watchkeeper certificate, six months sea service performing

²⁰ The candidate will then require the same amount of sea service as appropriate for that certificate.

duties associated with navigational watchkeeping on vessels of ten metres or more in length operating outside restricted limits; and

- (d) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
 - (e) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current first aid certificate; and
 - (ii) a general radiotelephone operator's certificate; and
 - (iii) a restricted radar certificate; and
 - (iv) a competence in fire prevention and fire-fighting certificate; and
 - (v) a survival craft course attendance certificate; and
 - (f) provide evidence that she or he complies with any applicable medical fitness requirements of Part 34; and
 - (g) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
 - (h) provide evidence of, within the last 12 months —
 - (i) having passed the standard eyesight test prescribed in the Appendix; and
 - (ii) having passed the lantern colour vision test prescribed in the Appendix.
- (2) For the purpose of rule 32.12(1), sea service on vessels undergoing major repairs may be acceptable as sea service up to a maximum of one month.²¹
- (3) The Director may accept a course or certificate of the Royal New Zealand Navy, or Navy of another country, as equivalent to any certificate specified in rule 32.12(1)(b)(iii).²²

32.13 New Zealand Offshore Master with STCW-95 endorsement²³

- (1) A candidate for the issue of a New Zealand offshore master certificate with STCW-95 endorsement must —
 - (a) hold a New Zealand offshore master certificate; and
 - (b) be at least 20 years of age; and

²¹ This service will not be acceptable as watchkeeping service.

²² The candidate will then be required to have the same amount of sea service as appropriate for that certificate.

²³ This is the STCW-95 certificate for 'masters on ships of less than 500 tons gross tonnage in the near coastal trade'.

- (c) provide evidence of 12 months sea service in the last ten years performing duties associated with navigational watchkeeping on commercial vessels operating beyond restricted limits, provided that the sea service —
 - (i) includes six months sea service on commercial ships that are not fishing ships and are —
 - (aa) over 100 tons gross tonnage; and
 - (bb) 24 metres or more in length; and
 - (ii) is gained as person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed while being the holder of —
 - (aa) an inshore launchmaster certificate; or
 - (bb) a New Zealand offshore watchkeeper certificate; or
 - (cc) a New Zealand offshore master certificate; and
 - (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current proficiency in medical first aid certificate; and
 - (ii) a competence in advanced fire-fighting certificate; and
 - (iii) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) The Director may accept a course or certificate of the Royal New Zealand Navy, or Navy of another country, as equivalent to any certificate specified in rule 32.13(1)(c)(ii).²⁴

32.14 New Zealand Offshore Master with STCW-F endorsement

- (1) A candidate for the issue of a New Zealand offshore master certificate with STCW-F endorsement must —
- (a) hold a New Zealand offshore master certificate; and
 - (b) be at least 20 years of age; and
 - (c) provide evidence of 12 months sea service —
 - (i) served in the last ten years while performing duties associated with navigational watchkeeping on commercial vessels operating outside restricted limits; and
 - (ii) including six months sea service on vessels of 12 metres or more in length as person in charge of a navigational watch for not less than eight out of every 24 hours claimed, while being the holder of —

²⁴ The candidate will then be required to have the sea service required by this rule while holding the equivalent certificate.

- (aa) an inshore launchmaster certificate; or
 - (bb) a New Zealand offshore watchkeeper certificate; or
 - (cc) a New Zealand offshore master certificate; and
- (d) provide evidence of, within the last 12 months —
- (i) having passed the standard eyesight test prescribed in the Appendix; and
 - (ii) having passed the lantern colour vision test prescribed in the Appendix.
- (2) For the purpose of 32.14(1)(c), sea service as person in charge of a navigation watch on commercial vessels (that are not fishing vessels) of over 12 metres in length that operate outside restricted limits may be accepted by the Director as full sea service up to a maximum of six months.

32.15 Mate of a Deep Sea Fishing Vessel

- (1) A candidate for the issue of a mate of a deep sea fishing vessel certificate must —
- (a) be at least 19 years of age; and
 - (b) provide evidence of having completed 12 months sea service in the last ten years on a fishing boat —
 - (i) in the capacity of deckhand or in a position of greater responsibility; and
 - (ii) operating beyond restricted limits; and
 - (iii) while being the holder of a New Zealand offshore master certificate²⁵ or New Zealand offshore watchkeeper certificate; and
 - (c) provide evidence of 12 months watchkeeping sea service beyond restricted limits as person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed while being the holder of an inshore launchmaster certificate or New Zealand offshore watchkeeper certificate or New Zealand offshore master certificate, of which either —
 - (i) six months must have been obtained while being the holder of a New Zealand offshore master certificate; or
 - (ii) nine months must have been obtained while being the holder of a New Zealand offshore watchkeeper certificate; and
 - (d) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for the New Zealand offshore master qualification by the Director;²⁶ and
 - (ii) satisfactorily attended and completed a training programme approved for this qualification by the Director; and

²⁵ New Zealand coastal masters will be accepted under rule 32.36 as an equivalent to New Zealand offshore master in this circumstance.

²⁶ The purpose of rule 32.15(1)(d)(i) and (iii) is to ensure that a candidate that has 'bypassed' the New Zealand offshore master certificate has however completed the New Zealand offshore master syllabus and examinations.

- (iii) passed written examinations that test knowledge of a syllabus approved for the New Zealand offshore master qualification by the Director; and
- (iv) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
- (e) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current first aid certificate; and
 - (ii) a general radio operator's certificate; and
 - (iii) a restricted radar certificate; and
 - (iv) a competence in advanced fire-fighting certificate; and
 - (v) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (vi) a navigation controls course certificate; and
 - (vii) a GMDSS radio operator certificate; and
- (f) provide evidence that she or he complies with the applicable medical fitness requirements of Part 34; and
- (g) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
- (h) provide evidence of, having —
 - (i) within the last 12 months, passed the standard eyesight test prescribed in the Appendix; and
 - (ii) passed the lantern colour vision test prescribed in the Appendix.

32.16 Master of a Deep Sea Fishing Vessel

- (1) A candidate for the issue of a master of a deep sea fishing vessel certificate must —
 - (a) be at least 20 years of age; and
 - (b) provide evidence of —
 - (i) having completed, in the last ten years, 12 months sea service while holding a certificate as mate of a deep sea fishing vessel as either —
 - (aa) the person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed on a deep-sea fishing vessel operating beyond restricted limits; or
 - (bb) the master of a fishing vessel over 15 metres in length; or
 - (ii) having completed —
 - (aa) 12 months sea service as the person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed on a non-fishing

- vessel operating beyond restricted limits, while holding a certificate of a grade not lower than second mate of a foreign-going ship; and
- (bb) 12 months sea service on fishing boats of 10 metres or more in length; and
- (c) provide evidence of having —
- (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved by the Director; and
- (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
- (i) a current advanced first aid certificate;²⁷ and
 - (ii) a general radio operator's certificate; and
 - (iii) a restricted radar certificate; and
 - (iv) a competence in advanced fire-fighting certificate; and
 - (v) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (vi) a navigation controls course certificate; and
 - (vii) a GMDSS radio operator certificate; and
- (e) provide a navigation workbook that—
- (i) has been completed while performing the qualifying sea service for this qualification; and
 - (ii) comprises, to the satisfaction of the Director,
 - (aa) one morning observation of the sun out of the meridian; and
 - (bb) one afternoon observation of the sun out of the meridian; and
 - (cc) two observations of the sun on the meridian; and
 - (dd) one fix from two or more star observations at twilight; and
 - (ee) one compass error by azimuth of the sun; and
 - (ff) one compass error by azimuth of a star; and
 - (iii) shows all necessary workings on each page; and
 - (iv) is signed on each page by the candidate; and
- (f) provide evidence that she or he complies with the applicable medical fitness requirements of Part 34; and

²⁷ This may be a STCW Proficiency in medical first aid certificate or equivalent certificate.

- (g) if over 65 years of age, provide evidence of medical fitness to the satisfaction of the Director; and
- (h) provide evidence of, within the last 12 months —
 - (i) having passed the standard eyesight test prescribed in the Appendix; and
 - (ii) having passed the lantern colour vision test prescribed in the Appendix.

32.17 Second Mate of a foreign going ship²⁸

- (1) A candidate for the issue of a second mate of a foreign-going ship certificate must be at least 19 years of age.
- (2) A candidate for the issue of a second mate of a foreign-going ship certificate must provide evidence of having completed, in the capacity of trainee deck officer, trainee navigating officer, navigating officer, or deck crew —
 - (a)
 - (i) 12 months sea service in the last ten years on commercial trading ships of 500 tons gross tonnage or more; and
 - (ii) a structured training programme approved by the Director; or
 - (b)
 - (i) 24 months sea service, including 12 months in the last ten years and 12 months on commercial trading ships of 500 tons gross tonnage or more; and
 - (ii) a correspondence training course approved by the Director; and
 - (iii) a trainee deck officer record book; or
 - (c)
 - (i) 30 months sea service including —
 - (aa) 12 months sea service in the last ten years; and
 - (bb) 12 months sea service on commercial trading ships of 500 tons gross tonnage or more; and
 - (cc) six months sea service on commercial trading ships, except naval vessels, of over 500 tons gross tonnage or more, provided that sea service in the capacity of Commanding Officer or Executive Officer on naval vessels of 500 tons gross tonnage or more may be considered by the Director as fulfilling this requirement; and
 - (ii) either a correspondence training course approved by the Director or a trainee deck officer record book; or
 - (d) 36 months sea service including —
 - (i) 12 months sea service in the last ten years; and
 - (ii) 12 months sea service on commercial trading ships of 500 tons gross tonnage or more; and

²⁸ This is the STCW-95 certificate for "officer in charge of a navigational watch on ships of 500 tons gross tonnage or more".

- (iii) six months sea service on commercial trading ships, except naval vessels, of 500 tons gross tonnage or more, provided that sea service in the capacity of Commanding Officer or Executive Officer on naval vessels of 500 tons gross tonnage or more may be considered by the Director as fulfilling this requirement.
- (3) A candidate for the issue of a second mate of a foreign-going ship certificate must —
- (a) provide evidence acceptable to the Director, of having completed six months bridge watchkeeping duties under the supervision of a navigating officer, including a completed approved record book; and
 - (b) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
 - (c) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current proficiency in medical first aid certificate; and
 - (ii) an electronic navigational systems certificate; and
 - (iii) a competence in advanced fire-fighting certificate; and
 - (iv) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (v) a GMDSS radio operator certificate; and
 - (vi) a certificate in signalling; and
 - (d) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (4) For the purpose of rule 32.17(2)(b), (c), and (d) in relation to sea service not required to be on commercial trading ships of 500 tons gross tonnage or more — ²⁹
- (a) service on pleasure craft and fishing vessels operating beyond restricted limits that are 10 metres or more in length may be counted by the Director as sea service equivalent to two-thirds of actual time served up to a maximum of six months; and
 - (b) sea service on fishing vessels operating in the unlimited area, and training vessels operating beyond restricted limits that are not commercial trading ships, may be counted by the Director as full sea service up to a maximum of six months; and
 - (c) sea service on vessels that are undergoing repairs or survey or are engaged in working cargo may be counted by the Director as full sea service up to a maximum of two months; and

²⁹ All candidates will still be required to complete 12 months sea service on cargo or passenger ships.

- (d) sea service on Floating Production Storage and Offloading facilities, and drilling rigs or drilling ships at semi-permanent or permanent moorings, may be counted by the Director as full sea service up to a maximum of three months; and
- (e) sea service as the holder of a —
 - (i) master of a deep sea fishing vessel certificate issued under Part 32; or
 - (ii) skipper of a deep sea fishing boat certificate issued under the Masters, Mates, and Fishing Deckhands (Coastal, Fishing, and Restricted-Limit Ships) Qualifications Regulations 1993; or
 - (iii) mate of a deep sea fishing vessel certificate issued under Part 32;on fishing vessels operating in the unlimited area, may be counted by the Director as full sea service; and
- (f) sea service on cable ships, tugs, DP ships, seismic ships, oil-rig supply vessels, or research ships may be counted by the Director as full sea service, except that in the case of a ship that the Director is satisfied spends 50 percent or more of its time in port, time in port will not count as sea service, but sea service will count as one and a half times the actual time spent at sea; and
- (g) sea service at sea in the Seaman Branch or Operations Branch of the Royal New Zealand Navy, Royal New Zealand Naval Reserves, and the Navy of another country may be counted by the Director as full sea service; and
- (h) sea service on other ships that are not cargo or passenger ships may be counted by the Director on its merits, having regard to the relevance of the sea service to the certificate.

32.18 First Mate of a Foreign-Going Ship and Class II Deck Officer³⁰

- (1) A candidate for the issue of a first mate of a foreign-going ship certificate must —
 - (a) be at least 21 years of age; and
 - (b) provide evidence of having completed either —
 - (i) 12 months sea service in the last ten years on commercial trading ships, except naval vessels, of 500 tons gross tonnage or more, and satisfactorily completed a structured training programme approved by the Director; or
 - (ii) 18 months sea service, including 12 months in the last ten years, on commercial trading ships of 500 tons gross tonnage or more and including 12 months on ships that are not naval vessels;which must —
 - (iii) include six months on ships operating in the unlimited area; and
 - (iv) have been as the holder of a second mate of a foreign-going ship (Class III deck officer) certificate or equivalent; and

³⁰ This is the STCW-95 certificate “chief mate on a ship of 500 tons gross tonnage or more”.

- (v) have been as person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed; and
 - (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of —
 - (i) a proficiency as^a person in charge of medical care on board ship certificate; and
 - (ii) ^a navigation control certificate;
 acceptable to the Director, and any other certificates required under rule 32.17(3)(c) that have not previously been sighted by the Director; and
 - (e) provide evidence that she or he complies with the applicable medical fitness requirements of Part 34.
- (2) The Director may issue a Class II deck officer certificate³¹ to a candidate who fulfils the requirement for a first mate of a foreign-going ship, but who otherwise has not acquired six months sea service on ships operating in the unlimited area.³²
- (3) For the purpose of rule 32.18(1)(b) —
- (a) sea service on cable ships, tugs, DP ships, or research ships may be counted by the Director as full sea service, except that in the case of a ship that the Director is satisfied spends 50 percent or more of its time in port, time in port will not count as sea service, but sea service will count as one and a half times the actual time spent at sea; and
 - (b) sea service on other vessels that are not cargo or passenger ships may be counted by the Director on its merits, having regard to the relevance of the sea service to the certificate.

32.19 Master of a foreign-going ship (Master Mariner) and Class I Deck Officer³³

- (1) A candidate for the issue of a master of a foreign-going ship (master mariner) certificate must —
- (a) be at least 23 years of age; and
 - (b) provide evidence of having completed —

³¹ This certificate is limited to operation within the New Zealand offshore limits. It will fulfil the requirements of STCW-95 as an officer in charge of a navigation watch on a ship of over 500 tons gross tonnage, not as the first mate of such a ship. The holder will be able to serve on international vessels as second mate / watchkeeper, but not as first mate. (That is, internationally this will only be accepted as a second mate certificate.)

³² A full foreign-going certificate will be issued upon completion of the required unlimited area sea service.

³³ This is the STCW-95 certificate "master on a ship of 500 tons gross tonnage or more".

- (i) 36 months sea service, including 12 months in the last ten years, on commercial trading ships of 500 tons gross tonnage or more, including 24 months on ships that are not naval vessels, while being the holder of a second mate of a foreign-going ship (Class III deck officer) certificate or equivalent; or
- (ii) 12 months sea service in the last ten years on commercial trading ships of 500 tons gross tonnage or more that are not naval vessels in the capacity of first mate while holding a first mate of a foreign-going ship (Class II deck officer) certificate or equivalent;

which must —

- (iii) include 18 months sea service on ships operating in the unlimited area since obtaining a second mate of a foreign-going ship (Class III deck officer) certificate; and
- (iv) have been as person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed; and

(c) provide evidence of having —

- (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
- (ii) passed an oral examination that tests knowledge of a syllabus approved for this qualification by the Director; and

(d) provide evidence of being the holder of any certificates required under rules 32.17(3)(c) or 32.18(1)(d) that have not previously been sighted by the Director; and

(e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.

(2) The Director may issue a Class I deck officer certificate³⁴ to a candidate who fulfils the requirement for a master of a foreign-going ship (master mariner), but who has not acquired 18 months sea service on ships operating in the unlimited area.³⁵

(3) For the purpose of rule 32.19(1)(b) —

- (a) sea service on cable ships, tugs, DP ships, or research ships may be counted by the Director as full sea service, except that in the case of a ship that the Director is satisfied spends 50 percent or more of its time in port, time in port will not count as sea service but sea service will count as one and a half times the actual time spent at sea; and
- (b) service on other vessels that are not cargo or passenger ships may be counted by the Director on its merits, having regard to the relevance of the sea service to the certificate.

³⁴ This certificate is limited to operation within the New Zealand offshore limits. It will fulfil the requirements of STCW-95 as an officer in charge of a navigation watch on a ship of over 500 tons gross tonnage, not as the master of such a ship. The holder will be able to serve on international vessels as second mate / watchkeeper, or first mate if a Foreign-Going First Mate certificate is held.

³⁵ A full foreign-going certificate will be issued upon completion of the required unlimited area sea service.

Engineer officer certificates

32.20 Marine Engineer Class 6

- (1) A candidate for the issue of a marine engineer class 6 certificate must —
 - (a) be at least 18 years of age; and
 - (b) provide evidence of having completed —
 - (i) 24 months sea service operating main propulsion machinery of commercial vessels or New Zealand warships including —
 - (aa) 12 months working on diesel engines; and
 - (bb) 12 months sea service within the last ten years;
except that where a candidate provides evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; or
 - (ii) 24 months service including —
 - (aa) a minimum of three months sea service operating diesel main propulsion machinery of commercial vessels or New Zealand warships within five years of the date that the candidate applies for a certificate; and
 - (bb) shore based engineering training³⁶ acceptable to the Director; and
 - (c) provide evidence of having passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of a current first aid certificate which is acceptable to the Director; and
 - (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) For the purpose of rule 32.20(1)(b)(i), sea service acquired —
 - (a) operating the main propulsion machinery of pleasure craft may be counted by the Director as qualifying sea service equivalent to one quarter of the actual time served, up to a maximum of 12 months; and
 - (b) on foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.

³⁶ For example, a trade apprenticeship or National Certificate.

32.21 Marine Engineer Class 5

(1) A candidate for the issue of a marine engineer class 5 - motor certificate, or a marine engineer class 5 - steam certificate, must —

(a) be at least 19 years of age; and

(b) in the case of a motor certificate, provide evidence of having completed —

(i) 36 months sea service, including 12 months within the last ten years, on main propulsion machinery of not less than 100 kW power on commercial ships or New Zealand warships, including 24 months on diesel main propulsion machinery; or

(ii) 12 months sea service within the last ten years while being the holder of a certificate as a marine engineer class 6 issued under Part 32, on diesel main propulsion machinery of not less than 100 kW on commercial ships or New Zealand warships that are motor ships; or

(iii) 24 months sea service, including 12 months within the last ten years, while being the holder of an engine-room watch rating certificate performing duties on the main propulsion machinery for not less than eight hours out of every 24 hours claimed; or

(iv) 12 months sea service in the last ten years on commercial vessels or New Zealand warships with diesel main propulsion machinery of not less than 100 kW power and 24 months craft, industrial or other training of a practical nature acceptable to the Director;

except that, where a candidate provides evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; and

(c) in the case of a steam certificate, provide evidence of having completed —

(i) 36 months sea service, including 12 months within the last ten years, on commercial vessels or New Zealand warships performing duties on steam engines or boilers; or

(ii) 36 months operating experience, including 12 months within the last ten years, performing duties on steam engines or boilers of a land installation; or

(iii) 12 months sea service in the last ten years on commercial vessels or New Zealand warships performing duties on steam engines or boilers, or 12 months operating experience in the last ten years with steam engines or boilers of a land installation, and two years craft, industrial or other training of a practical nature acceptable to the Director;

except that, where a candidate provides evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; and

(d) provide evidence of having —

- (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus approved for this qualification by the Director; and
 - (e) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current first aid certificate; and
 - (ii) a competence in fire prevention and fire-fighting certificate; and
 - (iii) a survival craft course attendance certificate; and
 - (f) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) For the purpose of rule 32.21(1), sea service acquired on —
- (a) pleasure craft with main propulsion machinery of over 100 kW may be counted by the Director if the candidate was in paid employment as an engineer on the vessel while acquiring the sea service; and
 - (b) foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.

32.22 Marine Engineer Class 4

- (1) A candidate for the issue of a marine engineer class 4 certificate must —
- (a) be at least 20 years of age; and
 - (b) provide evidence —
 - (i) of having completed —
 - (aa) shore-based engineering training acceptable to the Director; and
 - (bb) 12 months sea service in the last ten years on main propulsion machinery of not less than 250 kW on commercial ships or New Zealand warships that are motor ships and that operate outside restricted limits; or
 - (ii) of having completed 12 months sea service within the last ten years —
 - (aa) while being the holder of a marine engineer class 5 certificate or a qualification from the Royal New Zealand Navy or Navy of another country acceptable to the Director as being equivalent; and
 - (bb) on main propulsion machinery of not less than 250 kW on commercial vessels or New Zealand warships; and
 - (cc) on vessels operating outside restricted limits; or
 - (iii) of having completed 24 months sea service, including 12 months within the last ten years —

- (aa) while being the holder of a marine engineer class 6 certificate or a qualification from the Royal New Zealand Navy or Navy of another country acceptable to the Director as being equivalent; and
 - (bb) on main propulsion machinery of not less than 250 kW on commercial vessels or New Zealand warships; and
 - (cc) on vessels operating outside restricted limits;
- except that where a candidate provides evidence of having completed a structured training programme approved by the Director, the total length of sea service may be reduced by three months; and
- (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current first aid certificate; and
 - (ii) a competence in advanced fire-fighting certificate; and
 - (iii) a survival craft course attendance certificate; and
 - (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) For the purpose of rule 32.22(1), sea service acquired on —
- (a) pleasure craft with main propulsion machinery of over 250 kW may be counted by the Director if the candidate was in paid employment as an engineer on the vessel while acquiring the sea service; and
 - (b) foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.
- (3) For the purpose of rule 32.22(1)(b), sea service means —
- (a) duties performed on commercial vessels as engineer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided that the propulsion machinery is in full use during the watch; and
 - (b) duties performed as engineer for not less than eight hours out of every 24 claimed on commercial vessels operating with periodically unattended machinery spaces, provided that the propulsion machinery is in full use for the eight hours out of every 24 claimed.

32.23 Marine Engineer Class 3³⁷

- (1) A candidate for the issue of a marine engineer class 3 – motor certificate or a marine engineer class 3 – steam certificate or a marine engineer class 3 – motor and steam certificate must —
- (a) be at least 19 years of age; and
 - (b) provide evidence of —
 - (i) in the case of a motor certificate, six months sea service in the last ten years on main propulsion machinery of not less than 750 kW on commercial ships or New Zealand warships that operate beyond restricted limits, including four months watchkeeping on the main propulsion machinery of motor ships; or
 - (ii) in the case of a steam certificate, six months sea service in the last ten years on main propulsion machinery of not less than 750 kW on commercial ships or New Zealand warships that operate beyond restricted limits, including four months watchkeeping on the boilers and main propulsion machinery of steam ships; or
 - (iii) in the case of a combined motor and steam certificate, sea service in the last ten years on main propulsion machinery of not less than 750 kW on commercial ships or New Zealand warships that operate beyond restricted limits including —
 - (aa) four months watchkeeping on the main propulsion machinery of motor ships; and
 - (bb) four months watchkeeping on the boilers and main propulsion machinery of steam ships; and
 - (c) provide evidence of having, during a period of training of not less than 24 months —
 - (i) satisfactorily completed a national certificate in engineering acceptable to the Director;³⁸ and
 - (ii) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (iii) while performing the qualifying sea service, completed to the satisfaction of the Director, an engineer's training record book acceptable to the Director; and
 - (iv) passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current proficiency in medical first aid certificate; and

³⁷ This is the STCW-95 certificate for officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unattended engine-room.

³⁸ Under rule 32.36 the Director may accept other engineering certificates as equivalent certificates.

- (ii) an advanced ship fire-fighting certificate; and
 - (iii) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (e) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) A candidate for the issue of a watchkeeping engineer of a foreign-going motor ship (marine engineer class 3 – motor) certificate who is the holder of a first-class diesel trawler engineer certificate issued under the Fishing Boat Engineering Personnel (Qualifications) Regulations 1993 must either fulfil the requirements of 32.23(1) or—
- (a) provide evidence of 12 months sea service in the last ten years on main propulsion machinery of not less than 2000 kW on fishing ships that operate beyond restricted limits, including six months as the chief engineer of motor ships; and
 - (b) fulfil the requirements of rules 32.23(1)(c)(ii), (iii), and (iv), 32.23(1)(d) and 32.23(1)(e).
- (3) For the purpose of rule 32.23(1)(b), sea service —
- (a) acquired as a marine engineer cadet leading to the satisfactory completion of a training programme approved for this qualification by the Director may be counted by the Director as sea service; and
 - (b) on auxiliary machinery run independently of the main machinery may be counted by the Director as sea service equivalent to one-half the time served, up to a maximum of two months; and
 - (c) as engineer³⁹ on commercial ships or New Zealand warships with —
 - (i) main propulsion machinery —
 - (aa) of over 750 kW; and
 - (bb) maintained by the vessel's engineer; and
 - (cc) not under a manufacturer's maintenance warranty; and
 - (ii) three or more different types of engineering systems that are acceptable to the Director;that operate within restricted limits may be counted by the Director as sea service equivalent to one-half the time served up to a maximum of two months.
- (4) For the purpose of rule 32.23(1)(b), sea service acquired on —
- (a) pleasure craft with main propulsion machinery of over 750 kW may be counted by the Director if the candidate was in paid employment as an engineer on the vessel while acquiring the sea service; and
 - (b) foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.

³⁹ The candidate must not be employed as Master at the same time.

- (5) For the purpose of rule 32.23(1)(b), watchkeeping means —
- (a) performing duties on commercial vessels as engineer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided the propulsion machinery is in full use during the watch; and
 - (b) performing duties as engineer for not less than eight hours out of every 24 claimed on commercial vessels operating with periodically unattended machinery spaces, provided the propulsion machinery is in full use during the eight hours out of every 24 claimed.

32.24 Marine Engineer Class 2F

- (1) A candidate for the issue of a marine engineer class 2F certificate must —
- (a) be the holder of a marine engineer class 3 certificate; and
 - (b) provide evidence of 18 months sea service⁴⁰ on main propulsion machinery of not less than 750 kW on ships that operate beyond restricted limits including —
 - (i) 12 months sea service in the last ten years; and
 - (ii) six months sea service on deep sea fishing vessels; and
 - (iii) nine months sea service watchkeeping on motor ships; and
 - (c) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
 - (d) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
 - (i) a current first aid certificate equal to the standard of the proficiency in medical first aid certificate; and
 - (ii) a competence in advanced fire-fighting certificate; and
 - (iii) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
 - (e) provide evidence that she or he complies with any applicable medical requirements of Part 34.
- (2) A candidate for the issue of a marine engineer class 2F certificate who is the holder of a marine engineer class 2 certificate must —
- (a) provide evidence of having completed six months sea service in the last ten years as the person in charge of an engine-room watch on deep sea fishing vessels with main propulsion machinery of not less than 750 kW; and

⁴⁰ This may be the same sea service as that counted for the marine engineer class 3 certificate.

- (b) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (3) For the purpose of rule 32.24(1)(b), sea service means —
 - (a) duties performed on commercial vessels as engineer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided the propulsion machinery is in full use during the watch; and
 - (b) duties performed on commercial vessels as engineer for not less than eight hours out of every 24 claimed on ships operating with periodically unattended machinery spaces, provided that the propulsion machinery is in full use during the eight hours out of every 24 claimed.

32.25 Marine Engineer Class 2⁴¹

- (1) A candidate for the issue of a marine engineer class 2 – motor certificate or a marine engineer class 2 – steam certificate or a marine engineer class 2 – motor and steam certificate must —
 - (a) provide evidence of having completed the following sea service on commercial trading ships or New Zealand warships —
 - (i) in the case of a motor certificate —
 - (aa) 18 months sea service on main propulsion machinery of not less than 750 kW on ships that operate beyond restricted limits, including nine months watchkeeping on the main propulsion machinery of motor ships, the remainder having been spent on the main propulsion machinery, or auxiliaries that the Director considers are suitable for the purpose of qualifying sea service; and
 - (bb) 12 months sea service in the last ten years; or
 - (ii) in the case of a steam certificate -
 - (aa) 18 months sea service on main propulsion machinery of not less than 750 kW on ships that operate beyond restricted limits, including nine months watchkeeping on the main propulsion machinery of steam ships, the remainder having been spent on the main propulsion machinery, or auxiliaries that the Director considers are suitable for the purpose of qualifying sea service; and
 - (bb) 12 months sea service in the last ten years; or
 - (iii) in the case of a motor and steam certificate, sea service in ships with main propulsion machinery of not less than 750 kW that operate beyond restricted limits, including —

⁴¹ This is the STCW-95 certificate for a “second engineer officer on ships powered by main propulsion machinery of 3,000 kW or more”.

- (aa) nine months sea service watchkeeping on the main propulsion machinery of a motor ship; and
 - (bb) nine months sea service watchkeeping on the boilers and main propulsion machinery of a steamship; and
 - (cc) 12 months sea service in the last ten years; and
- (b) provide evidence of —
- (i) either —
 - (aa) holding a marine engineer class 3 certificate; or
 - (bb) having satisfactorily completed, during a period of training of not less than 24 months, a national certificate in engineering acceptable to the Director; and
 - (ii) having satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (iii) while performing the qualifying sea service, having completed to the satisfaction of the Director, an engineer's training record book acceptable to the Director; and
 - (iv) having passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus approved for this qualification by the Director; and
- (c) provide evidence of being the holder of the following certificates, which must be acceptable to the Director —
- (i) a current proficiency in medical first aid certificate; and
 - (ii) an advanced ship fire-fighting certificate; and
 - (iii) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate; and
- (d) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) A candidate for the issue of a marine engineer class 2 – motor certificate who is the holder of a marine engineer class 2F certificate must —
- (a) provide evidence of having completed six months sea service in the last ten years on main propulsion machinery of not less than 750 kW on commercial trading ships that are motor ships; and
 - (b) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and

- (ii) passed an oral examination, written examinations, and practical assessments, that test knowledge of a syllabus⁴² approved for this qualification by the Director; and
 - (c) fulfil the requirements of rule 32.25(1)(b)(ii), and (d).
- (3) For the purpose of rule 32.25(1)(a)(i) and (ii), sea service —
- (a) while employed solely on day work may be counted by the Director as qualifying sea service up to a maximum of eight months; and
 - (b) while the ship is in port or in dry dock may be counted by the Director as qualifying sea service up to a maximum of three months; and
 - (c) on auxiliary machinery run independently of the main machinery may be counted by the Director as qualifying sea service equivalent to one-half the time served, up to a maximum of six months.
- (4) For the purpose of rule 32.25(1)(a), sea service acquired on —
- (a) pleasure craft with main propulsion machinery of over 750 kW may be counted by the Director if the candidate was in paid employment as an engineer on the vessel while acquiring the sea service, up to a maximum of 12 months; and
 - (b) tugboats, or fishing vessels, or fast ferries, with main propulsion machinery of over 750 kW may be counted by the Director, up to a maximum of 12 months; and
 - (c) foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.
- (5) For the purpose of rule 32.25(1)(a), watchkeeping sea service means —
- (a) duties performed on commercial vessels as engineer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided the propulsion machinery is in full use during the watch; and
 - (b) duties performed on commercial vessels as engineer for not less than eight hours out of every 24 claimed on ships operating with periodically unattended machinery spaces, provided the propulsion machinery is in full use during the eight hours out of every 24 claimed.

32.26 Marine Engineer Class 2 Endorsed Chief Engineer⁴³

- (1) A candidate for the issue of a marine engineer class 2 endorsed chief engineer - motor certificate, marine engineer class 2 endorsed chief engineer - steam certificate, or a marine engineer class 2 endorsed chief engineer - steam and motor certificate must —
- (a) provide evidence of, while being the holder of a marine engineer class 2 or equivalent certificate, having completed the following sea service on commercial trading ships or New Zealand warships —

⁴² This will consist of Marine Engineering Units 1 and 2.

⁴³ This is the STCW-95 certificate for “chief engineer officers on ships powered by main propulsion machinery of between 750 kW and 3000 kW”.

- (i) in the case of a motor certificate, 12 months sea service in the last ten years in a position of responsibility in the engine-room of motor ships with motor propulsion machinery of not less than 750 kW; or
 - (ii) in the case of a steam certificate, 12 months sea service in the last ten years in a position of responsibility in the engine-room of steam ships with steam propulsion machinery of not less than 750 kW; or
 - (iii) in the case of a motor and steam certificate —
 - (aa) 12 months sea service in the last ten years; and
 - (bb) six months sea service in a position of responsibility in the engine-room of motor ships with motor propulsion machinery of not less than 750 kW; and
 - (cc) six months sea service in a position of responsibility in the engine-room of steam ships with motor propulsion machinery of not less than 750 kW; and
- (b) provide evidence of having passed an oral examination on the responsibilities of the chief engineer officer that —
- (i) in the case of a motor certificate, relates to ships with motor main propelling machinery; and
 - (ii) in the case of a steam certificate, relates to ships with steam main propelling machinery; and
 - (iii) in the case of a motor and steam certificate, relates to ships with motor and steam main propelling machinery; and
- (c) provide evidence of being the holder of a current proficiency in medical first aid certificate acceptable to the Director, and any other certificates required under rule 32.25(1)(c) that have not previously been sighted by the Director; and
- (d) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) For the purpose of rule 32.26(1)(a), sea service acquired on —
- (a) pleasure craft with main propulsion machinery of over 750 kW may be counted by the Director if the candidate was in paid employment as an engineer on the vessel while acquiring the sea service, up to a maximum of six months; and
 - (b) fishing vessels with main propulsion machinery of over 750 kW may be counted by the Director up to a maximum of six months; and
 - (c) foreign warships may be counted by the Director as equivalent to sea service on a New Zealand warship.
- (3) For the purpose of rule 32.26(1)(a), sea service in a position of responsibility means —
- (a) duties performed on commercial vessels as engineer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided that the propulsion machinery is in full use during the watch; and

- (b) duties performed on commercial vessels as engineer for not less than eight hours out of every 24 claimed on ships operating with periodically unattended machinery spaces, provided that the propulsion machinery is in full use during the eight hours out of every 24 claimed; and
 - (c) duties performed on commercial vessels as deputy to the chief engineer that include responsibility for organisation of engine-room staff.
- (4) The oral examination required by rule 32.26(1)(b) must be based on the responsibilities of the chief engineer officer, which include but are not limited to —
- (a) knowledge of applicable legislation including the health and safety requirements of the Act; and
 - (b) control, training and organisation of staff in routine and emergency situations; and
 - (c) effective communications with the Master, crew and other relevant persons; and
 - (d) maintenance and repair procedures including planned maintenance, condition monitoring, and dry-docking; and
 - (e) economic operation of the ship, including budgeting.

32.27 Marine Engineer Class 1⁴⁴

- (1) A candidate for the issue of a marine engineer class 1 – motor certificate, marine engineer class 1 – steam certificate, or marine engineer class 1 – motor and steam certificate must —
- (a) provide evidence of, while being the holder of a marine engineer class 2 or equivalent certificate, having completed the following sea service on commercial trading ships —
 - (i) in the case of a motor certificate, 18 months sea service, including 12 months sea service in the last ten years, as the person in charge of an engine-room watch on ships with main propulsion machinery of not less than 2000 kW, including a minimum of nine months on the main propulsion machinery of a motor ship, the remainder having been spent on the main propulsion machinery, or auxiliaries that the Director considers are suitable for the purpose of qualifying sea service; and
 - (ii) in the case of a steam certificate, 18 months sea service, including 12 months sea service in the last ten years, as the person in charge of an engine-room watch on main propulsion machinery of not less than 2000 kW, including a minimum of nine months on the main propulsion machinery of a steam ship, the remainder having been spent on the main propulsion machinery, or auxiliaries that the Director considers are suitable for the purpose of qualifying sea service; and
 - (iii) in the case of a motor and steam certificate, sea service, including 12 months sea service in the last ten years, as the person in charge of an engine-room watch on main propulsion machinery of not less than 2000 kW including —

⁴⁴ This is the STCW-95 certificate for “chief engineer officer on ships powered by main propulsion machinery of 3000 kW propulsion power or more”.

- (aa) nine months sea service on the main propulsion machinery of motor ships; and
 - (bb) nine months sea service on the main propulsion machinery of steam ships; and
 - (b) provide evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed an oral examination and written examinations that test knowledge of a syllabus approved for this qualification by the Director; and
 - (c) provide evidence of being the holder of a current proficiency in medical first aid certificate acceptable to the Director, and any other certificates required under rule 32.25(1)(c) that have not previously been sighted by the Director; and
 - (d) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.
- (2) For the purpose of rule 32.27(1)(a)(i) and (ii), sea service —
- (a) while employed solely on day work may be counted by the Director as qualifying sea service up to a maximum of eight months; and
 - (b) while the ship is in port or in dry dock may be counted by the Director as qualifying sea service up to a maximum of three months; and
 - (c) on fishing vessels with main propulsion machinery of not less than 2000 kW may be counted by the Director, up to a maximum of six months.

Radio operation

32.28 Radio Officer

A candidate for the issue of a radio officer certificate must provide evidence of fulfilling the requirements of rule 43.5(5) and being the holder of the following certificates, which must be acceptable to the Director —

- (a) a current first aid certificate; and
- (b) a competence in fire prevention and fire-fighting certificate; and
- (c) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate.

32.29 GMDSS Radio Operator

- (1) A candidate for the issue of a GMDSS radio operator certificate must —
- (a) be at least 18 years of age; and
 - (b) provide evidence of having —

- (i) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (ii) passed a written and a practical examination that test knowledge of a syllabus approved for this qualification by the Director.
- (2) A GMDSS certificate shall be valid for 5 years from the date of issue.

Specific ship types

32.30 Tankers

- (1) The Director may endorse an applicant's certificate of competency with a class 1 tanker endorsement⁴⁵ if —
- (a) the certificate of competency is a certificate, the requirements for which are prescribed in rule 32.13 or rules 32.17 to 32.19; and
 - (b) the applicant provides evidence of having completed —
 - (i) six months sea service on tankers of the type for which the endorsement is sought; or
 - (ii) a 28 day intensive shipboard training course⁴⁶ acceptable to the Director in duties relating to the handling of the cargo for which the endorsement is sought; or
 - (iii) a combination of service and training approved by the Director as equivalent to the service and training specified in rule 32.30(1)(a)(i) and (ii); and
 - (c) the applicant provides evidence of having completed —
 - (i) a fire-fighting course; and
 - (ii) a tanker safety course relating to the carriage of the cargo for which the endorsement is sought;that are acceptable to the Director.
- (2) A candidate for a class 2 tanker certificate⁴⁷ must provide evidence of having completed —
- (a) a fire-fighting course; and
 - (b) a tanker safety course relating to the carriage of the cargo for which the certificate is sought;
- that are acceptable to the Director.
- (3) A class 1 tanker endorsement and a class 2 tanker certificate shall be valid for five years from the date of issue.

⁴⁵ This endorsement fulfils the requirements of STCW-95 Regulation V/1.1 and V/1.2 for oil tankers.

⁴⁶ It is expected that the 28 day period will be spent in a supernumerary capacity.

⁴⁷ This certificate fulfils the requirements of STCW-95 Regulation V/1.1 for oil tankers.

32.31 Ro-ro passenger ships

- (1) The Director may endorse an applicant's certificate of competency with a New Zealand ro-ro passenger ship endorsement⁴⁸ if —
 - (a) the certificate of competency is a certificate, the requirements for which are prescribed in rules 32.17 to 32.19 or rules 32.25 to 32.27, or equivalent; and
 - (b) the applicant provides evidence of having satisfactorily attended and completed a training course approved for this qualification by the Director; and
 - (c) the applicant provides evidence of having passed examinations that test knowledge of the syllabus approved by the Director for this qualification.
- (2) The Director may endorse an applicant's certificate of competency with an international ro-ro passenger ship endorsement⁴⁹ if —
 - (a) the certificate of competency is a certificate, the requirements for which are prescribed in rules 32.17 to 32.19 or rules 32.25 to 32.27, or equivalent; and
 - (b) the applicant provides evidence of having satisfactorily attended and completed a training course approved for this qualification by the Director; and
 - (c) the applicant provides evidence of having passed examinations that test knowledge of the syllabus approved by the Director for this qualification.
- (3) A New Zealand ro-ro passenger ship endorsement and an international ro-ro passenger ship endorsement shall be valid for five years from the date of issue.

32.32 Sailing vessels

The Director may endorse an applicant's certificate of competency with a sailing vessel endorsement if the certificate of competency is a certificate, the requirements for which are prescribed in rules 32.4 to 32.7 or rules 32.9 to 32.19 and if the applicant —

- (a) provides evidence of having —
 - (i) completed one months sea experience in a deck capacity on sailing vessels; and
 - (ii) satisfactorily attended and completed a training programme approved for this qualification by the Director; and
 - (iii) passed an oral and a written examination that test knowledge of a syllabus approved for this qualification by the Director; or
- (b) provides evidence of having —
 - (i) completed 12 months sea service in the last five years as master on a sailing vessel to which this endorsement is applied; and

⁴⁸ This endorsement is for masters and deck and engine-room officers on ro-ro passenger ships operating on the New Zealand coast.

⁴⁹ This endorsement fulfils the requirements of STCW-95 Regulation V/2 for ro-ro passenger ships.

- (ii) a safe operating record that is satisfactory to the Director.

32.33 High Speed Vessels⁵⁰

The Director may endorse an applicant's certificate of competency with a high speed vessels endorsement if the applicant —

- (a) provides evidence of having —
 - (i) satisfactorily attended and completed a training programme approved for this qualification by the Director while being the holder of the following certificates, which must be acceptable to the Director —
 - (aa) a restricted radar certificate; and
 - (bb) a competence in fire prevention and fire-fighting certificate; and
 - (ii) passed an oral and a written examination that test knowledge of a syllabus approved for this qualification by the Director; or
- (b) provides evidence of having —
 - (i) completed 12 months sea service in the last five years as master on a high speed vessel to which this endorsement is applied; and
 - (ii) a safe operating record that is satisfactory to the Director; and
 - (iii) the following certificates, which must be acceptable to the Director —
 - (aa) a restricted radar certificate; and
 - (bb) a competence in fire prevention and fire-fighting certificate.

⁵⁰ This endorsement is intended for masters and navigation watchkeepers on vessels of 20 to 35 metres in length, or carrying more than 50 passengers, that operate at 20 knots or more.

Section 2 — General Requirements

32.34 Examinations and practical assessment

Where a rule in Part 32 requires a candidate to provide evidence of having passed an examination or a practical assessment, the examination or assessment must have been carried out by an examiner recognised by the Director for that purpose under Part 35.

32.35 Oral Examinations

- (1) Oral examinations may only be taken —
 - (a) after attaining the minimum age specified for the certificate of competency;⁵¹ and
 - (b) once the candidate has been issued with an examination permit⁵² form by the Director indicating that all certificate of competency prerequisites have been satisfied.
- (2) Except as provided in rule 32.35(3), the Director may issue an examination permit form if the Director is satisfied that all prerequisites for the qualification, other than passing the oral examination, have been met.^{53,54}
- (3) If the Director is satisfied that a candidate —
 - (a) has not completed the total required sea service for the qualification because of over-riding personal circumstances; and
 - (b) has less than two months of sea service to complete;the Director may issue an examination permit form.

32.36 Equivalents

- (1) Notwithstanding any other provision in Part 32, where a certificate or qualification is specified as a requirement, the Director may accept a certificate or qualification issued by an organisation in New Zealand or overseas as being equivalent to all or part of the certificate or qualification.
- (2) Where a candidate for a certificate of competency under Part 32 is the holder of a maritime certificate or qualification issued under New Zealand legislation, the Director may accept that certificate or qualification as meeting the requirements for a certificate of competency under Part 32 if the Director is satisfied that the certificate or qualification is equivalent to those requirements, subject to any additional requirements that the Director considers necessary to achieve equivalence.

⁵¹ Written examinations may be taken prior to attaining the minimum age.

⁵² Information on applying for an examination permit is contained in the Advisory Circular to this Part.

⁵³ Written examinations may be taken prior to obtaining sea service.

⁵⁴ This includes fulfilling the requirement of section 41 of the Act to be a 'fit and proper' person.

32.37 Proof of sea service

- (1) Evidence of having completed sea service or sea experience must be —
 - (a) by statement of service in writing from an employer, owner, master, or operator, or if this statement cannot be provided for any reason acceptable to the Director, by statutory declaration made under the Oaths and Declarations Act 1957, stating the dates of employment, the nature of the duties performed, the operating limits of operation⁵⁵, actual hours worked (if required) and, in the case of sea service —
 - (i) for deck certificates of competency, the name, length and tonnage of the vessels on which the candidate has served; and
 - (ii) for engine-room certificates of competency, the name, engine power and type of engine on the vessels on which the candidate has served; and
 - (iii) for combined deck and engine-room certificates competency, the name, length, tonnage, engine power and type of engine on the vessels on which the candidate has served; and
 - (b) in the case of a self-employed person, by a statutory declaration made under the Oaths and Declarations Act 1957, setting out the details specified in rule 32.37(1)(a)(i),(ii) or (iii) as appropriate; and
 - (c) in the case of a pleasure vessel where the candidate was not in paid employment, by a statutory declaration made under the Oaths and Declarations Act 1957, setting out the details specified in rule 32.37 (1)(a)(i),(ii) or (iii) as appropriate; and
 - (d) in relation to having completed a structured training programme approved by the Director, by a letter from the person responsible for the structured training programme; and
 - (e) in relation to attendance at fishing cadet or pre-employment training courses, by a letter from the Principal of the training establishment stating the dates of attendance and that the course has been satisfactorily completed by the candidate.
- (2) Where sea service has been performed on a regular full-time basis, the Director shall —
 - (a) calculate the length of sea service from the date of commencing work on the ship to the date of leaving the ship; and
 - (b) exclude time spent on leave or spent in extended periods in port.
- (3) The Director shall calculate non-watchkeeping sea service on the basis of the number of hours of service on board, which, unless otherwise established, will be calculated as —
 - (a) not more than eight hours in any 24 hour period; and
 - (b) 12 months for 1500 hours service acquired over a period of 12 months or more.
- (4) Where duties involving navigational watchkeeping are required as sea service in Part 32, the Director may accept evidence of having been in charge of cargo operations watch for

⁵⁵ The Director may require supporting evidence such as from the log book, a harbourmaster, or a fisheries officer.

not less than eight hours out of every 24 hours claimed as satisfying the sea service requirement.

- (5) Sea service on fishing vessels will only be counted —
 - (a) in the case of sea service for a deckhand certificate, or a combined skipper / engineer certificate, or a bridge watchkeeper, mate or master certificate, when the vessel is at sea or in port in a fully operational condition;⁵⁶ and
 - (b) in the case of sea service for an engineer officer certificate, when the vessel is at sea or in port in a fully operational condition or undergoing significant maintenance or repairs.
- (6) The Director must not accept sea service or sea experience for the purposes of Part 32 unless the candidate provides written evidence that she or he was 15 years of age or older at the time the service or experience was gained.

32.38 Testimonial

- (1) A candidate for the grant of any qualification issued under this Part must supply the Director with a testimonial written by someone, other than a member of his or her immediate family, who knows him or her well and who has recently been his or her employer or the master of a vessel on which he or she was employed.
- (2) The testimonial supplied by the candidate must state —
 - (a) the candidate's experience, conduct, sobriety, and ability on board ship during the period of at least 12 months sea service preceding any examination required for the issue of a qualification under this Part (or the whole period of any sea service, where that is less than 12 months); and
 - (b) the candidate's fitness of character during the period of at least 12 months preceding the examination.
- (3) If the Director has reasonable grounds to doubt the authenticity of any testimonial, the Director shall not issue the candidate with an examination permit form.

32.39 Proof of age and identity

If required by the examiner, a candidate for any examination required for the issue of a qualification under this Part must show her or his birth certificate, passport, or other satisfactory proof of age and identity, to the examiner before the examination.

32.40 Surrender of superseded certificate

A holder of a certificate of competency must surrender the certificate if required by the Director for the issue of a higher grade of certificate of competency.

⁵⁶ For example, sea service will count if the vessel is discharging fish or loading ice, but not if the vessel is laid up.

32.41 Knowledge of English

A candidate must satisfy the examiner that she or he is able to converse, read, and write in the English language sufficiently well to perform the duties required of a holder of the certificate of competency for which the candidate is to be examined.

32.42 Doubt of ability

- (1) If the Director believes on reasonable grounds that, by reason of a medical condition, the candidate may not be able to carry out the duties required of her or him as the holder of the certificate of competency sought, the Director may require the candidate to undergo a medical test.
- (2) The medical test required by rule 32.42(1) must be carried out —
 - (a) by an approved medical practitioner nominated by the candidate or nominated by the Director; and
 - (b) having regard to the general medical fitness required for the duties of the holder of the certificate of competency sought by the candidate.
- (3) The Director may nominate an approved medical practitioner only if the candidate fails to nominate an approved medical practitioner.
- (4) If the results of the medical test confirm the Director's belief that the candidate may not be able to carry out the duties required of her or him as the holder of the certificate of competency sought, or if the candidate refuses to undergo a medical test, the Director may —
 - (a) refuse to issue the candidate an examination permit in accordance with section 51 of the Act; or
 - (b) if the examination has already been undertaken, refuse to issue the candidate with a certificate of competency in accordance with section 51 of the Act.

32.43 Qualifying sea service misrepresented

- (1) Where —
 - (a) a candidate's eligibility for an examination referred to in Part 32 depends on —
 - (i) the time for which and the capacity in which the candidate served on board ship while performing the necessary qualifying sea service; or
 - (ii) upon the production of a satisfactorily completed —
 - (aa) navigation work book; or
 - (bb) watchkeeping training record book; or
 - (cc) engineering record book; or
 - (iii) upon the completion of a structured training programme; and

- (b) the candidate is found, after the commencement of the examination, to have deliberately misrepresented —
 - (i) the length of sea service; or
 - (ii) the capacity of sea service; or
 - (iii) any work in the workbook; or
 - (iv) any records in the book; or
 - (v) the completion of any structured training programme requirement;the Director shall fail the candidate and may not allow the candidate to resit the examination for six months.
- (2) A person that certifies any of the eligibility requirements in rule 32.43(1)(a) for an examination referred to in this Part must not certify that sea service, book or completion of a structured training programme if she or he knows the information is not correct.
- (3) A person must not knowingly submit any incorrect information related to the eligibility requirements in rule 32.43(1)(a) for an examination referred to in this Part.

32.44 Approvals

The Director may, in consultation with such interested persons as the Director considers appropriate, approve for the purposes of Part 32 —

- (a) a syllabus; and
- (b) a structured training programme; and
- (c) a training programme; and
- (d) a refresher course.

Section 3 — Revalidation of STCW-95 and STCW-F certificates

32.45 Sea-going Licence⁵⁷

- (1) The Director may issue a sea-going licence for a STCW-95 certificate or STCW-F certificate —
 - (a) when issuing a STCW-95 certificate or STCW-F certificate under this Part; or
 - (b) if the applicant provides evidence that she or he —
 - (i) complies with all medical requirements applicable to the certificate; and
 - (ii) has —
 - (aa) in the last five years, completed twelve months sea service in a capacity that the Director considers is appropriate to the certificate;⁵⁸ or
 - (bb) in the last 12 months and prior to the expiry of the sea going licence, acquired at least three months sea service in a capacity that the Director considers is appropriate to the certificate; or
 - (cc) in the last 12 months, acquired at least three months sea service in a supernumerary capacity; or
 - (dd) in the last 12 months, passed a safety oral examination and acquired at least three months sea service in a rank lower than appropriate for the certificate; or
 - (ee) for two and a half of the last five years, performed functions relating to the duties that the Director considers are appropriate to the certificate and are at least equivalent to the sea service requirement of rule 32.45(1)(b)(ii)(aa); or
 - (ff) within the last two months, satisfactorily attended and completed a refresher course acceptable to the Director for the certificate.
- (2) A sea-going licence shall be valid for 5 years from the date of issue.

32.46 GMDSS Radio Operator

- (1) The Director may revalidate a GMDSS radio operator certificate issued under Part 32⁵⁹ if the applicant provides evidence of —
 - (a) six months sea service on a GMDSS ship in the last five years; or

⁵⁷ The sea-going licence will be required by Part 31 to certify ongoing competence to carry out the privileges conferred by the certificate of competency.

⁵⁸ The Advisory Circular for this Part contains a table outlining 'appropriate' sea service.

⁵⁹ GMDSS certificates issued by the MSA prior to the implementation of Part 32 can be revalidated as they will be considered 'equivalent' to a certificate issued under rule 32.29.

- (b) three months sea service on a GMDSS ship in the last 12 months; or
 - (c) satisfactorily attending and completing a GMDSS refresher course acceptable to the Director.
- (2) A revalidation of a GMDSS radio operator certificate shall be valid for 5 years from the date of issue.

32.47 Tankers

- (1) The Director may revalidate a tanker certificate issued under Part 32 or the Shipping (Manning and Watchkeeping) Regulations 1986 if the applicant provides evidence of —
- (a) six months sea service in the last five years on a tanker or tankers of the type to which the certificate applies; or
 - (b) completing 14 days supervised ship-board training in the last three months in a supernumerary capacity on a tanker or tankers of the type to which the certificate applies; or
 - (c) satisfactorily attending and completing a tanker refresher course for the type of tanker to which the certificate applies that is acceptable to the Director.
- (2) A revalidation of a tanker certificate shall be valid for 5 years from the date of issue.

32.48 Ro-ro Passenger Ships

- (1) The Director may revalidate a New Zealand ro-ro passenger ship endorsement or an international ro-ro passenger ship endorsement issued under Part 32 if the applicant provides evidence of —
- (a) six months sea service on ro-ro passenger ships in the last five years; or
 - (b) completing 14 days supervised ship-board training in a supernumerary capacity on a ro-ro passenger ship in the last three months; or
 - (c) satisfactorily attending and completing in the last three months a ro-ro passenger refresher course that is acceptable to the Director.
- (2) A revalidation of a New Zealand ro-ro passenger ship endorsement and an international ro-ro passenger ship endorsement shall be valid for 5 years from the date of issue.

Section 4 — Requirement to have basic safety training

32.49 Basic Safety Training

- (1) A seafarer employed or engaged on a —
 - (a) New Zealand passenger ship of 500 gross tonnage or more engaged on an international voyage; or
 - (b) New Zealand tanker;

in any capacity on board that ship as part of the ship's complement with designated safety or pollution prevention duties in the operation of the ship must be the holder of a basic safety training certificate acceptable to the Director.⁶⁰
- (2) The owner and the master of a —
 - (a) New Zealand passenger ship of 500 gross tonnage or more engaged on an international voyage; or
 - (b) New Zealand tanker;

must not employ or engage any person in any capacity on board that ship as part of the ship's complement with designated safety or pollution prevention duties in the operation of the ship unless that person is the holder of a basic safety training certificate acceptable to the Director.

⁶⁰ Note that holders of certificates issued under the STCW Convention will be considered to meet the requirement for the basic safety training certificate in accordance with rule 32.36(1) (Equivalent certificates).

Appendix — Eyesight Requirements — Restricted Limit and Fishing Vessels

Eye Sight Test

1. Purpose

The purpose of the eyesight test is to ensure that a person's eyesight is sufficiently good to enable the person to pick up and identify correctly the lights of distant ships at sea. Experience has shown that for this purpose a person must be able to reach certain minimum standards both of form and colour vision.

2. Conduct of Test

- 2.1 An eyesight test comprises a letter test and a lantern test as prescribed in paragraphs 3 to 6 and paragraph 7 respectively.
- 2.2 The letter test is for form vision only; the lantern test is for form and colour vision combined. The Ishihara test is for confirmation of colour vision only, except as provided for in this Appendix where, with the approval of the Director, it may be used as an alternative colour vision test.
- 2.3 Two standards are allowed in the eyesight test, that is —
 - (a) Standard eyesight test:
 - (b) Reduced standard eyesight test.
- 2.4 The test must be conducted by a Designated Optometric Examiner (DOE) who shall record the results of all tests on the Eyesight Test Report form and send them to the Director who shall advise the candidate accordingly.
- 2.5 A pass in the letter test shall be valid for 12 months.

3. Letter Test

The first test must be the letter test conducted on Snellen's principle by means of charts of letters. On each chart the 3rd, 4th, 5th, 6th and 7th lines correspond to 6/24, 6/18, 6/12, 6/9, and 6/6 respectively.

4. Standard Eye Sight Test — Vision Required

- 4.1 A candidate who opts to take the test without corrective lenses is required to read correctly down to and including line 7 (6/6) with one eye and down to and including line 6 (6/9) with the other eye.
- 4.2 A candidate who opts to take the test using corrective lenses must first take the test without such correction, in which case the candidate is required to read correctly down to and including line 5 (6/12) with one eye and down to and including line 3 (6/24) with the other eye. The candidate must then be tested with corrective lenses and is required to

read correctly down to and including line 7 (6/6) with one eye and down to and including line 6 (6/9) with the other eye.

5. **Reduced Standard Eye Sight Test — Vision Required**

- 5.1 A candidate is required to read correctly, without corrective lenses, down to and including line 4 (6/18). The candidate may elect to use both eyes together or separately.
- 5.2 The candidate must then be tested with corrective lenses and is required to read correctly down to and including line 7 (6/6). The candidate may elect to use both eyes together or separately.

6. **Method of Testing**

- 6.1 The test chart must be mounted at a convenient height and must be properly illuminated. The testing room must be moderately lighted so that extreme contrast between the test chart and the background is avoided.
- 6.2 The candidate shall stand at right angles to the chart and exactly 6 metres away from it. The candidate shall then be required to read the chart commencing with the largest letter and to read each subsequent line from left to right.
- 6.3 The palpebral aperture must not obstruct a clear entrance pupil. If, with corrective lenses or without corrective lenses (or in both cases) a candidate fails to reach the required standard, an additional chart must be given in that part or those parts of the test in which the candidate has failed.
- 6.4 If, at the conclusion of the letter test, the candidate is considered to have reached the required standard, the candidate shall proceed to the lantern test unless the candidate holds a New Zealand certificate of competency for which a pass in the lantern test would have been a condition for issue.
- 6.5 If the candidate fails to reach the required standard, the following alternatives must be explained to the candidate —
 - (a) The candidate may break off the test and present himself or herself after not less than 3 months for a further test. In this case a certificate of failure must be issued.
 - (b) If the candidate did not use corrective lenses at the first attempt and the standard of unaided vision was such that the candidate could read correctly down to and including line 4 (6/18) with both eyes together or separately at the candidate's option, the candidate may present himself or herself for retesting at any time, but at the subsequent test the candidate shall use corrective lenses.
 - (c) The candidate may proceed to the lantern test. In this case, a record of all mistakes made in the letter test and all mistakes (if any) made in the lantern test must be forwarded to the Director for a decision.

7. **Lantern Test**

- 7.1 A Holmes Wright Type B lantern and mirror must be provided for this test. The test is to be conducted in a room so darkened as to exclude all daylight.

- 7.2 The lantern must be placed directly in front of the mirror so that the front part of the lantern must be exactly 3 metres from the mirror, and in such a position that the lights reflected in the mirror show clearly when viewed by the candidate seated close to the lantern.
- 7.3 A candidate who has used corrective lenses may continue to use such aids in the lantern test, but tinted lenses shall not be permitted.
- 7.4 If a candidate makes mistakes at the beginning of the lantern test, the candidate must be kept in a completely or partially darkened room for at least 10 minutes for darkness adaptations, and shall then begin the test again.
- 7.5 The lantern used for this test is designed to show 3 colours, namely, red, white, and green, singly through a large aperture or in pairs through small apertures.
- 7.6 The test shall commence with a series of lights shown through the large aperture followed by 4 complete circuits and 1 broken circuit of lights shown through the small apertures. Candidates are required to name the colours of the lights as they appear.

8. **Sight Test Results**

- 8.1 Where a candidate for a certificate of competency has passed in the letter test and makes no mistakes in the lantern test, he or she is deemed to have passed the whole test and the candidate's application form must be so endorsed by the Director.
- 8.2 Where the candidate is not a candidate for a certificate of competency and passes the whole test, the Director shall issue a sight test certificate.
- 8.3 A certificate of competency issued to a candidate who passes the eyesight test using corrective lenses for any part of the test must be endorsed by the Director to the effect that that person must use those lenses when on watch and that a spare pair of spectacles must be carried.
- 8.4 In the case of a candidate who passes the eyesight test wearing contact lenses, the certificate of competency must be endorsed by the Director to the effect that that person must carry a spare pair of contact lenses or spectacles.
- 8.5 A candidate who fails the standard test but passes the reduced standard test, where such a failure does not preclude the candidate from sitting the examination, shall have an appropriate endorsement made by the Director on the certificate of competency issued to the candidate.
- 8.6 If, with either the large aperture or the smaller aperture lights, a candidate mistakes red for green, or green for red, the candidate shall be considered to have failed the lantern test.
- 8.7 A candidate who fails the lantern test shall, where such a failure does not preclude the candidate from sitting the examination, have an appropriate endorsement made by the Director on the certificate of competency issued to the candidate.
- 8.8 If a candidate taking the lantern test mistakes red or green for white, or white for red or green and did not use corrective lenses, the candidate must be tested with Ishihara plates.
- 8.9 A candidate may use corrective lenses when he or she is tested with Ishihara plates, but tinted lenses may not be permitted.

- 8.10 If the candidate fails to identify any one or more of the Ishihara plates, all results (lantern and Ishihara) must be referred to the Director for a decision, and the candidate must be issued with a certificate notifying the candidate of his or her success or failure, as the case may be.
- 8.11 If the candidate completes the Ishihara test required by paragraph 8.8 without a mistake, the candidate must be advised that there appears to be a defect in his or her form vision and that the candidate may take the lantern test again at any time, but at the lantern test the candidate must use corrective lenses.
- 8.12 If the candidate has previously failed in form vision, the candidate must be retested in form vision, in addition to the lantern test, using corrective lenses.
- 8.13 If the candidate makes further green/white or red/white or green/red mistakes after the foregoing procedure, all results (lantern and Ishihara) must be sent to the Director for a decision. Pending the receipt of the Director's instructions, a candidate must be allowed to proceed with any examination for a certificate of competency on the express understanding that this examination will be cancelled in the event of a failure in the sight test. In such case the candidate shall be notified by the issue of a certificate of his or her success or failure as a result of the Director's decision.

9. Special Test

- 9.1 A candidate who fails to pass the lantern test may apply to the Director for a special test on payment of the appropriate fee (if any), which shall be refunded if the candidate passes the special test.
- 9.2 The special test must be supervised by 2 sight test examiners and may be undertaken at any port nominated by the Director, who shall also notify the candidate as to the most suitable time and date. The candidate shall inform the Director whether or not he or she will be able to attend, and any candidate who fails to appear at the appointed time, having previously informed the Director that he or she will attend, shall be liable to have the test postponed indefinitely and shall forfeit the fee paid.

10. Alternative Colour Vision Tests

- 10.1 A candidate for a local launchman's licence or a certificate as inshore launchmaster or a certificate as qualified fishing deckhand or as a New Zealand offshore watchkeeper may be tested in colour vision by means of the Ishihara plates.
- 10.2 If the candidate fails to identify any one or more of the Ishihara plates, the result shall be referred to the Director for a decision and the candidate shall be issued with a certificate notifying him or her of the results.

Maritime Rules

PART 32

Consultation Details

(This text does not form part of the rules contained in Part 32. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

There were 61 submissions received on this rule. They were from the New Zealand branch of the Nautical Institute, Fiordland Travel Limited, Talisker Charters, the New Zealand Merchant Service Guild, the New Zealand Marine Farming Association, the Catching Advisory Group (on behalf of the Seafood Industry Council), New Zealand Underwater Association, the Association of Marine, Aviation and Power Engineers, Luxury Yachts Company, the Ministry of Fisheries, Fullers Group Limited, NIWA Vessel Management, the New Zealand Shipping Federation, Marine and Industrial Safety Inspection Services Limited, Silver Fern Shipping Limited, the New Zealand Marine Farming Association, Pacifica Shipping Limited, New Zealand Federation of Commercial Fishermen, New Zealand Seafarers Union, 'Snow Cloud' Charters, the New Zealand Maritime Transport Association, Bradley's Nautical School, Bay of Islands Charter Fishing Association, Interisland Line, Cook Strait Sea Cat Ferries, the New Zealand Marine Transport Association, Barnett Engineering Limited, Sanford, Coastguard Boating Education Service, Queenstown Lakes District Council, Ocean Invader Charters, Picot's Charter Guide, Affinity Charters, an Auckland Industry-Working Group, South Port New Zealand Limited, White Island Marine Charters, the Department of Conservation, the Royal New Zealand Navy, Stewart Island Marine, Riverton Fishermans Association, Nautical Services Limited, New Zealand Professional Fishing Guides Association Limited, the New Zealand Maritime School, Stewart Island Fishermen's Association, Gulfstream Consultants Limited, the Insurance Industry Council of New Zealand, and 15 private individuals.

General

Many submitters commented on issues that will be addressed by Parts 31A, B and C (Minimum Personnel) of the Maritime Rules. These comments will not be addressed by this amendment document but will be used as reference in the writing of a discussion document on Minimum Personnel issues.

A number of submitters commented that Maritime Rules Parts 31A, B, and C should have come out at the same time as Part 32. These concerns are noted.

Some submitters raised issues regarding the content of the course syllabuses. These issues have been forwarded to the Seafarer Licensing staff for their consideration.

Issues regarding eyesight and medical standards were raised by some submitters. These topics are the subject of discussion documents released in March 1999 and will not be covered in the discussion of part 32.

Submissions covering the compulsory registration of pleasure craft and licensing of their operators have been passed to the Pleasure Boat Safety Advisory Group which is presently considering those issues.

Nautical Services Limited commended the work done on developing the rules. "It is an essential but often thankless task with critics picking the faults and ignoring the volumes of good work that the rules contain. In the case of the qualifications structure the writers are doubly burdened with the critics and an education system that is in the throes of constant change." They considered that qualifications should follow a "simple, easily understood system" with "communication between the maritime sectors" to "maximise the employment base" and "develop a workforce of the highest calibre which will increase the economic and strategic strength of our nation."

The MSA agrees with these basic principles which have been the guiding concepts in the development of this rule.

Training Services Limited also submitted qualification structures to simplify career progression between the Navy, Merchant Service, Fishing and land based sectors.

The structure suggested would not fulfil New Zealand's obligations under the STCW-95 Convention. It is similar to the concept adopted for industry specific training for under 6 metre boats but would not be acceptable in its entirety to the maritime industry at the present time. For example combined Navy and commercial vessel training is not presently feasible, although significant effort is presently being given to aligning certain aspects of Navy and Commercial training.

Talisker Charters commented that they "believe the system is well thought out and leads on logically from one grade to another."

The New Zealand Merchant Service Guild stated that "(a) lot of work has gone into Part 32 and I believe overall it will serve the industry well." "Conspicuous by its absence is the multi disciplined officer which obviously should be addressed at this time."

We consider that the concept of the multi-disciplined officer can be accommodated within Part 32 as rules 32.18 and 32.25 apply the minimum requirements of the STCW-95 Convention with regards to junior officers.

An individual noted that "I am impressed with the extent of consultation over all of these regulations".

White Island Marine Charters submitted that "there are many quality components put forward which appear beneficial to mariners and the public at large. These improvements tend to simplify qualifications required for what is termed 'seamless advancement' between the ranks as well as safety issues for all involved. The downside, and there are several, is creating more officialdom, paper work, incurred expense, down time from work to mention a few."

The New Zealand branch of the Nautical Institute commented that "(I)n general the rules appear to be well drafted and contain little which is of concern to the Institute."

They further commented that they "were heartened to see the increased recognition being given to Naval sea service — the proviso that only actual days at sea will count is a sensible one and should help defuse some of the potential criticism from some conservative quarters."

Pacifica Shipping stated that "(w)e see that it makes good sense to ensure that there is a path for naval people who essentially receive the same navigation training as the merchant navy to be able to cross over into the merchant navy so that their training is not lost to the industry."

The New Zealand Marine Transport Association submitted that "(n)avy sea service should be recognised, so long as the vessels are appropriate. This may include service on the ship's boats. However to ensure that they have done appropriate sea time in small passenger vessels in a sole charge environment a commercial time component should remain."

The Royal New Zealand Navy commented that "(t)hroughout the draft rules the skills and qualifying time of naval engineering personnel are in most cases directly transferable. However, this has not been equally applied to seamen. It is noted that only actual RNZN sea time may count as sea service, whereas within the Maritime Industry, time spent in refit or alongside may be counted as sea service. It is acknowledged that some RNZN vessels spend more time alongside than could be expected of a commercial trading vessel. However, the time spent alongside... is far from idle.... More recognition of time spent alongside is sought."

For deck certificates service while the vessel is alongside working genuine cargo operations will be counted and other operations supporting commercial operations (such as setting up hydrographic equipment) will be considered.

For Engineering certificates major equipment overhauls will be considered.

In no case will general harbour operations be considered.

Although there are similarities in Navy and Merchant Navy operations, the focus is mostly very different. For specialised certificates, such as at the foreign-going and deep sea levels, the MSA is concerned with the specialist skills required to operate these vessels and therefore consider that

only very specific Navy sea service will be acceptable. In their submission the Royal New Zealand Navy several times showed misunderstanding of merchant vessel practices which supports the MSA's caution in the accepting of Navy sea service.

The New Zealand Maritime School submitted that "(i)t is apparent to us that the candidate is almost never consulted in current processes and lacks the opportunity to make meaningful submissions. As training providers, we often find ourselves as the only party trying to protect the interests of students."

We do not agree. The MSA believes that all seafarers are 'students' and 'candidates' as we pursue maritime careers, not just the small number of people sitting behind desks at any moment. We therefore believe that almost all of the submissions received on Part 32 have been received from candidates or their industry representatives.

We appreciate the efforts of the New Zealand Maritime School, other maritime colleges, and other industry participants in increasing industry knowledge on the rules process. For the Maritime Safety Authority to be able to consult with the industry at a reasonable cost this communication is essential.

The New Zealand Maritime School submitted that "(t)he Rules have failed to address the desire of the industry and ourselves to have syllabi and certification for the familiarisation and basic safety training required by STCW '95."

We do not agree. There is no requirement for Part 32 to contain a pre-sea familiarisation and basic safety training qualification as we do not see this certificate as a statutory certificate of competency as are outlined in this rule. 'Pre-sea familiarisation' and 'basic safety training' are ancillary certificates such as first aid and fire-fighting which do not need to be outlined in Part 32.

An Auckland Industry-Working Group submitted that any "formally structured sea time and training course should be recognised by the MSA and a reduction of sea service be credited towards commercial sea time."

The process for approval of structured training programmes by the MSA is covered by Part 35. Only programmes meeting these criteria will be recognised by the MSA for the reduction in sea service requirements.

The New Zealand Merchant Service Guild suggested that minimum ages be changed from 16 years to 15 years and 364 days to "circumvent the Human Rights Act whilst at the same time allowing for age criteria." They suggested that all references to ages over 16 years be deleted "to comply with the Human Rights Act."

The Royal New Zealand Navy questioned if "the inclusion of age for a basic deckhand and for a number of other skill levels in the rules" contravened the Human Rights Act.

Section 39(3)(a) of the Human Rights Act, Exemptions in Relation to Qualifying Bodies, allows a qualifying body to impose "a reasonable and appropriate minimum age under which the approval, authorisation, or qualification will not be conferred." Therefore there is no breach of the Human Rights Act and no amendment will be made to this rule. The basic deckhand requirements have been removed from Part 32.

An individual considered that the amount of recent sea service required for certificates was too low.

We do not agree. The amount of recent sea time required has proved to be sufficient in the past as seafarers without sufficient experience would not be passing the MSA oral examination.

Two individuals from the fishing industry noted that the non-STCW-95 certificate system "should not be changed as it serves the industry well, and is fully accepted by the fishing industry, upon whom these qualification have the greatest effect."

We do not agree. The fishing industry as a whole has been lobbying for changes to the structure of maritime qualifications for many years. Although the fishing industry is a large user of non-STCW-95 certificates, there are also a large number of other industries to be considered, such as marine farming, charter fishing, ferry services, and tourist operations.

Picot's Charter Guide submitted that "a properly structured series of units studied and examined, transferable and cross credited to any certificate that requires them" should be established.

This is presently being undertaken by Industry Training Organisations under the NZQA framework.

Picot's Charter Guide also queried why a pleasure boat skipper should be required to obtain six months commercial vessel experience to obtain a commercial licence.

The LLO certificate can be obtained without any commercial experience. This is intended to allow experienced pleasure boat sailors a 'foot in the door' of the commercial industry while gaining experience in commercial operations.

32.2

Definitions

The Catching Advisory Group queried why the terms 'ship' and 'vessel' were both used throughout the rule.

'Ship' is the term used by the Act and therefore the term of preference for the rules. However the term 'vessel' is used when referring to smaller boats that are not referred to as 'ships' in common usage.

An individual submitted that "(i)t is good to see that the MSA intends to accept some seetime from vessels equipped with sails. I believe that such seetime is just as good as — perhaps better than — power vessel time." The individual suggested that sea service on sailing vessels of less than 500 tons gross tonnage be acceptable as there are no sailing vessels in Australasia of over 500 tons gross tonnage.

The tonnage requirement is from STCW-95 and therefore cannot be altered.

The Catching Advisory Group suggested that "deep sea fishing boat" be replaced by "deep sea fishing vessel". This also extended to changing the name of the 'deep sea' fishing certificates.

We agree. The rule has been amended.

The New Zealand Shipping Federation submitted that 'duties involved in navigational watchkeeping' "is not clear and appears to contain elements of duties of person in charge of a navigational watch, and duties of persons forming part of a navigational watch."

We agree, the definition has been clarified.

The Catching Advisory Group queried whether the term 'foreign-going ship' needed definition.

This term is only used in the title of certificates and in footnotes so does not need defining. (Unlike the term 'deep sea ship' which is a term used in the rule.)

The New Zealand Merchant Service Guild and an individual suggested that the definition of 'motor ship' should be changed to include fuels other than diesel. The Royal New Zealand Navy noted that 'steam' and 'sail' are not defined.

'Motor ship' is only used to refer to sea service acquired on specific engines for a specific qualification. Engines that use such fuels as 'heavy fuel' also use diesel fuel and are therefore still 'diesel' engines. Other propulsion types require another qualification, that is a steam ship certificate. 'Steam' and 'sail' are considered to be descriptive terms that do not need further definition.

The New Zealand Merchant Service Guild suggested that the definition of 'ship' should include "floating production storage and off-loading facility" so that service on them can be recognised under 32.18(2)(d).

We do not agree. Rule 32.18(2)(d) provides for certain service to be counted as sea service. It is not necessary that this service be on 'ships'.

The Royal New Zealand Navy submitted that as ship "is not defined in the International Regulations for preventing Collisions at Sea", 'vessel' should be used in place of 'ship'.

Ship is defined in the Maritime Transport Act 1994 and is used throughout the Maritime and Marine Protection Rules. The definition of 'ship' in Part 32 is not the same as the definition of 'vessel' in the Convention on the International Regulations for Preventing Collisions at Sea, 1972. Therefore this will not be amended.

The Catching Advisory Group suggested that the term "structured training programme" be redefined to include college based training programmes.

The Maritime Safety Authority believe that at this stage there should be a distinction drawn between college based training and 'on the job' training so this will not be amended.

The New Zealand Seafarers' Union considered the term "structured training programme" was "too general, the training programme needs to be a programme which is approved by the Director and of an industry standard."

Throughout the rule structured training programmes are required to be 'approved by the Director'. Part 35 outlines the requirements to be fulfilled before the Director will approve a structured training programme. The approval of a training programme will in effect set an industry standard.

The New Zealand Merchant Service Guild suggested that the definition of 'voyage' be widened to include a voyage wholly within a port, "for example from the ferry terminal in Auckland to Waiheke Island".

We agree. The definition of "Port" from the Maritime Transport Act 1994 is included and a footnote is added for clarification.

"Warship". The Royal New Zealand Navy where concerned that the inclusion of the word 'regular' "could be construed as excluding Naval Reserve personnel from accruing the required sea time."

The definition of warship comes from the Maritime Transport Act 1994 and the term 'regular armed forces discipline' comes from the United Nations Convention on the Law of the Sea, 1982. Reservists crewing a Navy vessel are subject to the same discipline as regular armed forces and therefore we do not see a problem with this definition.

Section 1 — Certificates of Competency

One individual from the restricted limits industry submitted that "all applicants must have completed a Boatmaster (or better/equivalent) course at least 6 months prior to them seeking their first commercial qualification... I believe prospective commercial operators should have a minimum of sea time experience knowing and applying the basic rules of the sea before they are allowed to carry paying passengers."

We do not agree that this change is necessary to the maritime qualification system as newly qualified certificate holders are not over-represented in accident reports. Nor would it be possible to justify the extra cost of this requirement by cost benefit analysis.

Deck ratings

32.4 Basic Deckhand

After further consultation with the restricted limit industry it has been decided that the form of this qualification will be a certificate issued by a training provider or other person verifying that the candidate has completed a MSA approved unit standard. This certificate has therefore been deleted from Part 32 as the MSA will not be issuing a certificate.

Sanford Limited submitted that they "support this clause fully and consider it a positive step in training maritime crews."

Fullers Group Limited submitted that they "support this new qualification" and suggested that "SSM companies verify a schedule supplied by employers of the sea time logged on each vessel by various deck crew. This will be supplied to MSA for approval."

This is no longer considered necessary due to the changes to this qualification.

Fiordland Travel submitted that this qualification "has some implications for me but until I see part 31 I won't really know how our transient seasonal crew at Milford Sound will be affected. It certainly looks to be a suitable rating, depending on whether or not our current training standards... are 'acceptable' to the Director or not."

One individual from the fishing industry submitted that this certificate "appears to have a very limited advantage". "I see no point in such a lowly Qualification certificate. Deckhands should be encouraged to seek higher Qualifications such as advanced deck hand."

The Riverton Fishermans Association submitted that "(t)his requirement is nonsense for small fishing vessels as while there are a lot of generic requirements in fishing boats there are also a lot of things specific to each vessel."

The advisory information at the start of this rule explained that this qualification is intended for the restricted limits industry. There is no intention at this time to use the qualification on fishing vessels.

The New Zealand Merchant Service Guild submitted that this certificate "downgrades safety" and do not support its introduction. The Guild did not give any reason for this

position. The Guild further submitted that people of 15 years of age "should still be at school and there is no place for them at sea." The Guild did not give any reason for this position.

The basic deckhand qualification has now been removed from Part 32.

An individual submitted that "(t)his proposal is the first step in downgrading the qualifications and experience required to be a competent seafarer.... The allowance for time spent on pleasure craft is unacceptable...."

We do not agree. As there are presently no qualifications for deckhands in the restricted limits industry, any deckhand qualification is an increase in the qualifications and experience needed. The introduction of this certificate is in response to calls from the restricted limit industry to have a basic qualification level for deckhands to improve safety on passenger vessels.

Sea service on pleasure craft is acceptable for this certificate which is a qualification allowing a step into the maritime industry.

'Snow Cloud' Four Seasons Yacht Charters noted "reservations about the intent of this qualification". "I think that all qualification should always be awarded with a certificate.... I am very much opposed to crew on restricted limit ships having to hold such certificates before being recognised as crew as this stops the whole commercial sea time experience cycle."

It is not expected that Part 31C will require all crew to hold this qualification, therefore maintaining a role in the industry for new entrants.

Bradley's Nautical School submitted that it would be appropriate to require "fit and proper person" criteria as this is "an industry entry qualification."

The New Zealand Marine Transport Association considered that the criteria of being a "fit and proper" person should apply to all stages of entry into the Maritime Industry."

The New Zealand Maritime School submitted that "(i)n principle, this qualification is fine. We believe operators and students will insist on certification. As the syllabus and examination is an MSA one, we believe that MSA should be issuing a certificate at this level. To justify non certification on economic grounds is simply another attempt by MSA to abrogate responsibility and costs to training providers and vessel operators."

Two individuals from the fishing industry submitted that "with no certificates being issued... it could not even be called a qualification." "The reason given for not issuing a certificate 'to keep costs down is laughable, as the cost is not in the issuing of the certificate, but in the training involved."

M & I queried how, without a certificate of basic deckhand, a person can prove that they hold the qualification.

Basic deckhand certificate may now be issued by an organisation approved under Part 35. It is no longer a core certificate offered under Part 32.

- (1)(a) The Insurance Council of New Zealand believed that the minimum age for this qualification should be raised from 15 years to 16 years. "Our reasons for this is that the marine environment is a very hostile environment at times, and for a person to have the

necessary experience to be able to react and work in it they must have a certain amount of maturity and strength."

Under the Water Recreation Regulations 1979, 15 is the minimum age at which a person may operate a craft that is capable of making a speed of 10 knots. 15 is also the age at which a person is able to operate a private motor vehicle. For these reasons we believe there is a precedent that 15 is an appropriate age for a person to become an assistant on a boat and therefore this will not be changed.

- (1)(b) An individual submitted that he "(a)pplauds the statement that sea experience need not have been on commercial craft."

One individual suggested that a short period of sea service should be spent under the holder of a certificate of competency so that the candidate can understand the "requirements of employment on a commercial vessel" and ensure "that those who are not fitted or committed to a career do not spend time or money needlessly."

The New Zealand Marine Transport Association and White Island Marine Charters submitted that "a small amount of time should be on a commercial vessel."

The intention of this certificate is to provide an industry entry level standard that can be met by young people with a maritime interest so that they can be usefully employed on a restricted limit vessel. Therefore we do not think that it is necessary for the individual to have committed to a seafaring career when becoming a 'basic deckhand'.

- (1)(c) The Catching Advisory Group suggested that the requirement for written examinations should be replaced by the requirement for a practical examination. This was also suggested for the advanced deckhand certificate.

We agree. The rule has been amended.

Bradley's Nautical School questioned whether the Training Provider would supply the exam and / or certificate.

The training provider will verify the candidate has met the requirements of the unit standard and issue the certificate.

32.5 **Advanced deckhand**

Fullers Group Limited submitted that they "support this new qualification."

Sanford Limited submitted that they "support this certificate and the clarification within the clause. We would caution that any reduction on qualifying sea service because of attendance at a pre-employment training course needs to be very carefully monitored and vetted by the Director. With the proliferation of training companies there are chances for varying standards of output."

The New Zealand Merchant Service Guild considered that the "certificate has some merit."

An individual considered that this certificate "was surely the role of the deck boy / ordinary seaman position. The industry cannot claim to be serious if it endorse the proposed short cuts to higher qualifications."

The 'explanatory box' at the start of rule 32.5 explains that this qualification is for the restricted limit and fishing industries. Neither industries have the deck boy or ordinary seafarer positions. We presume the submitter is referring to the merchant service to which this qualification will not apply.

The New Zealand Seafarers Union submitted that "if this Certificate is meant to serve the fishing and restricted limits industries... then the name should reflect that use". They suggested they be renamed 'Advanced Deckhand (Fishing) and Advanced Deckhand (Restricted Limits).

We do not agree as the fishing certificate is an endorsement to the advanced deckhand certificate. This is intended to increase the flexibility of the certificate on non-SOLAS ships.

- (1)(a) The Insurance Industry Council of New Zealand believed that the minimum age for this qualification should be raised from 16 years to 17 years.

Sixteen is presently the minimum age to become the holder of the qualified fishing deckhand certificate which is the certificate upon which the advanced deckhand certificate is based. The Maritime Safety Authority is not aware of this minimum age being the cause of incidents or accidents and therefore will not change this rule.

- (1)(b) Fullers Group Limited submitted that "the sea service on commercial ships should be on vessels larger than six metres. Perhaps the six metre requirement should be applied to the basic deckhand qualification and the advanced deckhand sea service could be on vessels over 20 metres. The six metre vessel size probably comes from the fishing industry however, restricted limit passenger vessels would need to be larger if the sea time was to be relevant experience."

The Insurance Industry Council of New Zealand believed that 6 metres was too small a vessel to count seetime for a deckhand certificate.

The advanced deckhand certificate is intended to be used on vessels of over six metres in length and it is therefore considered the appropriate length for candidates to acquire sea service.

- (2) The Catching Advisory Group suggested that the requirement for sea service to include 'steering, mooring and lookout duties' be removed.

We agree, the provision is removed. It is the intention of this rule not to recognise fully sea service in a capacity other than deckhand as it is appropriate that the sea service towards a deckhand certificate be served in that capacity. This is done adequately by requiring six months sea service as a deckhand.

Sanford Limited submitted that "a fuller definition of what a deckhand is and duties involved is required."

We do not believe this definition is required in the amended rule.

32.6 Advanced deckhand fishing endorsement

One individual considered that there is no need for this endorsement. "This is an industry qualification separate from a maritime qualification.... I can see no aspect of maritime training which could not be applied and valuable to any deckhand regardless of which sector of employment is chosen."

Although generally industry specific training is not required by legislation there are a number of exceptions such as this certificate, ro-ro passenger ship, and tanker endorsements. The advanced deckhand fishing endorsement is the same as the Qualified Fishing Deckhand certificate offered under the present regulations. As well as being a certificate that has served the fishing industry for many years this certificate fulfils requirements under the STCW-F Convention. (STCW-F is not in force internationally, but the MSA is bringing New Zealand into line with its recommendations with a view to future implementation of the Convention.) Therefore this certificate will continue to be offered.

- (1)(b) In a verbal submission the Catching Advisory Group submitted that candidates that already hold an advanced deckhand certificate should only require three months sea service.

We agree, the rule has been amended to include this.

- (1)(b)(ii) The Stewart Island Fishermen's Association suggested that the length requirement for this certificate be reduced to 8 metres to suit the local boat vessel design called Karitane.

Sanford Limited submitted that while "supporting the principle... the minimum vessel size ought to be 6 metres" for consistency with rule 32.5.

The advanced deckhand fishing endorsement is presently only required on vessels of over 20 metres in length. Therefore it is considered appropriate that sea service be acquired on vessels of a reasonable size.

- (2)(b) The New Zealand Seafarers Union submitted that this certificate should be granted "on the basis of having provided evidence of sailing as AB for (say) six months in the previous five years."

We do not agree. This is a fishing industry qualification required under the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F). A holder is required to have fishing vessel experience and have completed fishing 'units' of learning.

The holders of AB certificates will not be required to hold an Advanced Deckhand Certificate as an AB certificate (or deck watch rating certificate) will be acceptable as an equivalent by Part 31B. If the holder completes the fishing service and units they can have their AB certificate endorsed for fishing.

- (2)(c) Two individuals from the fishing industry commented that "the fact that most skippers who are training Qualified Fishing Deckhands are Commercial Launchmasters has escaped the writers notice."

The submitters did not give a reason for their comment. However it is possible that they are noting the requirement of CLM holders to give evidence of fishing vessel sea service before being able to become the holder of an advanced deckhand fishing endorsement.

The CLM certificate does not require any fishing vessel sea service or fishing skills, but the holders of the fishing endorsement do require fishing vessel service and examination on fishing skills. Therefore in 'manning' requirements, a CLM is not acceptable as an equivalent certificate to a fishing deckhand certificate. This clause gives CLM holders a pathway to become a fishing deckhand.

- (2)(c)(ii) The Catching Advisory Group suggested that this endorsement require an oral examination.

We agree. The rule is amended.

32.7 Deck Watch Rating

The New Zealand Maritime School noted that STCW-95 allows this certificate to be "obtained by 2 months pre sea or on board training without specifying a sea service requirement". They urged recognition of the STCW-95 option.

Although we agree that the 'pre sea' training option of STCW-95 should be included, we note that STCW-95 Regulation II/4 2.2.2 requires two months seagoing service to be served if the candidate is pursuing this certificate using the 'special training' option. The rule is amended accordingly.

- (1)(b) Tranz Rail questioned "(w)hat would be suitable evidence of having performed these duties and would it be for a finite period (number of hours) as is the steering certificate?"

The requirement is for 'duties associated with navigational watchkeeping' to be performed throughout the entire six month sea service period. This would mean that every day claimed as sea service would need to include these duties at some stage. A definition of "month" has been inserted, meaning 30 days.

- (1)(c)(i) Tranz Rail questioned if this was a requirement for training ashore.

The Director may approve a training programme that takes place either 'on board' or ashore.

- (2) The New Zealand Shipping Federation submitted that as a large amount of Navy 'commercial' tonnage is under 500, personnel may have difficulty acquiring 'commercial' sea service. They queried if "it might be possible to give the Director the discretion to acknowledge sea service on lesser tonnage provided a comprehensive training programme has taken place."

We do not agree. STCW-95 requires that sea service be on board a ship 'relevant to the issue of a certificate'. As the certificate is for use on vessels of over 500 tons gross tonnage 'relevant' sea service is service on vessels of that size.

The Royal New Zealand Navy submitted that the reference to the 'Operations Branch' should be changed to the 'Hydrographic Branch'.

We agree. This is amended.

32.8 AB certificate

Tranz Rail commented that "(w)hile it is outside the scope of this document we feel that the requirements as regards sea time and syllabus need to be reviewed / revised at an international level to reflect the entirely different duties required of personnel holding this qualification. The current requirements were laid down over fifty years ago and in the intervening period these requirements have altered considerably."

The New Zealand Shipping Federation "confirmed their belief" that the AB certificate should be retained. They questioned if 36 months sea service "is still appropriate". "In

1953 the requirement for experience for an AB was different. Experience was needed from the perspective of sheer seamanship."

The New Zealand Maritime School, while noting that the 36 months sea service is required by the ILO submitted that the requirement "seems somewhat excessive in comparison to the same time period... for a Second Mates Certificate...".

We consider it is necessary to maintain the requirements of the ILO Convention. A submission to the ILO to alter the standard will be considered.

The New Zealand Merchant Service Guild queried if applicants for this certificate are required to complete a fit and proper person questionnaire.

Under the Maritime Transport Act 1994 all holders of Maritime Documents must be 'fit and proper persons'.

The Insurance Industry Council of New Zealand believed that this certificate should require a first aid certificate.

This certificate fulfils the requirement of International Labour Organisation Convention No. 74. The New Zealand Government has indicated that it will not impose higher standards to the New Zealand shipping industry than to overseas operators. Therefore it would not be appropriate to require a higher standard of New Zealand candidates for an AB certificate than may be required in another country.

The New Zealand Shipping Federation queried if "the increase from service on a vessel of 100grt to 500 grt is going to make a significant difference to the experience gained."

The Royal New Zealand Navy noted that they have seven vessels that are between 100 and 500 tons, "each of which employs at any one time up to eight Able Seamen." "The exclusion of vessels below 500 tons effectively prevents these personnel from gaining qualifying seetime."

We agree that the sea service requirement should be returned to 100 tons gross tonnage so that New Zealand does not apply a standard greater than required internationally.

- (2) The New Zealand Seafarers union submitted that this rule should "be very specific that no certificate will be issued until the candidate can comply with (a)(b)&(c)."

Candidates need to comply with all the requirements of rule 32.8(1) before a certificate is issued. We agree that clarification is required and a footnote has been added.

Engine-room ratings

32.9 Engine-room rating

The New Zealand Maritime School submitted that it should be possible to obtain this certificate through a 2 month pre sea or on board training programme.

Rule 32.9(1)(b)(ii) allows this. (This is amended to specify the required sea service.)

Ocean Invader Charters queried the use of this certificate.

This certificate is for use on SOLAS vessels only.

- (b) The Insurance Industry Council of New Zealand believed that RNZN personnel should have to do three months sea service on merchant ships in addition to warship time as “(t)he power plants in warships are entirely different to merchant vessels in that the vast majority of merchant ships use... diesel and warships use either steam or gas turbine with small diesel auxiliaries.

We do not agree with this submission. The only RNZN ship that does not have diesel propulsion engines is the Leander class frigate HMNZS Canterbury. Some merchant vessels use steam or gas turbine propulsion engines. For the level of this certificate it is considered important that the candidate have experience with propulsion engines of over 750 kW and that the class of engine is not relevant.

The Insurance Industry Council of New Zealand believed that as “methods of operating warships and merchant vessels are also entirely different... and it would take time for ex naval personnel to adapt to this new environment.”

Although there are differences in Navy and merchant vessel operations, for this level of qualification the differences are not considered to be a safety issue and therefore this rule will not be amended.

Integrated Ratings

The New Zealand Seafarers Union submitted that “(t)he original concept and design of the Integrated rating qualification and subsequent certificate provided by the MSA was to create a much advanced rating capable of working across departmental lines.”

“Then existing AB’s... and motormen had access to a ten week training course designed by the Shipping Industry Task Force... to qualify them as Integrated Ratings.

“I stress that this was a specific training course for a defined group and was not meant for general application which it unfortunately developed into. Only those qualified personnel aforementioned were eligible i.e. AB’s or Ordinary Seaman with the ABs ticket. The Motormen were considered a once off and provision were made for existing people to go through on the basis of successfully completing the Integrated Rating course.

“Thus it can be seen that the intention was that the Integrated rating needed first to be an AB.

“The paper from the Maritime Safety Authority now devalues that intention to a very low level certificate standard and unless the original intent is restated and expressed in the Rules then... the certificate for Integrated Rating should be discontinued altogether as being surplus to the Industry in accordance with what we are told will be the requirements of part 31.

“If it is to be discontinued then it ought not to be issued by training providers and the so called IR course should not be used to short circuit the requirements for deck and engineroom rating certificates. Remember the retraining course, which became the training course, was designed for already qualified persons.”

The New Zealand Shipping Federation submitted that many of their members were opposed to the removal of the integrated rating certificate as it "is a recognised position on New Zealand and Australian ships.... The IR certificate enables a shipowner the flexibility to make the best use of the skills that the crew has and provides the scope to vary the work for the crew."

They requested that Part 32 "recognise... those who hold the Integrated Rating Qualification."

Part 32 has been amended to allow the updating of I.R. certificates, which are issued under STCW-78, to STCW-95 rating certificates upon application.

Pacifica Shipping noted that "in proposing to lower the standard of the Integrated Rating qualification, MSA is in fact setting up a requirement to again increase the manning levels on our vessels. This would be as a direct consequence of the lack of flexibility to direct the onboard labour with the appropriate training and experience to where it is required at a given moment."

The submission did not explain why no longer offering the Integrated Rating certificate would reduce the flexibility of onboard labour. The present 'Manning and Watchkeeping' Regulations applicable to the Pacifica ships do not require the ship to employ any ratings, and does not specify what qualification ratings, if employed, must hold.

If a ship can be safely run with it's present numbers of IR crew there is no reason why it should require more crew in the future.

Pacifica Shipping noted that "the stated intention of many of the proposals put forward in the document is to respond to the needs of industry. Pacifica Shipping submits that its needs are met by the current Integrated Rating qualification and that it does not wish to see changes to that qualification."

The MSA does not intend to require higher training of New Zealand crew than the crew of foreign vessels in New Zealand waters and therefore sets the minimum standard required. Industry is fully entitled to require further training and there is no reason why the industry cannot continue to offer IR training if there is a demand for advanced rating training.

The New Zealand Shipping Federation suggested that deck watch rating certificates, engine-room watch rating certificates, and AB certificates be issued on one document so that it will be clear which people are dual qualified.

We agree. If requested certificates will be issued stating all the holder's rating qualifications.

Combined skipper / engineer certificates

32.10 Skipper of a Small Diveboat

New Zealand Underwater submitted that "we are very happy with the parts that effect the dive industry, especially the new *Skipper of a Small Dive Boat Certificate*, but also the *Basic Deckhand*, *Advanced Deckhand* and *Local Launch Operator* certificates. The needs of that sector of the industry that operate under 6 metre dive boats are now met by the provision of the *Skipper of a Small Dive Boat Certificate*, and the remainder of the

industry who operate larger vessels should also experience no difficulties with the other qualifications that may apply to them."

The Department of Conservation (DOC) submitted that DOC operates 150 boats, 136 that are of less than 6 metres in length.

"Departmental vessels under 6 metres must be skippered by conservation officers who have demonstrated competency in the operation of the boat in the environment in which it is located. The approach has been to ensure that all boat operators have the necessary practical boat handling skills to safely operate all the boats they could be required to utilise under the conditions in which the boat will be operated.

"The department has traditionally utilised its experienced boat operators to assess competency and, where appropriate, to provide specific skills enhancement training to new or inexperienced operators. In assessing the competency of its operators, the department is particularly conscious of the fact that because its boats are used in a wide variety of different environments throughout the country, it is necessary to be satisfied that a given operator has the skills to operate a particular boat in a given locality. A boat operator transferring to a new location where boats are used in a different environment to that which the operator is familiar, would be required to undergo further training and assessment in the new conservancy area or office.

"The Draft Maritime Rule... will, if adopted in its current form, significantly affect the department's ability to continue to operate its under 6 metre fleet.

"The department notes specifically, that Draft Rule 32.11 proposes that Local Launch Operator's Certificate should be mandatory for operators of commercial vessels under 6 metres.

"At present it would be difficult for many of the department's current boat operator to meet the required sea time requirements to obtain a Local Launch Operator's Certificate or meet the certificate or service as a Local Launch Operator.

"The department's small boat operator carry out boat work on an intermittent and "part-time" basis, in conjunction with other duties."

"It should be emphasised, that the department accepts without question that its boat operators should be fully competent to safely operate the craft to which they are assigned under the conditions to which those boats are used. The department believes it can achieve this objective by tailoring its training and competency assessment processes to the specific needs of operators in individual locations, and that a blanket application of a commercial certification requirement would not necessarily enhance the current arrangements the department has in place to ensure the capability of its operators.

"The department notes that the Draft... contains a provision, if generally applied to work boats, would address concerns expressed in this submission.

"Part 32.10 addresses qualifications required for the skipper of a small dive boat, and makes provision ... for the Director to approve a training programme for the skippers of these boats. Extending the principle contained in Part 32.10 to under 6 metre workboats generally, would provide a mechanism by which the department could seek to have its current training arrangements recognised by the Director. Such a process would alleviate many of the difficulties the department foresees in Draft Rule Part 32."

NIWA vessel management noted that "NIWA is a substantial user of small vessels" having approximately 34 vessels of 6 metres or less. "All NIWA vessels are used for research purposes and although revenue is earned from our activities and we are therefore deemed commercial we are a non passenger carrying business.

"NIWA... have strong reservations about the Local Launch Operators ticket regarding the proposal that it may be required to operate NIWA's small vessels....

"The majority of these small boats are used to ply inland rivers, creeks, canals, lakes and estuarine areas. NIWA has a reasonably high number of operators of these small vessels that work in these relatively sheltered areas. They have been approved as Operators because of their ability and experience.... Depending on the nature of the work the use of small vessels can be quite varied and may involve an operator using a number of different craft for various facets of work. The voyages are often very short and with the seasonal nature of a lot of NIWA's work a large number of NIWA's Small Vessel Operator may never get the amount of hours required to sit an LLO ticket or have the time for a certificate of service for an LLO.

"I read with interest part 32.10 the proposed exemption given to 'Skipper of Small Dive Boat' able to operate a vessel under 6.0 metres in a Safe Operational Plan effectively carrying fare paying passengers. NIWA would like a similar exemption for a 'Skipper of a Small Research Vessel'".

The Ministry of Fisheries submitted that "(t)he proposed rules, particularly Rule 32.11 — Local Launch Operator Certificate, which is intended to be the minimum qualification for commercial vessels under 6 metres; will seriously impact on the ability of the Compliance Business of the Ministry to operate its small fleet of vessels under 6 m if implemented in its proposed form.

"Ministry of Fisheries Compliance vessels are operated on an intermittent part-time basis for only a small part of the duties of Compliance Business staff (Fishery Officers). It would therefore be impractical for Fishery Officers to attain the required sea time to either obtain a Local Launch Operator Certificate (LLO) or the Certificate of Service.... This would restrict the operation of small vessels to a few staff who hold... CLM certificates and will qualify for the proposed Sea-going Licences. Some areas would therefore be unable to use their vessels, and other areas would have the use of these vessels considerably limited."

"The Ministry notes that a separate category has been made for skippers of dive boats under 6 m and considers that the general nature of the requirements proposed for this type of operation are more appropriate for the type of activities undertaken by the Ministry's Compliance staff."

One individual considered that all dive boats should be "subject to the same... personal qualification as any other commercial vessel". "The need for skilled seamanship and nautical understanding is every bit as high as that of other vessels. A substantial argument could be made for a minimum of CLM for the type of operation." "The exclusion of this type of vessel from general requirements or the making of any exceptions will... lead to the repeat of the fiasco that ensured with the original failure to include vessels of less than six metres in regulations." The New Zealand Maritime School submitted that at "the absolute minimum" small dive boat operators should be assessed by the LLO oral examination.

The New Zealand Marine Transport Association submitted that "as these vessels are commercial vessels... all Skippers should hold the minimum certificate of L.L.L... endorsed for under 6 metres only."

An Auckland Industry-Working Group noted that dive masters operating vessels under 6m are in a "recognised qualified position and therefore should hold the qualifications appropriate." "It is our strong recommendation that all operators" of under 6 metres dive boats should hold the minimum qualification of LLL. "If an operator has been working for 2 – 5 years he should have the depth of experience and knowledge, therefore not fear doing a recognised LLL course and certificate examination."

White Island Marine Charters submitted that "(r)egardless of the activity, size vessel, or distance plied paying passengers deserve a 'real' skipper." 'Snow Cloud' Four Seasons Yacht Charters noted concern that if this certificate is brought in that "a huge number of Dive Clubs " will start up to "abuse the loophole" to the requirements to hold a LLO certificate.

M & I observed that "(i)f MSA was to provide a certificate for Skipper of a small diveboat it would make the task of the MSI's when completing flag state inspections much simpler and it would make the task of any authorised person a lot easier when trying to ensure that SOP's are correct."

They also suggested that, in order to have a "level playing field" either "all craft should have LLO and the diveboats attend a dive masters course" or "all under 6 m boats to have a similar qualification to the Skipper of a small diveboat".

This rule is replaced by Industry Specific training for under 6 metre craft. This allows organisations such as MOF, DOC, NIWA, and New Zealand Underwater to have their training schemes for operators of under 6 metre vessels approved by the MSA. Certificates will be issued by the organisation which will be maritime documents and therefore be covered by the Maritime Transport Act 1994 i.e. there will be fit and proper person requirements and the Director will be able to suspend or revoke the certificate.

Bradley's Nautical School questioned if the candidates for this certificate would be required to be "fit and proper" persons.

Yes these candidates will be required to meet fit and proper person criteria.

Bradley's Nautical School queried if the dive industry training was to the LLO level and if it included engineering.

Yes the standard of the dive industry training is at least that of the LLO and does include appropriate engineering training.

Coastguard Boating Education Service submitted that a BoatMaster course "becomes a training programme approved for this qualification by the Director."

This comment no longer applies due to the changes to rule 32.10.

(1)(f) M& I noted that there is no limit to the validity of the eyesight tests.

This comment no longer applies due to the changes to rule 32.10.

32.11 Local Launch Operator (LLO)

Fullers Group Limited submitted that they "support this qualification."

M & I noted that this rule does not align with draft Maritime Rule 40D Appendix 5.

Rule 40D has been amended to correct this.

Luxury Charter Yachts Co. submitted that they "welcome the proposed elimination of the requirement to have sea time experience on a 'commercial' vessel. Over the last 4.5 years I have engaged quite a few different qualified skipper to command my yacht while I acted as deck hand during commercial charters.... On every occasion I would be far more able than the skipper, and generally had much more skill in navigation (having previously passed the 'Yachtmasters' exam in 1978) and in local knowledge.

"For the last few years I have wanted to sit the LLM course and exam so I can skipper my own yacht during charter work. The problem is that I am having to slowly amass enough hours as a deckhand under the command of a 'qualified' person so that I can even sit the exam.

"Frankly the existing system does not give anywhere enough weight to the genuine skills and experience gained by boaties over a lifetime, especially when we are talking about a restricted licence, specifically directed at their own vessel."

"Accordingly I welcome and applaud the changes now proposed for the LLO certificate."

The Marine Transport Association submitted that "(i)t is essential to retain one month of qualified commercial sea time as this maybe the only pre entry practical training a candidate gets.... It is unrealistic to expect a candidate to be familiar with the safety equipment and commercial gear carried and passengers requirements if only pleasure time is accepted."

We do not agree. All candidates must sit a MSA oral examination which will establish if a candidate is familiar with commercial gear and passenger requirements.

An individual submitted that this certificate should require the skipper to have served under a certified skipper for 60 days. He considered the certificate "should have a termination after five years by which time it should be replaced with a higher certificate", with all sea service as holder of an LLO counted for CLM.

We do not agree that there should be a requirement to undergo sea service with a qualified skipper as this certificate is considered to be a 'foot-in-the-door' for newcomers to the industry. We also do not agree that the certificate should terminate after five years as the restrictions placed on the certificate are intended to encourage holders to upgrade to higher certificates. Sea service as LLO will not necessarily count towards CLM as the CLM certificate requires some sea service on vessels of over 6 metres in length.

The Royal New Zealand Navy noted that acceptance of naval sea service "is implied by not expressed" for this qualification as well as the CLM. "It is the RNZN's intention to continue to train personnel to CLM level."

Sea experience for the LLO may be in a deck capacity on any vessel, pleasure, commercial or otherwise, and it is therefore not considered necessary to specify naval service. A definition is added for clarification.

Sea service for the CLM qualification must be served on 'commercial vessels'. The definition of commercial vessel expressly includes naval vessels when carrying a supply cargo or carrying out an operation that may be carried out by a commercial operator.

- (1) An Auckland Industry-Working Group "recommended" course attendance for this certificate.

The Maritime Safety Authority is satisfied that the present examination requirement is suitable for this industry entry certificate and will not require a course attendance.

Coastguard Boating Education Service recommended "a significant reduction of seetime pre-qualification in recognition of a BoatMaster or equivalent qualification."

Part 32 allows sea service reductions for certain certificates when a structured training programme is undertaken to ensure a candidate has obtained relevant practical experience. Part 32 does not allow sea service reductions for purely 'academic' qualifications such as the BoatMaster certificate.

Part 32 does not allow for a sea service reduction for a structured training programme for the LLO as there has not been any interest in the maritime community for such a programme. The MSA is prepared to re-consult on this issue if the Coastguard Boating Education Service, or any other organisation, wishes to prepare such a scheme.

- (1)(b) An individual submitted that as "the skipper of a vessel gains a far wider experience than a deck hand" only time skippering a pleasure boat be acceptable for 100% of the LLO sea service. This comment applies for rule 32.12 also.

We agree that if a candidate has acquired all their sea experience on pleasure craft, that some of that sea service should have been as skipper. The rule is amended to require one month sea service on a commercial vessel OR as skipper on a pleasure craft.

- (1)(c) The Queenstown Lakes District Council submitted that a practical boat driving test should be included. This comment applies to rule 32.12 also.

We do not agree. There is no precedent in Part 32 for a practical boat handling test. We do not believe that the benefits of this requirement would outweigh the costs.

- (1)(d) The Queenstown Lakes District Council submitted that first aid certificates should be renewed annually.

We do not believe that the benefits of this requirement would outweigh the costs.

- (1)(e) The New Zealand Merchant Service Guild suggested that "if over 65 years of age" be deleted as "(Y)ou cannot discriminate on the grounds of age and it is only common-sense that all candidates should provide evidence of medical fitness." This submission was made for the Commercial Launchmaster, New Zealand offshore watchkeeper, Mate of a Deep Sea Fishing Boat, and Skipper of a Deep Sea Fishing Boat certificates also.

Section 39(3)(b) of the Human Rights Act allows a qualifying Authority to impose "reasonable and appropriate terms and conditions on the grant or retention of the approval, authorisation, or qualification by reason of the Age of the person seeking or holding it." We consider that a medical examination for a candidate over 65 years of age is reasonable and appropriate.

- (2)(a) An individual submitted that this certificate should be able to be endorsed with similar vessels or vessels of one design to suit the aquaculture industry.

This is provided for by allowing the Director to endorse a certificate with a 'design of vessel'.

- (3) An Auckland Industry-Working Group submitted that this certificate should "be restricted to one vessel and local operating area except for service vessels in the aquaculture industry and SCC multi fleets, under 6 metres."

We do not agree. The certificate is limited to a combined total of 6 vessels and areas which is a significant change from the LLL certificate which allowed the endorsement of an unlimited number of vessels and areas. Having only one vessel and one area of operation would mean that many restricted limit operators would be unable to operate all of their own vessels.

- (4) The New Zealand Maritime School submitted that "(w)e note the restrictions placed on the Certificates of Service as LLO but still do not feel that this is acceptable." They considered that it would be "relatively easy to design a short written paper which in conjunction with a short oral could be used when issuing such Certificates of service."

An individual stated that "(t)his proposal stinks. As a tutor of long standing and wide experience I have frequently had in my classes people who make the statement "I've been boating for years. I guess there isn't much you can teach me." When a chart is put in front of them they are lost. Most have no idea of buoys and beacons. Most have no idea of rule of the road, and most have no idea of the requirements of the Water Recreation rules. Most at the end of the course admit that they have learnt a lot.... These people have to prove their competency not just as boat handlers but as knowledgeable in safe boat operation."

The New Zealand Professional Fishing Guides Association "does not agree that a Certificate of Service should be contemplated and the minimum requirement should be a Local Launch operators Certificate."

The Maritime Safety Authority is satisfied, that with the restrictions placed on the holder of a certificate of service as a local launch operator including the requirement to have a safe operating record before the certificate is issued, that the cost of examining these candidates could not be justified.

The New Zealand Marine Farming Association noted that "(w)e are concerned that in (4) of this rule it states that the certificate will only be issued to 'existing operators of under 6 metre vessels'. We would submit that for marine farming operations this certificate be granted for the vessel historically operated regardless of size."

We agree, the rule has been amended to allow marine farming vessels of less than 15 metres in length to obtain the certificate of service.

- (4)(b) The Catching Advisory Group suggested that this clause be deleted.

If candidates were able to acquire a certificate of service without holding a first aid certificate it could be implied that the standard of the Local Launch Operator certificate was being lowered. Therefore the first aid certificate will be a requirement for this certificate.

- (4)(d) The Royal New Zealand Navy recommended that "safe operating record" be defined.

This has been amended to indicate that the safe operating record must be satisfactory to the Director.

- (5)(a) The New Zealand Marine Farming Association questioned if "this clause gives us the relief we require." They did not suggest an alternative clause.

The Catching Advisory Group suggested that a maximum of six vessels operated immediately prior to the entry into force of this rule should be permissible as endorsements for this certificate.

We agree. The rule is amended.

- (6)(b) The Catching Advisory Group recommended that this clause be removed and covered by rule 32.34 — Sea-going Licences.

The requirements of rule 32.34 are too general to meet the requirements of revalidation of the LLO as the LLO certificate is 'vessel specific' and requires sea service on those vessels.

- (6)(b)(i) An individual noted that the wording of this clause would appear to require the holder of the certificate to serve sea service on all vessels endorsed on their certificate.

We agree. The rule is amended to ensure that sea service may be obtained on any of the vessels endorsed on the certificate.

32.12 Commercial Launchmaster

Subsequent to the release of the draft rule it was decided, after discussion with industry representatives, to change the name of this certificate to the 'Inshore Launchmaster Certificate' in order to simplify the 'minimum personnel' Maritime Rules.

One individual submitted that "many intending Candidates for CLM rely upon a cursory view of an Engine Room, some cramming, and study time at Marine School in order to approach the Examiner with what can only be described as theoretical knowledge." He submitted that a candidate should include, "in addition to performing deck duties etc; evidence that the Candidate has performed Engine Room duties as well."

It is intended that the oral exam identify which candidates have sufficient engine room knowledge to hold this certificate. Candidates with no engine room knowledge are not expected to pass this exam.

One individual suggested that holders of AB certificates should be able to sit a "navigation endorsement" and obtain a CLM certificate so that their sea service is recognised.

The syllabus requirements of CLM and AB certificates are sufficiently different that the holder of an AB certificate would need to attend almost all of the CLM course to obtain an 'endorsement'. Therefore we do not see any real benefits in offering this option.

- (1) An Auckland Industry-Working Group submitted that "(w)e strongly recommend candidates need to gain sea time in larger vessels before being eligible for CLM."

As no indication of what size constituted 'larger' we are unable to comment on this submission.

- (1)(b) Sanford Limited submitted that "(w)e support this section" except that "the requirement of sea time being on a vessel of not less than 6 metres and not more than 20 metres in length, even though both are for reduced periods, is too onerous. We do not consider the size of the vessel being served on as being the key component but rather knowledge and skills gained while serving the sea service is the issue. Perhaps this ought to be able to be reviewed by an M.S.A. officer or other body."

The intention of these limitations is to ensure the holder has experience on vessels that require the use of the certificate.

The New Zealand Maritime School submitted that they "believe the requirement for 6 months on commercial vessel of not less than 6 m is excessive and would seriously disadvantage a large number of under 6 m operators who MSA is, after all, trying to encourage into this qualification."

The intention of this requirement is to ensure the candidate has experience in vessels with qualified skippers and on vessels of a meaningful size.

The New Zealand Maritime School queried why there is a requirement for "at least 2 months to be served in vessels not more than 20 m and then waiving this requirement for foreign going certificate holders who may well have been only on very large vessels." They suggested this be clarified to ensure consistency.

Although this may appear to be an anomaly the Maritime Safety Authority is satisfied that this clause has not caused any safety or environmental concerns in the past and therefore will not remove this option. Holders of foreign-gong certificates have experience in the handling of small craft from the operation of lifeboats.

Fullers Group Limited suggested that "(i)f a candidate has met the requirements of the advanced deckhand certificate and worked on a vessel over 20 metres for say, six months, we believe sea service could be reduced from 18 months to 12 months."

We do not agree that there should be a remission of sea service just for having sea service on a vessel of a specific size. The MSA considers that it is the quality of sea service that is important, which is why the completion of a structured training programme allows a reduction in the sea service requirement.

- (1)(b)(ii) The New Zealand Maritime School questioned why there is only a three months remission of sea service for undertaking a structured training programme. "We also struggle to comprehend how 12 months sea service with an acceptable training programme is acceptable for Second Mate but 15 months... is required for CLM." These comments apply also for the New Zealand offshore watchkeeper and New Zealand offshore master certificates.

The Maritime Safety Authority does not believe that at the present time the structured training programme developed for the CLM certificate is as compatible in detail and support as the structured training programme for 2nd mates. Therefore the longer sea service is required at the present time.

In a subsequent verbal submission the New Zealand Maritime School and an individual submitted that a further remission of three months sea service be allowed where a candidate has completed a structured training programme and has completed three months sea service as the holder of an advanced deckhand certificate. We agree with this submission and the rule has been amended.

Coastguard Boating Education Service submitted that the BoatMaster course should become "a training programme approved for reductions in sea service".

Rule 32.23(1)(b)(ii) applies to structured training programmes which means that the training must be competency based including an 'on the job' element, not purely 'academic' such as BoatMaster courses. Structured training programmes must meet the requirements of Maritime Rules Part 35 — Training and Examinations before they can be approved by the Director.

- (1)(d) One individual submitted that "(a)s the CLM is able to operate as Master on a passenger ship... in the inshore limit I consider that ... the applicant should be required to complete a basic fire fighting course."

The syllabus for the CLM certificate includes basic fire-fighting so the basic fire-fighting certificate is not required.

- (1)(d)(iii) The New Zealand Maritime School supported the introduction of enhanced radar training but submitted that "(w)e would prefer that MSA adopt our initial request to require the existing Restricted Radar course for the operation of these vessels."

'Snow Cloud' Four Seasons Yacht Charters submitted that the radar requirement for this certificate should be a part of the CLM syllabus, not a separate certificate.

After the submissions on the draft rule closed the MSA consulted with various industry groups on the appropriate level of radar training at this level. Although some vessels operated by CLM holders do not carry radar, most of these vessels do and it was decided that the restricted radar certificate was therefore an appropriate level of training.

- (3) The New Zealand Maritime School queried if this clause fitted with the requirement to have 6 months commercial sea service.

This clause does not override the requirement of (1)(b) to have commercial sea service. The rule is amended to clarify this.

Coastguard Boating Education Service recommended that "time spent as a skipper in an off-shore craft be, at the discretion of the Director, be given equivalence with time on a commercial vessel for the purpose of prerequisite sea service."

The New Zealand Maritime School submitted their "belief that it is the function performed by the vessel that is important and not whether the vessel is commercial or recreational."

We agree in principle that the experience of the operator in performing the vessel's function is what is important. However we do not believe a recreational craft will be performing the functions

required to give the operator the required experience. The requirement to have some commercial service also reflects the MSA's belief that it is important for candidates to learn from the experience and procedures of an already licensed operator.

- (7) The New Zealand Maritime School queried if this clause was allowing a person to hold more than one certificate.

This is clarified to make it clear that the CLM is an endorsement to these certificates.

- (7)(ii) The New Zealand Merchant Service Guild suggested that this requirement be removed as "driving modern vessels is as simple as driving a car.... In other words all you need do is turn a key."

We do not agree that this provision be removed as the CLM certificate contains an engineering section that all holders of the CLM certificate must be examined on. This provision does not require a candidate to have engineering sea service to sit the required examination.

Bridge watchkeepers, Mates and Masters

32.13 New Zealand offshore watchkeeper

Fiordland Travel Limited commented that "I waited in trepidation to find out how the new rules were likely to affect the job I have been doing for the last three / four years which, under the proposal seemed to be beyond my capabilities. It was therefore with great relief that I read the new Draft and discovered the introduction of the "NZ Offshore Watchkeeper" as an accessible step towards gaining the Master's ticket without having to leave my present job."

The New Zealand Marine Transport Association stated that "(t)o create a qualification in this area without command skills will not meet the industries growing needs."

The 'explanatory box' on page 29 of the draft rule noted that a New Zealand offshore watchkeeper certificate holder who has been the holder of a CLM certificate will be expected to be able to serve as master on a vessel operating in the restricted coastal area. It is not considered necessary to require a candidate for New Zealand offshore watchkeeper to spend time at college learning command principles if she or he has already been examined on them for CLM or intends to use the certificate for watchkeeping only.

Sanford Limited submitted that they did not support the introduction of this certificate. "This watchkeeper's certificate is not beneficial in our view and will dilute current practices (i.e. many deckhands who today gain coastal masters will likely stop at offshore watchkeeper)."

The New Zealand offshore watchkeeper certificate was proposed for a number of reasons, one of which was a call from the fishing industry to have a 'stepping stone' qualification between CLM and the New Zealand Coastal Masters certificates.

- (1)(b)(i) The New Zealand Merchant Service Guild suggested that the sea service requirement be increased to 24 months. No reason was given for this suggestion and it is left unaltered.

- (1)(b)(iii) The New Zealand Maritime School queried the amount of sea service required after obtaining a CLM certificate to obtain this certificate. They suggested the requirement should be for 6 months service.

The sea service requirement from CLM to NZOW is actually 6 months but the candidate must have another 6 months sea service that was obtained within the last 10 years. This is to make the certificate consistent with other certificates that all require 12 months sea service in the last 10 years. A footnote is added for clarification.

- (1)(b)(iii)(aa) The Catching Advisory Group suggested that the length requirement for this certificate be increased to 15.24 metres as they considered that ten metres was a small vessel on which to acquire sea service for this certificate.

The Stewart Island Fishermen's Association suggested that the length requirement for this certificate be reduced to 8 metres to suit the local boat vessel design called Karitane.

This provision has been widely consulted on and will be left at ten metres.

- (1)(b)(iii)(bb) Fullers Northland questioned if the MSA would "consider a trade off for hours spent in extended river limits to count towards qualifying hours in extreme limits i.e. 4 years extended river limits = 1 year extreme limits."

"The rationale which gives rise to the question is that at the moment there is a major impediment in the career path of would be Coastal-masters who, because of their circumstances are unable to gain the necessary qualifying hours without jeopardising their present employment....

"One of the beneficial consequences of this change may well be a rise in the level of expertise throughout the industry. I would envisage that several career minded individuals could well complete the Coastal-master certificate while still being employed within the parameters of the commercial launch-master certificate. The proficiency gained by completing the coastal-master syllabus can only result in greater safety on the water."

We agree with this submission. The rule is amended so that all sea service for the New Zealand offshore watchkeeper certificate can be served within restricted limits, and the sea service outside restricted limits required for New Zealand offshore master is reduced to 12 months.

The New Zealand Maritime School suggested that the requirement be for sea service outside enclosed limits to assist candidates to acquire sea service. This also applies to the New Zealand offshore master certificate.

We do not agree that all sea service outside enclosed limits is acceptable for service towards a coastal certificate. However the rule has been amended to allow the Director to accept some sea service in inshore limits.

- (1)(d)(v) Fiordland Travel Limited noted that they had "reservations concerning the survival craft course as part of the CLM" being accepted towards this certificate. They felt that this certificate should require a 'refresher' on the subject as "(t)here are probably many of us who haven't seen the inside of a survival raft since we did CLM."

We do not believe that it is possible to justify the expense in making a refresher course mandatory for this certificate.

32.14 New Zealand Offshore Master

Sanford Limited submitted that they "support the upgrading of the New Zealand Coastal Master to reflect the changes on the operating areas proposed."

Ocean Invader Charters submitted that "it is extremely frustrating" that the New Zealand offshore master certificate "does not include passenger carrying vessels."

The New Zealand offshore master certificate with STCW endorsement allows the holder to operate passenger vessels in the same area a New Zealand offshore master certificate holder can operate a fishing vessel.

The Royal New Zealand Navy submitted that the amplifying statement be reworded as the New Zealand Exclusive Economic Zone.

The statement is referring to the Offshore Area as defined in Part 20 of the Maritime Rules, not the New Zealand EEZ.

- (1)(b) The New Zealand Maritime School suggested that it be clarified as to whether sea service should be served concurrently or consecutively.

We agree, a footnote is added.

Sanford Limited suggested that an advanced deckhand certificate should be accepted as a prerequisite for this certificate if more watchkeeping training was added.

We do not agree. The requirement for watchkeeping service while holding a command or watchkeeping certificate is considered important to increase the value of the sea service and ensure that candidates for the New Zealand offshore master certificate have meaningful appropriate sea service. We do not believe that increasing the watchkeeping component of the advanced deckhand certificate is a suitable alternative to a CLM or NZOW certificate.

- (1)(e)(i) Sanford Limited submitted that "with the move to further offshore the first aid certificate must be upgraded as this is currently a weak area." (Comment applied to rule 32.16 also.)

The MSA has discussed this issue with the fishing industry and it has been agreed that the requirement to have crew with advanced medical training will become a 'minimum personnel' issue. The 'minimum personnel' rules will specify numbers of crew that must be trained, not what positions those crew must hold. (For example the rule may require two crew with advanced first aid training to be on board, not that the master and mate must have that training.)

- (1)(e)(ii) The New Zealand Maritime School submitted that this "certificate does not exist". They further submitted that the General Radio Telephone Operator certificate "would be the most appropriate requirement at this level."

The name of this certificate has been changed to Radiotelephone Operator's General Certificate in line with Maritime Rules Part 43.5.

- (1)(e)(iii) Sanford Limited submitted that "the restricted radar certificate is upgraded with more in depth understanding of ARPA as this is becoming standard in new radar installations." (Comment applied to rule 32.16 also.)

We do not agree. Although the MSA encourages vessel owners to upgrade equipment, ARPA is only required on vessels of over 10,000 ton gross tonnage or more. We do not believe that the fishing industry would accept a requirement to undergo training for equipment that vessels to be operated by the holder are not required to carry.

This comment also applies to Sanford Limited's suggestion to require a course on the use of electronic plotters. No vessels are required by law to carry plotters and it is therefore not the role of this rule to require a qualification in their use.

Candidates for this certificate that have six months watchkeeping experience are entitled to attend the Navigation Controls Course which includes the use of ARPA and plotters.

- (1)(e)(iv) Sanford Limited recommended "an upgrade of the present basic fire fighting certificate to advanced, with the potential further distance offshore this adds a greater... understanding to fire fighting."

The advanced fire-fighting certificate is not considered to be appropriate to the size of vessel operated by these certificate holders.

32.15 New Zealand Offshore Master with STCW endorsement

Sanford Limited submitted that for simplification "consideration be given to aligning rule 32.14 and rule 32.15 so there is only one certificate."

We do not agree as the fishing industry is presently not generally in a position to meet the watchkeeping requirements of this certificate.

The Catching Advisory Group proposed "that sea service for navigational watchkeeping on vessel meeting the (length and tonnage) criteria... be accepted while the vessel is under way — whether steaming to or from a fishing ground or trawling.

"The Seafood Industry is committed to working with the MSA to establish watchkeeping record book or other instruments to ensure that appropriate information is gathered to ensure the credibility of the sea service."

The Maritime Safety Authority discussed this requirement with the United Kingdom Maritime and Coastguard Agency (who issue United Kingdom STCW certificates) and representatives of the Catching Advisory Group. It was decided to follow the lead of the UK and allow six months watchkeeping service on fishing vessels to count in full towards this certificate, while six months sea service will be required on merchant vessels. The Catching Advisory Group considered that this was preferable to seafarers on fishing vessels attempting to acquire sea service towards this certificate while steaming to and from the fishing grounds which would 'take them forever and a day' to acquire.

32.16 Mate of a Deep Sea Fishing Boat

- (1)(b)(iii) One individual noted that it would appear that a person would need to be the holder of a New Zealand Offshore Master certificate to sit for a Mate of a Deep Sea Fishing Boat certificate.

Rule 32.37 allows for certificates or qualifications to be accepted as equivalent to any certificate specified in Part 32. This will allow the NZCM to be an acceptable alternative to NZOM as a pre-

requisite for a MDSFB certificate. However we agree that this is not clear in the rule and a footnote is added for clarity.

- (1)(e)(i) Sanford Limited submitted that the level of the first aid certificate ought to be upgraded.

This level of certificate is consistent with the STCW-Fishing Convention so will not be amended at this stage. Medical training requirements are presently being discussed in a recently released discussion document on minimum personnel requirements.

- (1)(e)(iii) Sanford Limited submitted that they "do not support the requirement for a GMDSS certificate. Although most fishing vessels have Inmarsat Std C this is principally to satisfy the Ministry of Fisheries regulations and is unlikely to be used for communication in the short term with the introduction of new technology." (Comment applied to rule 32.17 also.)

We do not agree. Maritime Rules Parts 40D and 43 will require Deep Sea fishing vessels to carry GMDSS equipment and therefore the vessels require qualified personnel.

32.17 Skipper of a Deep Sea Fishing Boat

The Catching Advisory Group suggested that the name of this certificate be changed to Master of a Deep Sea Fishing Vessel.

We agree. The rule has been amended.

The Royal New Zealand Navy submitted that the RNZN Ocean Navigation Certificate has all the requirements for the navigation workbook and suggested it be acceptable to fulfil the requirements of rule 32.17(1)(e).

Rule 32.37 allows the Director to accept any certificate as an equivalent to any certificate required by Part 32. Recognition of Navy certificates is standard practice where evidence can be shown of covering the same syllabus. Therefore no change is required. We note that the qualification in question requires a minimum of 12 months sea service on fishing vessels so we doubt that the Navy will be pursuing it for their staff.

- (1)(b) The Catching Advisory Group suggested that sea service as master of a fishing vessel of over 15.24 metres while holding a Mate of a Deep Sea Fishing Vessel certificate should count towards this certificate.

We agree. The rule has been amended, although the figure of 15 metres will be used for simplification.

- (1)(d)(i) The New Zealand Maritime School suggested that the first aid requirements should be that of STCW A-VI/4-2.

That is the level of certificate implied by this requirement. A footnote is added for clarification.

- (1)(e) The Insurance Industry Council of New Zealand believed that the navigation workbook was open to abuse and should therefore have further requirements added.

The navigation workbook is a provision from the Masters, Mates, and Fishing Deckhands (Coastal, Fishing, and Restricted-Limit Ships) Regulations 1993. It has not been an area for concern in the past and therefore there is no reason seen for amending the present requirements.

The Royal New Zealand Navy queried if Naval sea service could count towards this certificate and the Mate of a Deep Sea Fishing Boat certificate.

Navy sea service is not specified as it is not expected that candidates in the Navy will be able to meet the 12 month fishing vessel sea service requirement. However watchkeeping sea service could be considered acceptable using rule 32.37 to recognise an equivalent Navy watchkeeping certificate if necessary.

32.18 Second mate of a foreign going ship (Class III deck officer)

The New Zealand Merchant Service Guild supported "the requirement in regards to Navy personnel..." but "would object to any further liberalisation of sea service".

The New Zealand Shipping Federation submitted that "(i)n the discussion document circulated earlier we expressed our reservations regarding the ability of naval personnel to satisfactorily work commercial ships. In particular we were concerned about the level of practical experience in cargo work, stability, ship construction and merchant ship damage control. This Maritime Rule recognises that there is a requirement for naval personnel to acquire skills and knowledge in these areas. However emphasis should be placed on whether a person can prove through assessment that they have acquired the skills and knowledge. We agree with the requirements as outlined in rule 32.18(1)(d) provided it covers those areas listed above."

The New Zealand Insurance Industry Council considered that this rule does not require sufficient training of Naval Officers to obtain this certificate. They compared cargo planning operations of merchant and Navy vessels and stated that "we do not think that the average Naval Officer would have the expertise to transfer to a commercial vessel and operate under the conditions found in the merchant fleet". They misinterpreted the rule as requiring only six months service on commercial vessels, when in fact the proposed requirement is for 12 months.

The qualification that is in question is the second mate certificate. Therefore the holder of the certificate is not expected to be able to take over the planning of the stowage of cargo, but to be able to have sufficient knowledge of cargo systems that they are able to supervise a cargo operation under instruction from the Chief Officer or Master. The Insurance Industry Council of New Zealand is reminded that a thoroughly trained deck cadet from a traditional merchant navy training scheme may never have sailed on, say, a ro-ro ship, and would therefore be at only a very low level of competence when joining her/his first such vessel.

The Insurance Industry Council of New Zealand stated that "(t)he experience in handling naval vessels is entirely different as the power to weight ratio is higher...."

Again we point out that the certificate in question is the second Mate certificate, not the Masters certificate. A second mate is not generally expected to manoeuvre the vessel in confined waters.

The Insurance Industry Council of New Zealand also believed that bridge "tasks (are) divided among a greater number of people than on a merchant vessel."

Both Navy and Merchant Navy Watch Officers are trained to handle multiple tasks, both in sole charge of the bridge, and when the Captain has the con. A Navy officer of the watch (OOW) will usually have a number of well trained staff on the bridge available to assist including a helmsperson, look-outs and a signaller if required. But a Navy officer will also often have more tasks to consider, such as a helicopter landing on deck, or sailing in company with other warships, than the average Merchant vessel on passage.

The Maritime Safety Authority has observed that the Navy bridge watchkeeping practices are different in some ways to Merchant Navy practices. However all Navy OOW are thoroughly trained and the MSA is satisfied that, after some sea service in the Merchant Navy, frigate sea service should be acceptable for foreign-going certificates.

A requirement for frigate personnel to serve 12 months (out of a required 36 months sea service) on commercial ships (including a maximum of 6 months on Navy 'commercial' vessels) is considered appropriate so that they can become familiar with cargo and other operations undertaken by merchant vessels.

The Insurance Industry Council of New Zealand suggested that sea service from overseas Navies should be treated with caution.

These concerns are noted.

The Royal New Zealand Navy noted that "(w)e would like to see the requirement for 12 months cargo handling experience reviewed to acknowledge the stability training that an RNZN watchkeeping officer is exposed to."

A candidate for this certificate that has Navy training may apply to have that training recognised as equivalent to all or part of the certificate syllabus requirements.

The limited training of stability that is given to Navy watchkeeping officers has already been considered when allowing 18 months of frigate sea service to be accepted towards this certificate. Not only does a frigate have limited and reasonably predictable weight movement about the vessel in usual circumstances, it is also not the duty of a watchkeeping officer to perform these functions.

Knowledge and hands-on experience of stability is only one of the aspects of the operation of a cargo ship that is expected of a candidate for this certificate. Candidates also need a basic knowledge of many other aspects including the loading, discharge, securing and at sea care of cargo, and the International Maritime Dangerous Goods Code (which does not apply to the Navy). The fact that the Navy submission inferred that the only difference between Merchant ships and Frigates is stability confirms to us that it is essential that Navy staff have cargo vessel experience before being eligible to obtain this certificate.

The New Zealand Maritime School noted the requirements of Regulation II/1 of STCW-95 with regard to training record books. They suggested that a fourth sea service option of 36 months sea service be included for candidates that cannot complete a training record book.

We agree. The rule has been amended.

The New Zealand Maritime School queried the use of 'Class 1-3' on the foreign-going certificate titles. "(T)he U K who first came up with the system have now moved back to the simple descriptive title."

The titles are amended but Class 1-3 are retained for certificates issued for use on the New Zealand coast only.

- (1)(b) The New Zealand Maritime School recommended that "to ensure the required competencies for all the STCW requirements are complied with" candidates with 30 months sea service should complete a trainee deck officer record book. "We should also allow the fourth option which is 36 months sea service without any on board training record book."

We agree. The rule has been amended.

- (1)(b)(ii)(aa) and (iii)(aa) The New Zealand Merchant Service Guild was concerned that these sea service requirements could be met in full by the service outlined in rule 32.18(2) and doubted that this was the intention of the rule.

All candidates require 12 months on commercial trading ships. The rule has been amended and a footnote is added to clarify this.

- (1)(c) Tranz Rail questioned if a Deck Watch Rating Certificate would be acceptable to fulfil this requirement.

Regulation II/1.2.2 of STCW-95 requires a candidate for this certificate to have performed bridge watchkeeping duties under supervision of a qualified officer. Candidates for a deck watch rating certificate are only required to perform duties associated with navigational watchkeeping functions under the supervision of a qualified officer or qualified rating. Therefore the sea service requirements for the deck watch rating certificate are not suitable for the second mate certificate. This provision requires verification by the completion of a watchkeeping record book.

- (2)(b) The New Zealand Maritime School recommended that sea service on oil rig supply ships be counted the same as survey/cable/research ships.

We agree. The rule has been amended.

The New Zealand Maritime School submitted that "(t)he restrictions on training vessel time is problematic. We assume the intent is to limit time on sail training vessels and the like and support this. Several of the Pacific Island nations operate training vessels which are full commercial trading vessels and Maersk currently have 4 such vessels under construction.... We believe the wording should be amended to allow the latter activities as counting in full and place the restriction only on non-trading vessels."

We agree. The rule has been amended.

An individual submitted that "it looks as though... seetime in small coastal commercial trading vessels counting for F.G. tickets... is covered and it seems fair that some (but not all) F.G. seetime may be gained in small commercial trading vessels." The individual noted that this excludes seetime gained in sail-training vessels and queried if this "need to be changed".

The MSA is satisfied that the allowance of six months sea service on 'non-trading' vessels is suitable.

- (2)(d) The New Zealand Merchant Service Guild considered that as a Floating Production Storage and Offloading (FPSO) facility is not defined as a ship then sea service should not be counted.

We do not agree with this position. The amount of sea service on FPSOs that is acceptable is limited to three months. It is considered appropriate to accept some service as FPSO cargo operations are similar to those undertaken on tankers. As FPSOs are not involved in navigation we agree that it would not be appropriate to accept more than three months service.

- (2)(f) The New Zealand Merchant Service Guild questioned if sea service on ships such as seismic ships, submersible and semi-submersible drilling rigs and drill ships be included in this rule or 32.18(2)(b).

We agree, the rule is amended to include these vessels in (b) and (f).

32.19 First Mate of a Foreign-Going ship (Class II Deck Officer)

- (1)(c) The New Zealand Merchant Service Guild considered that the maths and physics should be included in the second mate certificate "as it serves to raise the standard of candidates entering into the merchant service and prevents a bottle-neck of numerous persons who do not have the ability to obtain first mate of a foreign-going ship. It is a lowering of standards which should never be contemplated."

An individual submitted that "(m)aths and physics should be core subjects at 2nd Mate level."

The New Zealand Maritime School submitted that the maths and physics issue "is a major problem." They considered that it "is non sensical to make this a pre requisite for First Mate as these papers contain the academic ramp and prelearning for Second Mate."

This requirement is removed from the rule as such requirements are covered by the approval of syllabuses by the Director. Although Maths and Physics are not requirements of STCW-95 the MSA accepts that they are part of an international standard that is outside of any Convention and will require a level of maths and physics for the Second Mate certificate.

- (1)(d)(ii) The New Zealand Maritime School submitted that reference to the radar simulator certificate should be removed.

We agree. The rule has been amended.

- (2) The New Zealand Shipping Federation supported "(t)he proposal to offer a restricted Class II Deck Officer certificate".
- (3) The Insurance Industry Council of New Zealand considered that sea service on vessels that spend long periods in port should be only counted on days actually spent at sea.

Some of the time spent in port on vessels that spend long periods in port is counted as sea service so that the port operations of merchant ships can be recognised.

32.20 Master Mariner — Master of a foreign-going ship (Class I Deck Officer)

The Royal New Zealand Navy requested that actual "sea service onboard a warship be counted as full time."

It was made clear to the RNZN during preliminary consultation prior to the release of the draft rule that the suggestion that warship service be counted towards this certificate cannot be considered unless the Navy operate cargo carrying ships with holders of Merchant certificates. To do otherwise would be a breach of New Zealand's obligations under the STCW-95 Convention. (See also discussion on rule 32.18.)

- (2) The New Zealand Shipping Federation supported "(t)he proposal to offer a restricted Class I Deck Officer certificate".

Engineer Officer Certificates

The Catching Advisory Group proposed that the Marine Engineering Certificates be renamed "Marine Engineer Class 6", "Marine Engineer Class 5", "Marine Engineer Class 4", "Marine Engineer Class 3 Watchkeeper", "Marine Engineer Class 2" and "Marine Engineer Class 1".

We agree. The rule has been amended.

The New Zealand Maritime School submitted that "(a)t this point, our primary concern re engineering relates to Engineer Watchkeeper.... We understand that several industry groups have made submissions on requirements below the Engineer Watchkeeper level. We do not wish to make specific comments.... In general, we believe that care must be taken to ensure that we do not end up with too many different engineering qualifications, many of which are intended for similar purpose. The danger of not streamlining at this point — apart from cross sector recognition and portability — is that it may remain/become uneconomic for anyone to deliver training for any particular certificate."

Sanford Limited submitted that they "support the basics" of the certificates.

Cook Strait Sea Cat Ferries submitted that the Engineer of an Offshore Vessel and Watchkeeping Engineer of a Foreign-Going Ship certificates should be amalgamated "for more flexibility".

We do not agree. The standard for the Watchkeeper certificate cannot be lowered as it is prescribed by STCW-95 and many candidates for the Offshore certificate would not be able to fulfil the Watchkeeper sea service requirements.

Cook Strait Sea Cat Ferries also submitted that the Marine Engineer Class 2 and C/E of a Deep Sea Fishing Boat certificates should be combined.

We do not agree as the fishing industry does not presently require the engineer class 2 standard from their Chief Engineers. Class 2 marine engineer requires the successful completion of three 'units', while the C/E of a deep sea fishing boat requires the successful completion of only one of those 'units'.

Fullers Group Limited submitted that "(t)he proposed structure... does not allow engineers operating on large passenger vessels with over 750kW in restricted limits to log

any sea service towards a coastal qualification. We believe that engineers on passenger vessels larger than 35 metres operating on routes more than 30 nautical miles from enclosed waters should be able to log sea service for the 'watchkeeping engineer of a foreign-going ship' certificate.

An individual submitted that "I would like to see sea time on tugboats, fishing boats and fast ferries over 750 kW in restricted waters accepted for Class 3 Marine Engineers Sea Service enabling a person to step from restricted to foreign going."

We agree that some sea service for the Watchkeeping Engineer certificate should be obtainable on vessels that operate only within restricted limits. The rule is amended to allow two months sea service to be acquired on vessels approved by the Director. Vessels will be approved by the Director if they have a number of different engineering systems that are maintained by the vessel engineer, and are not under a manufacturers warranty.

The New Zealand Association of Marine, Aviation and Power Engineers submitted that they "have always understood it was the intent to raise present fishing vessel requirements to suit the modern technology. These would line up with foreign going commercial vessel requirements under STCW."

The introduction of the Chief Engineer of a Deep Sea Fishing Boat certificate does substantially raise the fishing vessel requirements. However it was never the intention to raise the fishing industry requirements to that of STCW in 'one step'.

The New Zealand Association of Marine, Aviation and Power Engineers submitted that "(t)he overall impression is that the needs of industry and desires of interested personnel have over taken the criteria of a safe operation with competent engineers."

We do not agree. Part 32 has been set out to fulfil the needs of industry while ensuring that seafarers are trained in the skills for safe operation of vessels. Part 32 has raised seafarer standards in many areas. By accepting new training pathways Part 32 begins to address the shortage of appropriately qualified STCW engineers.

The New Zealand Association of Marine, Aviation and Power Engineers submitted that "(w)ith respect to the tug certificates, these were put into place to suit a unique set of circumstances that are not reflected in other restricted vessels' certificates. There is, in all other circumstances, a direct relationship between the size of the vessel and power of the engine with a subsequent indication of the responsibility taken by the engineer".

The certificate structure of Part 32 allows a career progression for coastal tug engineers and thus specific tug engineer certificates are not required. This is done by merging the past 'fishing' and 'restricted limit' certificates into one progressive path for all engineers. In the past high kW certificates were for fishing vessels, which is why a tug engineer certificate was introduced.

"The role of the tug is to supply motive power to large vessels in circumstances in restricted waters that are often dangerous. There could be few more hazardous circumstances than a tug breaking down whilst manoeuvring a vessel."

The New Zealand Association of Marine, Aviation and Power Engineers appear to be misinterpreting the role of the tug-engineers certificate. The certificate is for tugs operating in the coastal area. Within harbour limits the required certificate is the Engineer Local Ship Certificate which is of a far lower standard.

Four individuals that are tug engineers submitted that they understood that the Tug Engineers Certificate was to be abolished and replaced with the Engineer of a Coastal Vessel Certificate.

The Engineer of a Coastal Vessel Certificate is the replacement for the Engineer Local Ship Certificate which is the certificate presently required to be the engineer of a harbour tug. Future discussion documents on Minimum Personnel will discuss if this is the appropriate certificate for this role.

An individual submitted that "the Second Coastal Motor Certificate (which was designated as a Class 3 certificate) be aligned with the Marine Engineer Watchkeeper Class 3 certificate.... Or... the new 'Engineer of an Offshore Vessel'."

The Second Coastal Motor Certificate is not presently acceptable as a Class 3 certificate as its syllabus content is not sufficient and there is no sea service requirement. It is expected that in the future it will be acceptable as equivalent to the Engineer of a Coastal Vessel Certificate.

The Insurance Industry Council of New Zealand considered that "(t)he training of Naval Engineers is very different from MN personnel and they are trained more in the theoretical side than the practical." They therefore considered that Navy qualified Engineers should require merchant sea service before gaining a merchant qualification.

We do not agree with the content of this submission. At all levels Navy Engineers are examined on theoretical subjects and then have practical assessments on board the vessel. No engineer becomes qualified in the Navy without having to handle, on their own, simulated emergencies at sea. This practical training is followed by oral examinations on board the vessel and ashore.

32.21 Restricted Engineer of a Coastal Vessel

The Insurance Industry Council of New Zealand suggested that candidates for this certificate should be required to hold a first aid certificate.

We agree. The rule has been amended.

- (1)(b) (ii) The New Zealand Association of Marine, Aviation and Power Engineers suggested that the sea service requirements should be "in an engineering capacity".

We agree but will use the phrase 'operating main propulsion machinery' as used throughout Part 32.

The Catching Advisory Group suggested that the phrase 'engineering trainee' be replaced with 'structured training programme'.

We do not agree as the phrase 'engineering trainee' has been used deliberately to allow the MSA to accept any appropriate engineering training. Although many candidates will have been trained through structured training programmes there are many applicants who come through various other training schemes. The phrase 'service as an engineering trainee in a trade' is deleted and replaced with 'shore-based engineering' for consistency with the Engineer of an Offshore Vessel certificate. A footnote is added for clarification.

Fullers Group Limited submitted that they "support this provision for trade engineers with extensive experience on marine diesel engines being able to obtain this new certificate with three months sea service.... Almost all the repairs on our vessels are

carried out by land based engineers. The current requirement for two years sea service, has for many years, been a total barrier to highly qualified diesel engineers being able to work on our vessels."

Barnett Engineering Limited submitted that "(a) the discretion of the Director... a engineer who builds vessels to survey & M.S.A. requirements (should) be able to become a Restricted Engineer Of A Coastal Vessel... without having to complete the required sea service time. (Who would know better the vessels construction and systems.) In my case I have been involved in boating for 34 years and building 10 — 26 metre boats to survey over the last 18 years. On each surveyed vessel I have completed I spend 2 weeks onboard checking the various systems."

We do not agree that a boat yard engineer should not require sea service to obtain this certificate. However we do agree that there should be provision for a reduced period of sea service in this situation if the circumstances are acceptable to the Director. The rule is amended accordingly.

32.22 Engineer of a Coastal Vessel

An individual suggested "the introduction of a Steam endorsement which allows for a lesser qualifying period than that proposed. Such Endorsement to be specifically issued for a nominated Vessel within Restricted Limits. I make this request based upon my own experience of the Tug Wm. C. Daldy Auckland and some knowledge of the Tug Lyttelton and Earnslaw."

At the present time we believe that the three years sea service is necessary for the operation of the engines of such vessels. The MSA is presently involved in discussion with representatives of the operators of historic vessels with the intention of designing an appropriate structured training programme for these vessels. If the outcome of these discussions is successful the MSA will encourage the maritime industry to consider an amendment to Part 32 to reduce the required sea service for candidates following the structured training programme towards a vessel-specific certificate.

- (1)(a) The New Zealand Association of Marine, Aviation and Power Engineers submitted that it "is questionable that at 19 years of age a person would have the skills or experience to be responsible for vessels' power where the primary function is safety of large vessels." An individual submitted that "(a) candidate should be at least 21 years of age. This would allow for sufficient training and experience for a person of a potentially very powerful vessel."

19 is the present minimum age for the holding of the Engineer Local Ship (ELS) certificate which is required to be engineer on a harbour tug. The appropriateness of the engineer of a coastal vessel / ELS certificate for this role will be discussed in the discussion document for Part 31B.

- (1)(b)(i),(ii), and (iii) An individual submitted that these clauses be deleted as they "do not allow the Director to assess the craft and industrial training".

We do not agree that craft or industrial training is required for this certificate. The appropriateness of the engineer of a coastal vessel certificate for harbour tugs will be discussed in the discussion document for Part 31B.

- (1)(b)(iii) The New Zealand Association of Marine, Aviation and Power Engineers suggested that the sea service requirements should be "in an engineering capacity".

We agree with the principle but will use the phrase 'on the main propulsion machinery' to maintain consistency throughout the rule.

- (2)(a) The New Zealand Association of Marine, Aviation and Power Engineers submitted that there "is no comparison of accepting 100kw pleasure craft experience to New Zealand warship experience." They did not give a reason for this observation.

Pleasure vessel service is only accepted if the seafarer was in paid employment while gaining that service. Many yachts have engineering equipment at least as sophisticated as restricted limit vessels. New Zealand warship service is accepted automatically, rule 32.22(2)(a) refers to service on foreign warships.

32.23 Engineer of an Offshore Vessel

The New Zealand Association of Marine, Aviation and Power Engineers and an individual suggested that this certificate be renamed 'Tug and Offshore Vessel'.

This is no longer necessary due to the change of name to this certificate.

The New Zealand Association of Marine, Aviation and Power Engineers submitted that the sea service requirements for this certificate should be served on vessels of not less than 1000kw.

We do not agree with a kW requirement of 1000 kW which is higher than the requirement for the international watchkeeper certificate. However we agree that the kW requirement be increased and have changed this to 250 kW.

- (1)(a) An individual submitted that the age required for this certificate should be 21 years to "allow for sufficient training and experience... to operate a vessel of unlimited kW".

We do not agree. This certificate is similar to the present first diesel trawler engineer certificate (1DTE) which has an age requirement of 20 years of age and presently entitles the holder to operate main engines of unlimited kW rating anywhere in the world.

- (1)(b)(i)(aa) The Catching Advisory Group suggested that the phrase 'shore-based engineering training' be replaced with 'structured training programme'.

See comments for rule 32.21(1)(b)(ii) above.

- (1)(b)(ii)(cc) and (iii)(cc) An individual submitted that these clauses should be deleted to allow sea service to be served within restricted limits so that tug companies could establish their own training programme.

The MSA will consider a specific allowance for candidates following a tug-company structured training programme if industry consultation finds the Engineer of an Offshore Vessel certificate is appropriate for the operation of large harbour tugs.

32.24 Chief Engineer of a Deep Sea Fishing Boat

The Catching Advisory Group suggested that this certificate be moved to rule 32.25 to indicate its seniority to the Watchkeeping Engineer of a Foreign-Going Ship certificate.

We agree. The rule is amended

The Catching Advisory Group submitted that the Watchkeeping Engineer of a Foreign-Going Ship Certificate and sea service as the holder of a Watchkeeping certificate should be prerequisites for this certificate.

We agree. The rule is amended.

The Catching Advisory Group submitted that the holder of a Class II Marine Engineer certificate should only require six months sea service on fishing vessels, not nine months as proposed in the draft rule.

We agree. The rule is amended.

- (1)(a)(i) and (ii) Sanford Limited submitted that the requirement of a "minimum of 750 kW is too high and we would recommend a limit of 500 kW. This is because there are not many vessels in excess of 750 kW".

The fishing industry has generally accepted a rating of 750 kW to tie the certificate in with the STCW-95 engineering certificates. The certificate will only be for use on fishing vessels with a kW rating higher than 750 kW. Therefore this will not be amended.

32.25 Watchkeeping Engineer of a Foreign-Going Ship (Class III Marine Engineer)

The Catching Advisory Group noted that "(t)he Seafood Industry will be working with MSA to design and put in place a MSA approved structured training programme that will allow a person with DTE to meet this requirement.... It is envisaged that this structured training programme will be a combination of on and off job training." They suggested that there be allowance made in the rule for a pathway from 1DTE to this certificate.

We agree. The rule has been amended.

The New Zealand Shipping Federation submitted that they support this rule. They queried how this certificate would affect the holders of Watchkeepers Certificate of Service.

Holders of a watchkeepers certificate of service will be required to upgrade to the STCW-95 certificate. The rule is amended to allow for this.

The New Zealand Association of Marine, Aviation and Power Engineers submitted that it "would be unacceptable if a person without an engineering background primarily operating on vessel around 100kw and four years service could be acceptable for a watchkeeper unlimited (Class 3) certificate."

We agree, which is why this certificate requires sea service on vessels of over 750 kW and engineering training, as well as the completion of a trainee engineer's record book.

The Royal New Zealand Navy commented that this certificate should include a provision for counting "in port or dry dock time".

This would be in direct contravention of New Zealand's obligation under STCW-95 Regulation III/1.2.2 and will not be considered.

- (1)(b)(i) An individual queried if the sea service requirement was six months or ten months.

The requirement is for six months sea service, of which four months must have been on a certain class of engine. (Steam or motor depending on the certificate required.)

- (1)(c) The New Zealand Maritime School noted that "STCW required a minimum of a 30 month training programme which includes at least 6 months sea service and training/assessment in the specified competencies. The draft rule does not specify the 30 month period and therefore may cause concern for white list purposes."

We agree with this concern. The rule is amended to include a minimum length training period of 24 months. (Which completes the required 30 months training period when added to the 6 months sea service.)

- (1)(c)(i) The New Zealand Maritime School were concerned that this wording may not allow "students from overseas who have completed satisfactory workshop training" to be eligible for this certificate.

We believe that the wording "or equivalent engineering certificate" will allow the acceptance of overseas qualifications.

- (2) The New Zealand Association of Marine, Aviation and Power Engineers submitted that this rule "(r)ecognises the tug certificate had a higher standard and should be maintained."

It has been decided to delete this clause. This clause prescribes a path for a holder of the tug engineer class 2 certificate to become the holder of a watchkeeper certificate. As there have been no recipients of the tug engineer class 2 certificate we do not see any reason to keep this clause.

- (4) The Catching Advisory Group suggested that a clause be inserted allowing the acceptance of fishing vessel sea service towards this certificate.

This is not necessary as fishing vessel service is acceptable under the definition of 'commercial vessel'.

32.26 Second Engineer of a Foreign-Going Ship (Class II Marine Engineer)

- (3)(b) The New Zealand Shipping Federation "support the increased recognition of seetime accrued on tugs, fishing or fast vessels with propulsion machinery over 750kw."

The Catching Advisory Group suggested that fishing vessel sea service be acceptable as equivalent to commercial trading vessel sea service.

We do not agree. 12 months out of 18 months sea service is acceptable and we do not intend to increase this allowance. This is not a fishing vessel qualification and therefore it is appropriate that some sea service be acquired on commercial trading ships.

32.27 Second Engineer of a Foreign-Going Ship with Chief Engineer Endorsement (Class II-C Marine Engineer)

The New Zealand Shipping Federation "supports the introduction of the Class II-C Marine Engineer."

The Catching Advisory Group submitted that six months sea service on fishing vessels should be acceptable for this certificate.

We agree. The rule has been amended.

32.28 Chief Engineer of a Foreign-Going Ship (Class I Marine Engineer)

- (2)(c) The Catching Advisory Group suggested that fishing vessel sea service be acceptable as equivalent to commercial trading vessel sea service.

We do not agree. 6 months out of 12 months sea service is acceptable and we do not intend to increase this allowance. This is not a fishing vessel qualification and therefore it is appropriate that some sea service be acquired on commercial trading ships.

Specific ship types

One individual submitted that there should be provision for further endorsements, such as for the crossing of entrances to bar harbours.

The rule can be amended if it is seen necessary to require other endorsements.

32.30 Tankers

- (1)(a)(ii) Silver Fern Shipping suggested that this be amended to require the 'intensive shipboard training' to be a course approved by the Director.

We agree as this will simplify the procedure of issuing the endorsement. The rule has been amended.

32.32 Sailing vessels

Talisker Charters submitted that existing operators of sailing vessels should not be required to obtain this qualification. "The point is that the qualification rules must have sufficient flexibility to cope with the existing qualifications and sea going experience of people already in the system without them having to attend quite needless courses.... I do not believe that standards will in any way be compromised by 'cross crediting' these people with the appropriate qualification."

'Snow Cloud' Four Seasons Yacht Charters that they were "a bit taken aback by this clause.... Sailing skippers have normally had to have served much sea time on commercial sailing vessels.... CLM courses do not teach skippers basic boating skills such as boat handling... you are expected to be experienced enough to be competent in those.... The various emergency procedures for all craft CLM holders may skipper should be covered in the CLM syllabus." "If the section on sailing is to remain I think

operators that have been operating for sufficient time should get their endorsement awarded."

We agree with this submission. A 'grandparent clause' has been added.

32.33 High Speed Vessels

Stewart Island Fishermen's Association submitted that there should be a certificate of service offered to present operators of high speed craft that have completed "say 1, 2 or 3 or 5 years".

We agree. A certificate of service will be offered for operators with one years sea service in the last five years that provide evidence of a safe operating record.

Fullers Group Limited submitted that it "is unclear from the wording what certificate is required for Masters of high speed vessel and whether a certificate is required for all operating limits. Perhaps Masters of high speed vessels should be required to hold a New Zealand offshore watchkeeper certificate or a CLM endorsed with restricted radar, fire fighting and survival craft certificates."

Part 31 will, following the usual consultation process, prescribe the certificate required to be master of a high speed vessel. The rule is amended to require a candidate for the endorsement to be the holder of a restricted radar certificate and basic fire fighting certificate before undertaking the training. It is expected that survival craft training will form part of the course requirements.

Sanford Limited queried if this requirement was for fishing vessels.

The 'explanatory box' notes that rule 32.33 is intended to apply only to vessels carrying more than 50 passengers and therefore does not apply to fishing vessels.

Stewart Island Marine noted that they "agree in principle" with this certificate but wished to note that "there is a big difference between a 20 metre vessel with 60 pax compared to a 35 metre ferry with 500 pax on board."

This point is noted.

Section 2 — Sea-going licences

32.34 Sea-Going licences

Sanford Limited submitted that they "support the principle of sea-going licences" and suggested that there should be a system to allow for a "administrational review for unusual or extraordinary cases."

There is presently a three person committee consisting of an MSA, an employer, and an employee representative, that considers the acceptance of 'functions relating to the duties appropriate to the certificate that the Director considers at least equivalent to the sea service requirement' for foreign-going certificates. It is expected that similar committees will be established for the fishing and restricted limit industries if sea going licences are required by those seafarers.

The New Zealand Marine Transport Association "supports the idea of a 5 year sea going licence with the understanding that those who have been active in the industry over the 5 years would only need to renew their first aid certificate to renew their sea going licence."

An Auckland Industry-Working Group submitted that the sea going licence should apply to all masters "including masters of a dive vessel. If the sea going licence is active then only the first aid and medical should be updated. If the ticket has been sleeping for 5 years or more then a refresher course maybe specified. This maybe done locally under approved supervision and assessment." "We support a five yearly medical and eye sight test done by a local GP.... Industries first aid, (not St Johns) to be done every 5 years...."

Affinity Charters submitted that they "believe that holders of all tickets should hold a Sea Going License."

One individual considered that "(a)ll certificates which require sea time as a prerequisite should come under the provisions of sea going licences.... If sea time is required to obtain a certificate then surely a level of continuing sea time is required."

An individual submitted that "(a)s a practising seafarer who has returned to sea after a considerable time ashore I see the requirement for a Sea-going Licence of 12 months sea service in the last five years as the absolute minimum.... It is not unknown for seafarers to be out of the industry for more than 10 years and it shows when they return. They return as members of the crew and as such are a liability if not familiar with the latest technology and practices."

White Island Marine Charters submitted that "I heartily endorse... revalidation of certificates every five years. Proof of service, a medical and perhaps open book test would go a long way in certifying a persons ability to perform."

'Snow Cloud' Four Seasons Yacht Charters submitted that "the experience required to sit Qualifications is not something that is... lost with time, and not much will be achieved by bringing this in except massive inconvenience and bureaucracy. Incompetent skippers are not going to get jobs... boats are expensive and employers are going to require a lot more than a bit of paper before handing a vessel over."

The New Zealand Merchant Service Guild did not agree that deck and engine-room rating certificates should not require revalidation. They were concerned that only officer

personnel were required to make fit and proper person declarations and that "a rating could have been ashore for 10 years or worse still 20 years and they come back to sea as ballast. All certificates issued by the MSA require a sea-going licence."

Two individuals from the fishing industry noted that "I have never found one single skipper who has returned to the industry after being away more than one year. We're not that damned stupid. If we manage to get out, we stay out."

Stewart Island Marine submitted that a "licence should be automatically renewed for full time masters."

We expect that 'full time masters' will fulfil the sea service requirement for the licence without any difficulty. The applicant would therefore only be required to fulfil 'fit and proper person' criteria and any medical and eyesight requirements of Part 34. (Presently there are no medical or eyesight requirements for many certificates, however there are presently discussion documents out for discussion and amendments to Part 34 may be made.)

An individual from the fishing industry submitted that "I could understand if this was a requirement after 10 to 20 years being away from maritime employment, but renewing every 5yrs is unreasonable.... The transport authority issue life long licences to the age of 70 yrs.... It should be the responsibility of the employer to make judgement as to whether the person is competent or that he has been employed in that position within the past 15 yrs." The Riverton Fishermen's Association also made this point.

Driver licences are now required to be renewed every 10 for private vehicles and every 5 years for passenger vehicles.

Ocean Invader Charters submitted that they "strongly endorse the introduction of a refresher course whereby a person has to go over the basics of the ticket that they hold, and a certificate issued to that effect, every five years."

There is no intention at this time to require refresher courses or first aid revalidation from seafarers that can fulfil the sea service or 'related functions' requirements of this rule.

One individual submitted that "(t)here should be a provision for a temporary licence to be issued for a specific voyage or period i.e. a delivery around the coast."

We do not agree. A seafarer is either qualified for a voyage or they are not — an exemption for a voyage is not appropriate.

An individual submitted that tutors should qualify for sea-gong licences.

The applicability of shore work such as tutoring will be considered under rule 32.34(1)(b)(cc) and clarified in the Advisory Circular.

- (1)(b)(ii)(aa) Gulfstream Consultants Limited queried if certificate holders could have sea service on pleasure craft counted towards the sea service requirements.

Pleasure craft sea service can be counted if it is 'appropriate to the certificate'. For example for a foreign-going deck certificate, sea service in paid employment on pleasure craft voyaging internationally would be considered.

- (1)(b)(ii)(cc) South Port New Zealand Limited considered that "a person having performed the duties of a harbour pilot should fall within this category and as such should be stated within the rules as an appropriate function."

We do not agree that this should be stated in the rule, but will add a section to the Advisory Circular clarifying what will be accepted as 'functions relating to the duties.'

- (1)(b)(ii)(dd) Gulfstream Consultants Limited submitted that "a refresher course will not provide recent experience; however a check-ride as used in the aviation industry would test competence and familiarity."

There is presently no precedent for a 'check-ride' in the maritime industry and we do not believe that the needs of the maritime industry are the same as the aviation industry. We do not believe that the costs of requiring a 'check ride' would outweigh the benefits.

Section 3 — General Requirements

Sanford Limited submitted that they agree with and support this section. It is "clear and will add to the quality of the implementation of the rule."

32.37 Equivalents

Sanford Limited submitted that "if an overseas qualification is investigated for equivalence the full cost must be recovered from the applicant".

This issue will be addressed in the revised fees and charges regulations which are currently at policy planning stage.

32.38 Proof of sea service

An individual submitted that "there should be greater discretion given to the appropriate persons within MSA for both approving and declining application for commercial qualifications. I am aware of numerous cases where a person's commercial sea time has been approved, but where in reality the applicant is woefully short on practical and appropriate nautical experience. Conversely I am equally aware of numerous instances where an individual has extensive appropriate nautical experience, but has been declined as they do not meet exactly the define(d) sea time criteria."

Part 32 has tightened up on a number of 'loopholes' that candidates have in the past used to enable 'unsound' sea service to be counted towards maritime qualifications. (For example requiring 6 months watchkeeping sea service for Offshore Masters, and the requirement in the CLM certificate to have six months service as a 'deckhand'.)

Part 32 also allows experienced mariners the ability to obtain the LLO certificate without commercial sea service which gives them a 'foot in the door' to a maritime career.

- (1) An individual suggested that proof of sea service should be corroborated by log book documentation.

This is not considered necessary as a requirement but is added as a footnote.

- (1)(a) The Catching Advisory Group proposed that the term skipper be deleted from the clause if the term 'Deep Sea Skipper' is removed.

We agree. The term 'operator' is inserted to allow for the Local Launch Operator certificate.

32.39 Testimonial

An individual suggested that a testimonial "supplied by a relative by blood or marriage" should require a supporting statement.

It has always been MSA's policy not to accept testimonials from relatives. The rule is amended to clarify this.

32.40 Proof of age and identity

The New Zealand Merchant Service Guild stated that this rule "will need to be addressed". As they did not comment further we are unable to address their concerns.

32.44 Qualifying sea service misrepresented

White Island Marine Charters queried what could be done to candidates or the "voucher" of their sea service if misrepresentation was discovered after a certificate was issued.

We agree with this concern. Two clauses are added to ensure that people deliberately misrepresenting sea service can be fined.

An individual submitted that "(w)here misrepresentation has occurred during certificate application no certificate should ever be attainable and existing certificates should be forfeit. The safety of the marine industry is dependent on honesty to detect incidents, determine their causes and to develop a safe working environment. There is no place in the industry for dishonesty."

We appreciate the concern of this submitter. However we do not agree that an indiscretion should be held against a candidate indefinitely. Seafarers that have had their certificates suspended due to drug convictions can have their suspension uplifted if they can prove they are no longer using drugs. It is believed that the six months 'stand down' period prescribed by this rule is appropriate.