Ministry of Transport
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

Part 34: Amendment 2011

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994 I, Steven Joyce, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This 1st day of March 2011

By Steven Joyce

Minister of Transport

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Part objective

The purpose of these amendments is to—

- give effect to New Zealand's obligations under the International Labour Organisation (ILO) Medical Examination of Young Persons (Sea) Convention 1921;
- implement the requirements of STCW by setting medical standards for seafarers.

This Part—

- requires seafarers on certain ships to hold a certificate of medical fitness;
- specifies requirements for the conduct and issue of certificates of medical fitness;
- sets standards to be met by seafarers for the issue of certificates of medical fitness;
- sets standards for eyesight and colour vision to be met by seafarers for the issue of certificates of medical fitness under this Part and certificates of competency under Part 32.

Rules subject to Regulations (Disallowance) Act 1989

Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Extent of consultation

On 19 January 2008, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed maritime rules. A notice was also published in the *New Zealand Gazette* on 17 January 2008. Copies of the proposed amendments and the invitation to comment were sent to interested parties. Submissions were requested by 11 April 2008.

Ten submissions were received. A further targeted consultation was conducted specifically regarding the issue of sleep disorders. Suggested amendments were incorporated into the rule, where appropriate.

Entry into force

These rules come into force on 1 April 2011, except the following, which come into force on 1 January 2012:

- rule 1(a) in relation to new paragraph (b) of the new definition for **eye and vision test**:
- rule 8:
- rule 18(b) and (c):
- rule 18(d) in relation to new clauses 5A.2(5), 5A.5, 5A.7, 5A.8, 5A.9, 5A.10, 5A.12, 5A.13, 5A.15, 5A.16, 5A.17, and 5A.18 of Appendix 5A of Part 34 and new clause 5B.3(5) and (6) of Appendix 5B of Part 34:
- rule 41(b).

On the commencement of these rules on 1 April 2011, any references to Appendix 5A in Part 34 must be read as referring to the clauses of Appendix 5A that come into force on 1 April 2011 and the clauses of the Appendix of Part 32 and Appendix 5 of Part 34 that remain in force until 1 January 2012.

Subpart A: Amendments to Part 34: Medical Standards

1. Rule 34.2: Definitions

Rule 34.2 is amended as follows:

(a) by inserting the following definitions in their appropriate alphabetical order:

"**colour vision test** means an Ishihara plate colour vision test or a lantern colour vision test:

examinee means a person whose eyesight or colour vision is to be examined for the purposes of this Part or Part 32:

eye and vision test means—

(a) an examination of eye health and visual function, including a letter test of unaided vision and correct visual acuity; and

(b) an examination for the purpose of determining if there is evidence of serious or progressive eye disease; and

(c) a colour vision test if required under this Part or Part 32:

Ishihara plate colour vision test means the Ishihara plate colour vision test prescribed in clause 5B.10 of Appendix 5B:

lantern colour vision test means the lantern colour vision test prescribed in clause 5B.12 of Appendix 5B:

letter eyesight test means the letter eyesight test prescribed in clause 5B.5 of Appendix 5B:

monocular vision means—

(a) being totally unsighted in 1 eye, but having vision of 6/60 or more in the other eye; or

(b) having vision, without a corrective lens, of less than 6/60 in 1 eye, but having vision of 6/60 or more in the other eye:

special colour vision test means a test of colour vision administered by an approved optometrist appointed by the Director to conduct special vision tests:

unlimited area means the sea area outside the offshore limits:":

(b) by omitting the definition of "approved medical practitioner" and substituting:

"**approved medical practitioner** means a registered medical practitioner approved by the Director under rule 34.3:":

(c) by omitting the definition of "designated optometric examiner" and substituting:

"**approved optometrist** means a registered optometrist approved by the Director under rule 34.3:":

(d) by omitting the definition of "Director" and substituting:

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

(e) by omitting "STCW-95" from the definition of "international voyage" and substituting "STCW":

(f) by omitting the definition of "pleasure craft", and substituting:

"**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 or intended to be normally used as a fishing ship 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:":

(g) by omitting the definition of "Registered medical practitioner", and substituting:

"registered medical practitioner means a person who is, or is deemed to be, registered under the Health Practitioner's Competence Assurance Act 2003 with the Medical Council of New Zealand and who is practising medicine in accordance with his or her scope of practice:":

(h) by omitting the definition of "Registered optometrist" and substituting:

"registered optometrist means a person registered under the Health Practitioners Competence Assurance Act 2003 with the Optometrists and Dispensing Opticians Board who has, or is deemed to have, a current Annual Practising Certificate and who is practising optometry in accordance with his or her scope of practice:":

(i) by omitting the definition of "STCW-95" and substituting:

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

(j) by omitting from the definition "**STCW certificate**" the expression "STCW-95" and substituting the expression "STCW".

2. Rule 34.3: Approval of medical practitioners and optometrists

(1) Rule 34.3(1) is amended by adding the following paragraph:

"(c) satisfies the requirements specified in this Part and section 41 of the Act in respect of the approval.".

(2) Rule 34.3(2) is omitted and substituted with the following rule:

"(2) Subject to any such conditions that the Director considers necessary, the Director may approve a registered optometrist as an approved optometrist for the purposes of this Part if the Director is satisfied that—

(a) the optometrist has the knowledge and equipment necessary to conduct the tests required by this Part; and

(b) the requirements specified in this Part and section 41 of the Act have been complied with in respect of the approval.".

(3) Rule 34.3(3) is omitted and substituted with the following rule:

"(3) An approval made under subrule (1) or (2) is valid for 5 years from the date of approval.".

3. Rule 34.4: Medical examination of young persons

(1) Rule 34.4(1) is amended by omitting the words "medical certificate", and substituting "certificate of medical fitness".

(2) Rule 34.4(2) is amended as follows:

(a) omitting the words "medical certificate", and substituting "certificate of medical fitness":

(b) by omitting the words "rule 34.4(1)", and substituting "subrule (1)".

(3) Rule 34.4(3) is amended as follows:

(a) by omitting the words "medical certificate", and substituting "certificate of medical fitness":

(b) by omitting the words "rule 34.4(1)", and substituting "subrule (1)".

4. Rule 34.5: Application of section 2

Rule 34.5 is revoked and the following rule substituted:

"**34.5 Application**

(1) Every seafarer on the following ships must meet the requirements of rules 34.6, 34.7, 34.12, and 34.13:

(a) a New Zealand passenger ship engaged on an international voyage; or

(b) a New Zealand non-passenger ship of 500 gross tonnage or more engaged on an international voyage; or

(c) a New Zealand passenger ship of 45 metres or more in length which proceeds on a voyage outside restricted limits; or

(d) a New Zealand non-passenger ship of 45 metres or more in length which proceeds on a voyage outside restricted limits.

(2) Every holder of an STCW certificate issued by the Director under Part 32 must meet the requirements of rules 34.6, 34.7, 34.12, and 34.13."

5. Rule 34.6: Examination of seafarers for certificate of medical fitness

Rule 34.6 is revoked and the following rule substituted:

"**34.6 Requirement for certificate of medical fitness**

(1) A person described in rules 34.5(1) and (2) must not join or begin employment on a ship unless that person holds, and complies with any restrictions (if any) attached to—

(a) a current certificate of medical fitness category A issued under this Part; or

(b) a current certificate of medical fitness category A(T) or category B issued under this Part.

(2) A person to whom rule 34.5 applies, who is employed on a ship engaged in trade in the unlimited area, must carry a certificate that is acceptable to the Director indicating the type, place, and date given of all vaccinations that the person has received.

(3) A person to whom rule 34.5 applies must—

(a) complete the applicable sections of the medical examination form referred to in rule 34.7(2)(a); and

(b) upon completion of the medical examination form, sign the form to certify that it is a true statement; and

(c) inform the approved medical practitioner undertaking his or her medical examination of any medical history and medical records relevant for the examination.

(4) A person must not employ or engage a person to whom rule 34.5 applies for employment on a ship unless that person holds, and complies with any restrictions attached to, —

(a) a current certificate of medical fitness category A issued under this Part; or

(b) a current certificate of medical fitness category A(T) or category B issued under this Part.".

6. Rule 34.7: Requirement for medical certificate

Rule 34.7 is revoked and the following rule substituted:

"**34.7 Examination of seafarers for certificate of medical fitness**

(1) A seafarer who requires a medical examination for the issue of a certificate of medical fitness in accordance with this Part must ensure that the medical examination is carried out by an approved medical practitioner.[1]

(2) An approved medical practitioner carrying out a medical examination of a seafarer referred to in subrule (1) must—

(a) complete the applicable sections of a medical examination form that is acceptable to the Director; and

(b) take into consideration the guidance for the conduct of medical examinations outlined in Appendix 2.1; and

(c) comply with the instructions for conduct of medical examinations specified in Appendix 2.2; and

(d) in the case of a seafarer to be engaged on a voyage in the unlimited area, take into consideration the guidance on vaccination requirements for seafarers outlined in Appendix 3; and

(e) judge whether specialised testing is required[2]; and

(f) determine whether, subject to subrules (3) and (4), the seafarer complies with the required medical standard outlined for that seafarer in this rule.

(3) In determining whether a seafarer satisfies the required medical standard, an approved medical practitioner must have regard to the following:

(a) the matters specified in Appendices 1, 5A and 5B that may render a seafarer unfit for duty:

(b) the nature of the duties to which the seafarer's certificate or licence relates, or that the seafarer performs:

(c) whether the seafarer is new to the industry or a serving seafarer:

(d) any information available on the seafarer's past medical records or record of performance of his or her duties:

(e) the medical standards are framed to provide the maximum flexibility in their interpretation compatible with the paramount importance of maintaining the safety of vessels at sea and the safe performance of the serving seafarer's duties while protecting the seafarer's health:

(f) the individual examinee and whether any conditions render her or him unfit for the duties she or he is expected to perform:

(g) the nature of the shipping operation in which the seafarer intends to work:

(h) whether any medical condition or conditions may be remedied or sufficiently mitigated to allow such work:

(i) the health and safety of the seafarer:

(j) the health and safety of other seafarers and passengers:

(k) the safety of the ship:

(l) if a seafarer is granted a certificate of medical fitness while experiencing any conditions outlined in Appendix 1, the exceptions must be justified by the approved medical practitioner and any restrictions must be clearly noted:

(m) the guidance to approved medical practitioners outlined in Appendix 4.

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[1] Any fee for the medical examination is payable by the seafarer.

[2] For example: chest X-rays, STD tests.

(4) When determining whether a seafarer satisfies the required medical standard, the approved medical practitioner must ensure that the seafarer's eyesight and colour vision meet the standard required for the seafarer in Appendix 5A.

(5) An approved medical practitioner may, for the purposes of subrule (4), accept an approved eye and vision test from an approved optometrist that certifies that the seafarer's eyesight and colour vision meet the standards in Appendix 5A.

(6) Despite anything in this Part, the Director may require that a seafarer undertakes an eye and vision test conducted by an approved optometrist for the issue of a certificate of medical fitness.

(7) If a seafarer has lost the sight in 1 eye, the seafarer may not seek a medical examination for the issue of a certificate of medical fitness until 6 months have elapsed following the loss of sight.".

7. Rule 34.8: Issue of medical certificate

(1) Rule 34.8(1) is amended as follows:

(a) by omitting the words "certificate of fitness" and substituting "certificate of medical fitness":

(b) by omitting the words "in Appendix 6" and substituting "by the Director":

(c) by omitting from paragraph (a) the words "medical certificate" and substituting "certificate of medical fitness":

(d) by omitting from paragraph (a) the words "rule 34.8(2)" and substituting "subrule (2)":

(e) by omitting from paragraph (b) the words "medical certificate" and substituting "certificate of medical fitness".

(2) Rule 34.8(2) is amended as follows:

(a) by inserting after the word "seafarer", the words "referred to in subrule (1)(a)":

(b) by omitting from category A(T) the words "medical certificate", and substituting "certificate of medical fitness":

(c) by omitting from category B the words "medical certificate", and substituting "certificate of medical fitness":

(d) by omitting from category C the words "medical certificate", and substituting "certificate of medical fitness":

(e) by omitting from category D the words "medical certificate", and substituting words "certificate of medical fitness".

(3) Rule 34.8(3) is amended by omitting the words "medical certificate", and substituting the words "certificate of medical fitness".

(4) Rule 34.8(4) is amended as follows:

(a) by omitting the words "visual aids", and substituting the words "corrective lenses":

(b) by omitting the words "Appendix 5", and substituting the words "Appendices 5A and 5B":

(c) by omitting the words "medical certificate" and substituting the words "certificate of medical fitness".

8. Rule 34.8A: Eye and vision tests for the issue of a certificate of competency

The following new rule is inserted after rule 34.8:

"**34.8A Eye and vision tests for the issue of a certificate of competency**

(1) A seafarer who requires eye or vision tests to be carried out for the purposes of an application for a certificate of competency under Part 32, must ensure that those eye and vision tests are performed by an approved optometrist.

(2) When determining if the seafarer complies with the eyesight and colour vision standards required by Part 32 for the issue of that certificate of competency, the approved optometrist must ensure that—

(a) the eye and vision tests are carried out in accordance with the procedures specified in Appendix 5B; and

(b) the seafarer's eyesight and colour vision meet the standards in Appendix 5A; and

(c) there is no evidence of serious or progressive eye disease.".

9. Rule 34.9: Validity of certificate of medical fitness

(1) Rule 34.9(2) is amended by omitting the words "medical certificate" and substituting "certificate of medical fitness".

(2) Rule 34.9(3) is amended by omitting the words "medical certificate" and substituting "certificate of medical fitness".

(3) Rule 34.9(4) is amended as follows:

(a) by omitting the words "rules 34.9(1), (2), and (3)" and substituting "subrules (1), (2), and (3)":

(b) by omitting the words "rule 34.6" and substituting "rule 34.7".

(4) Rule 34.9(5) is amended by omitting the words "rule 34.9(4)(b)" and substituting "subrule (4)(b)".

(5) Rule 34.9(6) is amended as follows:

(a) by omitting the words "rule 34.9(4)" and substituting "subrule (4)(b)":

(b) by omitting from paragraph (a) the word "examiner", and substituting "approved medical practitioner":

(c) by omitting from paragraph (a) the words "medical certificate" and substituting "certificate of medical fitness":

(d) by omitting from paragraph (b) the words "medical certificate" and substituting "certificate of medical fitness".

(6) Rule 34.9(7) is amended by revoking subrule (7) and substituting the following:

"(7) If an approved medical practitioner reissues a certificate of medical fitness under subrule (6)(b) to category B, C, D, or E, the provisions of rule 34.8(3) apply.".

10. Rule 34.10: Seafarer may apply for further examination

Rule 34.10 is amended as follows:

(a) by omitting from subrule (1) the words "medical certificate" and substituting "certificate of medical fitness":

(b) by revoking subrule (2), and substituting the following:

"(2) If an approved medical practitioner issues a certificate of medical fitness indicating a medical category C or D, the seafarer must not, unless the Director approves otherwise, apply for a certificate from another approved medical practitioner until the expiry of the period endorsed on the certificate.".

11. Rule 34.11: Equivalent certificates

(1) Rule 34.11(1) is amended as follows:

(a) by omitting the words "rule 34.11(2)" and substituting "subrule (2)":

(b) by omitting the expression "STCW-95" and substituting "STCW":

(c) by omitting the words "rule 34.7" and substituting "rule 34.6".

(2) Rule 34.11(2) is amended by omitting the words "rule 34.11(1)" and substituting "subrule (1)".

12. Rule 34.12: Requirement to wear and carry spectacles

Rule 34.12 is amended by omitting the words "medical certificate" and substituting "certificate of medical fitness":

13. Rule 34.13: Requirement to produce a medical certificate to the Director or master on request

Rule 34.13 is amended as follows:

(a) by omitting from the rule heading the words "medical certificate" and substituting "certificate of medical fitness":

(b) by omitting the words "most recent" and substituting "current".

14. Rule 34.14: Seafarers on foreign ships

Rule 34.14 is amended by omitting from subparagraph (i) "STCW-95" and substituting "STCW".

15. Part 34: Appendix 1 – Medical standard

Appendix 1 is amended by adding in clause 17, under the heading "OTHER", the following new bullet point:

- "sleep disorders (especially insomnia, obstructive sleep apnoea, narcolepsy and periodic limb movement)".

16. Part 34: Appendix 2 – Conduct of medical examinations

Appendix 2 is amended as follows:

(a) by omitting from the second paragraph of clause 2.2 the words "rule 34.6(2)" and substituting "rule 34.7(2)":

(b) by omitting from clause 2.2(8) the words "rule 34.7(2)" and substituting "rule 34.6(2)":

(c) by omitting from clause 2.2(10) the words "medical certificate" and substituting "certificate of medical fitness":

(d) by omitting from clause 2.2(13) the words "health certificate" and substituting "certificate of health":

(e) by omitting from clause 2.2(16) the words "medical certificate" and substituting "certificate of medical fitness".

17. Part 34: Appendix 4 – Guidance to approved medical practitioners

Appendix 4 is amended by omitting from clause 6 "STCW-95" and substituting "STCW".

18. Part 34: Appendix 5 – Eyesight standards

In accordance with the entry into force dates set out for this rule:

(a) clauses (1), (2), (5), and (6) of Appendix 5.1.1 of Appendix 5 are revoked:

(b) the heading to Appendix 5 and clauses (3), (4), and (7) of Appendix 5.1.1 of Appendix 5 are revoked:

(c) appendix 5.1.2 is revoked:

(d) the following appendix is inserted:

"Appendix 5A: Eyesight and colour vision standards for seafarers being examined for certificates of competency and certificates of medical fitness

This appendix prescribes the eyesight and colour vision standards to be met by seafarers for the purposes of the issue of a certificate of competency under Part 32 and 34.8A and for a certificate of medical fitness issued under 34.8.

5A.1 Purpose

The purpose of the eyesight and colour vision standards in this appendix is[3]—

(a) to establish standards of vision of masters, mates and deck ratings—

(i) for navigation; and

(ii) to enable the seafarer to pick up and correctly identify the lights of distant ships at sea; and

(b) to establish standards of vision of all engineering officers, ratings, electrical or electronics officers, and radio officers to read instruments, to operate equipment, and to identify systems and components as necessary; and

(c) to establish standards to ensure that seafarers do not perform duties that are inappropriate due to unsatisfactory eyesight, colour vision, or serious and progressive eye disease.

5A.2 General requirements

(1) The examinee must meet the standards for eyesight and colour vision as set out in this Appendix for binocular or monocular vision, as applicable.

(2) If an examinee reaches the visual acuity standards in 1 eye only, the monocular requirements must be applied.

(3) Letter tests, lantern colour vision tests, and Ishihara plate colour vision tests must be conducted in accordance with the requirements of Appendix 5B, as applicable.

(4) In applying the eyesight and colour vision standards to an examinee, the approved medical practitioner must take into consideration any other relevant information concerning the individual's medical condition and proven ability to satisfactorily perform assigned shipboard functions.

(5) An examinee may be found to be not fit for duty if her or his eyes—

(a) are not free of serious disease; and

(b) reveal any non-correctable and permanent or progressing debilitating pathology without recovery.

5A.3 Validity period of test passes

(1) Except as provided in subrule (2), a pass in a prescribed letter test is valid for the validity of the period of the certificate of medical fitness.

(2) A seafarer is not required to resit a letter test within 12 months from the date the test was passed.

(3) A pass in a prescribed colour vision test (or a colour vision test for a certificate of medical fitness) or a lantern colour vision test is valid for 6 years.

(4) On the expiry of the validity period of a test described in subrule (3), a further pass can be granted to a seafarer if he or she passes a colour vision test.

[3] Experience has shown that for these purposes a seafarer must be able to reach certain minimum standards of both visual acuity and colour vision.

5A.4 Corrective Eye Surgery

A seafarer who undergoes refractive or cataract corrective eye surgery in 1 or both eyes—

(a) must have his or her visual acuity tested not less than 3 months after the surgery; and

(b) must not undertake watchkeeping duties, unless he or she has attained the required visual acuity standards.

Standards for prescribed eyesight and colour vision tests

5A.5 Prescribed letter eyesight standards for masters, mates, watchkeepers, and lookouts

(1) The minimum standards for the prescribed letter test for masters, mates, watchkeepers, and lookouts are—

(a) for distance vision without corrective lenses, visual acuity of at least 6/60 in both eyes; and

(b) for distance vision with corrective lenses, visual acuity of at least 6/12 in both eyes; and

(c) for near vision, vision required for ships navigation; and

(d) normal visual fields.

5A.6 Monocular vision standards for masters, mates, watchkeepers and lookouts

(1) An examinee who has monocular vision and is a master, mate, watchkeeper, or lookout meets the monocular vision standards[4] if—

(a) the Director is, after consultation with an approved optometrist, satisfied that the seafarer can cope with the range of tasks likely to be encountered when at sea[5]; and

(b) he or she does not show any evidence of serious or progressive disease in his or her good eye; and

(c) he or she has distance vision visual acuity of at least 6/60 without a corrective lens and at least 6/6 with a corrective lens; and

(d) his or her near vision meets the standards of vision required for ships navigation; and

(e) his or her visual fields are normal visual fields.

(2) If the Director agrees that a seafarer with monocular vision meets the vision standard, appropriate conditions may be placed on the certificate of medical fitness, including on-going monitoring and reporting requirements.

5A.7 Standard for passing the prescribed lantern colour vision test

An applicant passes the lantern colour vision test if he or she correctly identifies the colour of each light, with one incorrect answer being allowed.

5A.8 Standard for passing the prescribed special colour vision test

An applicant passes the special colour vision test if he or she meets the standard prescribed in clause 5A.7.

5A.9 Standard for passing the prescribed Ishihara plate colour vision test

An examinee passes a prescribed Ishihara plate colour vision test if he or she correctly identifies each plate of a test that has—

(a) less than 24 plates, with no incorrect answer being allowed:

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[4] A seafarer cannot seek a medical examination until at least six months has lapsed from the time of losing sight in one eye [34.6(6)].

[5] Advice on these is in the revised Advisory Circular to Part 34.

(b) 24 plates, with one incorrect answer being allowed:

(c) 38 plates, with two incorrect answers being allowed.

5A.10 Alternative colour vision standards

The Director may accept any other colour vision test as being equivalent to the lantern colour vision test if he or she is satisfied that an equivalent standard is achieved.

Standard for eyesight and colour vision tests for certificates of medical fitness

5A.11 Letter eyesight standards for masters, mates, watchkeepers and lookouts

The standard of vision specified in clause 5A.5 also applies to certificates of medical fitness for masters, mates, watchkeepers and lookouts.

5A.12 Colour vision standard for masters, mates, watchkeepers and lookouts

The standard of vision specified in clause 5A.7 also applies to certificates of medical fitness for masters, mates, watchkeepers and lookouts.

5A.13 Eyesight standard for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers

The eyesight standards for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers are—

(a) for distance vision without corrective lenses, visual acuity of—

(i) at least 6/60 in 1 eye; and

(ii) at least 6/60 in the other eye; and

(b) for distance vision with corrective lenses, visual acuity of—

(i) at least 6/15 in 1 eye; and

(ii) at least 6/15 in the other eye; and

(c) for near vision, vision required to read instruments in close proximity, to operate equipment, and to identify systems components as necessary; and

(d) for visual fields, sufficient for duties.

5A.14 Eyesight standard for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers with monocular vision

The eyesight standards for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers with monocular vision are—

(a) for distance vision without corrective lens, visual acuity of at least 6/60; and

(b) for distance vision with a corrective lens, visual acuity of at least 6/9; and

(c) for near vision, vision required to read instruments in close proximity, to operate equipment, and to identify systems components as necessary; and

(d) for visual fields, sufficient visual fields.

5A.15 Colour vision standard for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers

The colour vision standards for engineer officers, ratings forming part of an engine-room watch, radio officers, and electrical or electronic officers are that the examinee—

(a) meets the standard for the prescribed Ishihara plate colour vision test in clause 5A.9; or

(b) passes the Farnsworth saturated D15 test.

5A.16 Eyesight standard for others

The eyesight standard for examinees other than those referred to in clauses 5A.11 and 5A.13 is sufficient for duties for distance vision, near vision and visual fields.

5A.17 Eyesight standard for others with monocular vision

The eyesight standard for examinees other than those referred to in clause 5A.14 with monocular vision is sufficient for duties for—

(a) distance vision; and

(b) near vision; and

(c) for visual fields.

5A.18 Colour vision standard for others

The colour vision standard for examinees other than those referred to in clause 5A.15 is sufficient for duties.

Appendix 5B - Procedures for the conduct of eye and vision tests

This appendix describes the procedures to be used by approved optometrists and approved medical practitioners for the conduct of eye and vision tests of seafarers.

5B.1 Purpose

The procedures in this Appendix are established to ensure the standards established in Appendix 5A are met.

5B.2 General requirements

An examinee must—

(a) take and pass a letter test; and

(b) either—

(i) take and pass any colour vision test required in Appendix 5A; or

(ii) satisfy the approved optometrist or approved medical practitioner that he or she has previously taken and passed any colour vision test required to meet the standards in Appendix 5A and that test pass is still valid under clause 5A.3 of Appendix 5A.

5B.3 Conduct of eye and vision tests for issue of certificates of competency for seafarers by approved optometrists

(1) Eye and vision tests for certificates of competency for seafarers who are masters, mates, or deck ratings must be conducted by an approved optometrist.

(2) For the assessment of acuity, refractive status, or fields, the approved optometrist must use methods consistent with current best practice.

(3) An examinee must show photographic identification to the approved optometrist before taking an eye and vision test.

(4) If an examinee takes both a letter test and a colour vision test, the letter test must be performed first.

(5) The approved optometrist must establish, at the time of the tests, if there is evidence of serious or progressive eye disease, which includes congenital night blindness, diplopia, and retinitis pigmentosa.

(6) If the approved optometrist finds evidence of serious or progressive eye disease, the optometrist must advise the examinee and the Director of those

findings, including any review of the disease required by the optometrist to check on the progress of that eye disease.

5B.4 Purpose of the letter test

The purpose of the letter test is to test visual acuity.

5B.5 Conduct of a letter test

(1) The letter test must be conducted on Snellen's principle by means of charts of letters.

(2) An examinee may elect to take the letter test with or without corrective lenses.

(3) An examinee who elects to take the letter test with corrective lenses must first take the test without such correction.[6]

5B.6 Administering the letter test

(1) The test chart used for the letter test must be—

(a) properly illuminated; and

(b) mounted at a convenient height.

(2) The testing room must be moderately lit.

(3) The examinee must—

(a) face the chart from a distance of 6 metres, or by any other approved means that produces a 6 metre range; and

(b) read each line of the chart from left to right commencing at the top of the chart.

(4) An examinee must not squint during the test (i.e. the palpebral aperture must not obstruct a clear entrance pupil).

5B.7 Failure to obtain standards

(1) An examinee who fails to meet the standards for visual acuity, set out in Appendix 5A for binocular or monocular vision as applicable, may only be re-tested once.

(2) If an examinee fails to meet the requirements set out in Appendix 5A for binocular or monocular vision as applicable, the following options must be explained to the examinee:

(a) the examinee may discontinue testing and return for one further test at a later date; or

(b) the examinee may proceed to the colour vision test but—

(i) all mistakes (made in the letter and colour vision tests) will be recorded; and

(ii) the Director will be advised of the results of both tests.

5B.8 Purpose of the colour vision tests

The purpose of the lantern colour vision test and Ishihara plate colour vision test is to test colour vision.

5B.9 Colour vision aids

(1) An examinee must not use colour vision aids when taking any colour vision test.

(2) Colour vision aids include red-tinted, chromas lenses, and chromagen lenses.

[6] A candidate who elects to take the letter test with corrective lenses will be tested with and without corrective lenses. This will enable the candidate to meet the required standard with corrective lenses, but to pass, the candidate must still meet a lower standard of visual acuity without corrective lenses.

5B.10 Conduct of the Ishihara plate colour vision test

(1) A 24- or 38-plate Ishihara booklet must be used for the Ishihara plate colour vision test.

(2) The plates must—

(a) be viewed by the examinee from a 50cm distance; and

(b) be perpendicular to the line of sight of the examinee; and

(c) not be held by the examinee.

(3) An examinee must take the Ishihara plate colour vision test with the best possible visual acuity[7].

5B.11 Failure of the Ishihara plate colour vision test by examinees for certificates of competency for masters, mates, and deck ratings

(1) If an examinee for a certificate of competency required under Part 32 who is a master, mate or deck rating, is tested by an approved optometrist, and fails the Ishihara plate colour vision test, the approved optometrist must advise the examinee that he or she must take the lantern colour vision test.

(2) If the examinee fails the Ishihara plate colour vision test and then fails the lantern colour vision test, the approved optometrist must advise the examinee that he or she may take the special colour vision test prescribed in clause 5B.13.

5B.12 Conduct of the lantern colour vision test

(1) The examinee must take the lantern colour vision test with the best possible visual acuity.

(2) A Holmes Wright Type B lantern[8] and mirror must be provided for the lantern colour vision test.

(3) The lantern colour vision test is to be conducted in a darkened room so as to exclude all artificial light and daylight.

(4) The lantern must be placed—

(a) directly in front of the mirror so that the front part of the lantern is exactly 3 metres from the mirror; and

(b) in such position that the lights reflected in the mirror show clearly when viewed by the examinee seated close to the lantern.

(5) The lantern colour vision test must begin with a series of lights shown through the large aperture followed by 3 complete circuits through the small apertures.

(6) Except as provided in subclause (7), the examinee must name the colours of the lights as they appear.

(7) When asked to name the lights shown in horizontal pairs, the examinee must be instructed that the light on the left must be named first.

(8) If an examinee makes a mistake at the beginning of the lantern colour vision test, the examinee must be kept in a completely, or partially, darkened room for at least 10 minutes for darkness adaptation, and may then re-start the test.

5B.13 Special colour vision test

(1) An examinee who fails the lantern colour vision test may apply to the Director to sit a special colour vision test.

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[7] Where the examinee wears corrective lenses to improve visual acuity, they should be worn during this test.

[8] The lantern used for the lantern test is designed to show three colours, namely red, white and green, singly through a large aperture or in horizontal pairs through small apertures.

(2) The special colour vision test must be conducted at a location and by an approved optometrist nominated by the Director.

(3) Special colour vision tests must be conducted according to clause 5B.12 and to the standards required by Appendix 5A.

5B.14 Results of eye and vision tests conducted by approved optometrists for certificates of competency

(1) Subject to subclause (2), the approved optometrist who has conducted an eye and vision test for a certificate of competency required under Part 32 must—

(a) record the results of all eye and vision tests on an approved eye and vision test report form; and

(b) forward the form to the Director; and

(c) provide a copy of the form to the examinee.

(2) If there is any doubt as to whether the examinee has passed a test, or any evidence that the examinee may have serious or progressive eye disease, the approved optometrist must—

(a) refer the complete results of the examinee's eye and vision tests to the Director for the Director's decision on whether the examinee has passed; and

(b) advise the examinee that his or her results are being referred to the Director.

(3) If an approved optometrist refers the results of any eye and vision test to the Director under subclause (2), the Director must, after consultation with the approved optometrist,—

(a) decide whether the examinee has passed the eye and vision test; and

(b) issue an eye and vision test report form to the examinee advising the examinee of that decision.

5B.15 Recording of the results of eye and vision tests conducted by approved medical practitioners

The results of eye and vision tests conducted by approved medical practitioners must be recorded on the Certificate of Medical Fitness for Seafarers.".

19. Part 34: Appendix 6 – Certificate of medical fitness for seafarers

Appendix 6 is revoked.

Subpart B: Consequential amendments to Part 32: Ship's Personnel – Qualifications

20. Rule 32.2: Definitions

Rule 32.2 is amended as follows:

(a) by inserting the following definitions in their appropriate alphabetical order:

"**approved optometrist** means a registered optometrist approved by the Director under rule 34.3:

colour vision test means an Ishihara plate colour vision test or a lantern colour vision test:

Ishihara plate colour vision test means the Ishihara plate colour vision test prescribed in clause 5B.10 of Appendix 5B of Part 34:

lantern colour vision test means the lantern colour vision test prescribed in clause 5B.12 of Appendix 5B of Part 34:

letter eyesight test means the letter eyesight test prescribed in clause 5B.5 of Appendix 5B of Part 34:

special colour vision test means a test of colour vision administered by an approved optometrist appointed by the Director to conduct special vision tests:":

(b) by omitting the definition of "designated optometric examiner":

(c) by omitting from the definition of "Director" the word "safety" and substituting "New Zealand":

(d) by inserting the words "by the Director" in the definition of "approved medical practitioner" before the word "under":

(e) by omitting the definition of "registered medical practitioner", and substituting:

"registered medical practitioner means a person who is, or is deemed to be, registered under the Health Practitioners Competence Assurance Act 2003 with the Medical Council of New Zealand and who is practicing medicine in accordance with his or her scope of practice:":

(f) by omitting the definition of "restricted limits", and substituting:

"**restricted limits** means—

(a) enclosed water limits; and

(b) inshore limits;

as defined by Part 20 of the Maritime Rules:":

(g) by omitting the definition of "Unlimited area", and substituting the following:

"**unlimited area** means the sea area outside the offshore limits:".

21. Rule 32.3A: Certificated deckhand

Rule 32.3A(1) is amended as follows:

(a) by omitting paragraph (g), and substituting:

"(g) provide evidence of,—"

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that, if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use, whilst on watchkeeping duties, in daylight hours only".

22. Rule 32.4: Advanced deckhand

Rule 32.4(1) is amended as follows:

(a) by omitting the fullstop from paragraph (d), and substituting "; and":

(b) by adding the following paragraphs:

"(e) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that, if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use, whilst on watchkeeping duties, in daylight hours only."

23. Rule 32.5: Advanced deckhand fishing endorsement

Rule 32.5(1) is amended as follows:

(a) by omitting the fullstop from paragraph (c)(ii) and substituting "; and":

(b) by adding the following paragraph:

"(d) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that, if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use on watchkeeping duties in daylight hours only".

24. Rule 32.6: Deck watch rating

Rule 32.6(1) is amended as follows:

(a) by omitting from paragraph (f) the word "qualification." and substituting "qualification; and":

(b) by inserting the following paragraph:

"(g) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test."

25. Rule 32.7: AB Certificate

Rule 32.7(1) is amended as follows:

(a) by omitting from paragraph (f) the word "qualification." and substituting "qualification; and":

(b) by inserting the following paragraph:

"(g) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test."

26. Rule 32.9: Local Launch Operator (LLO)

Rule 32.9(1) is amended as follows:

(a) by omitting paragraph (f), and substituting:

"(f) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use on watchkeeping duties in daylight hours only":

(b) by omitting subparagraph (iii) of subrule (6)(b), and substituting:

"(iii) within the last 12 months, having passed the letter eyesight test; and":

(c) by inserting in subrule (6)(b) the following:

"(iv) within the last 6 years, having passed the colour vision test, except that, if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use on watchkeeping duties in daylight hours only".

27. Rule 32.10: Inshore Launch Master (ILM)

Rule 32.10(1) is amended as follows:

(a) by omitting paragraph (g), and substituting:

"(g) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that, if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use, whilst on watchkeeping duties, in daylight hours only".

28. Rule 32.11: New Zealand offshore watchkeeper (NZOW)

Rule 32.11(1) is amended as follows:

(a) by omitting paragraph (g), and substituting:

"(g) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the colour vision test, except that if the applicant has failed the test, the Director may issue the certificate endorsed with the limitation "for use, whilst on watchkeeping duties, in daylight hours only.".

29. Rule 32.12: New Zealand offshore master (NZOM)

Rule 32.12(1) is amended as follows:

(a) by omitting paragraph (h), and substituting:

"(h) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

30. Rule 32.14: New Zealand offshore master with STCW-F endorsement

Rule 32.14(1) is amended as follows:

(a) by omitting paragraph (d), and substituting:

"(d) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

31. Rule 32.15: Mate of a deep sea fishing vessel

Rule 32.15(1) is amended as follows:

(a) by omitting paragraph (h), and substituting:

"(h) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

32. Rule 32.16: Master of a deep sea fishing vessel

Rule 32.16(1) is amended as follows:

(a) by omitting paragraph (h), and substituting:

"(h) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

33. Rule 32.17: Officer in charge of a navigational watch of a foreign going ship – route 1

Rule 32.17(1) is amended as follows:

(a) by omitting from paragraphs (h) and (i) the word "prescribed":

(b) by inserting in paragraph (i), after the word "test", the words "or special colour vision test".

34. Rule 32.17A: Officer in charge of a navigational watch of a foreign going ship – route 2

Rule 32.17A(1) is amended as follows:

(a) by omitting from paragraphs (h) and (i) the word "prescribed":

(b) by inserting in paragraph (i), after the word "test", the words "or special colour vision test".

35. Rule 32.18: Chief mate of a foreign going ship

Rule 32.18(1) is amended as follows:

(a) by omitting from paragraphs (g) and (h) the word "prescribed":

(b) by inserting in paragraph (h), after the word "test", the words "or special colour vision test".

36. Rule 32.19: Master of a foreign going ship of less than 3000 tons gross tonnage

Rule 32.19(1) is amended as follows:

(a) by omitting from paragraphs (g) and (h) the word "prescribed":

(b) by inserting in paragraph (h), after the word "test", the words "or special colour vision test".

37. Rule 32.19A: Master of a foreign going ship (master mariner)

Rule 32.19A(1) is amended as follows:

(a) by omitting from paragraph (g) the word "prescribed":

(b) by omitting from paragraph (h) the words "prescribed in the Appendix", and substituting the words "or special colour vision test":

38. Rule 32.19B: New Zealand chief mate (yacht)

Rule 32.19B(1) is amended as follows:

(a) by omitting paragraph (e), and substituting the following paragraph:

"(e) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour visions test.".

39. Rule 32.19C: New Zealand master (yacht less than 500 gross tonnage)

Rule 32.19C(1) is amended as follows:

(a) by omitting paragraph (e), and substituting the following paragraph:

"(e) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

40. Rule 32.19D: New Zealand master (yacht)

Rule 32.19D(1) is amended as follows:

(a) by omitting paragraph (e), and substituting the following paragraph:

"(e) provide evidence of,—

(i) within the last 12 months, having passed the letter eyesight test; and

(ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.".

41. Part 32: Appendix – Eyesight requirements – restricted limit and fishing vessels

In accordance with the entry into force dates set out for this rule:

(a) Clauses 1, 2, 3, 4.1, 5.1, 6, 7, 8.2, 8.3, 8.4, 8.5, 8.7, 8.8, 8.9, 8.11, 8.12, 8.13, 9, and 10 of the Appendix to Part 32 are revoked.

(b) The heading and clauses 4.2, 5.2, 8.1, 8.6, and 8.10 of the Appendix to Part 32 are revoked.

Consultation Summary

(This text does not form part of the rules contained in Part 34 Amendment 2011. *It provides details of the consultation undertaken before making the rules.)*

Consultation on Parts 31A, 31B, 31C, 32 and 34

On 19 January 2008, Maritime New Zealand (MNZ) published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed amendments to the above maritime rules. A notice was also published in the Gazette on 17 January 2008. The invitation to comment and draft amendment rules were then made available to the public with copies being sent to interested parties. MNZ also made the draft available on its website. Comments on the draft amendments were requested by 11 April 2008. Subsequently, a targeted consultation was conducted on Part 31C, related to crewing levels, issued on 8 April 2009.

Subsequently, all work associated with Parts 31A, 31B and 31C has been subsumed into the Qualifications and Operating Limits project, as have the amendments for domestic qualifications in Part 32. Proposals to amend aspects of STCW qualifications in Part 32 has been transferred to a new project on implementing the Manila amendments to STCW. The proposal to introduce a requirement for minimum qualifications for harbourmasters is being subject to further policy work.

The amendments to Part 34 Medical Standards have been continued with, along with associated changes to Part 32 to give effect to the amendments to the Medical Standards. The only topics from the initial consultation being progressed are eye and vision standards for seafarers as they relate to seafarer qualifications. No submissions were made on eye and vision standards.

Ten written submissions were made on the draft Part 34, two being identical and treated as one submission. All submissions were considered and the draft amendments finalised. Maritime New Zealand also met with a number of the submitters of written comments to receive additional information and elaboration on their views.

On 17 March 2009 Maritime New Zealand issued a supplementary consultation notice on a proposal to add sleep disorders to the appendix listing conditions approved medical practitioners should examine a seafarer for. Two submissions were received.

All submissions received were reviewed, and where appropriate, the drafts were amended.

Summary of submissions

Comments not related to specific clauses

Alan Moore, Secretary to the Marine Transport Association had no problems with the proposal.

Sam Buckle, Executive Director, New Zealand Shipping Federation raised perceptions of inconsistency of assessments between approved medical examiners.

Maritime New Zealand response: *MNZ provides guidance to medical practitioners in the Advisory Circular to Part 34 and through occasional seminars.*

Darcy Ranger, New Plymouth Charter Boat Co Ltd, stated that it is a hardship for those in outlying districts to attend an approved optometrist. He wanted seafarers to be able to be examined by any optometrist for the reduced standard test.

Maritime New Zealand response: *MNZ believes it must have a relationship with optometrists in which it can enforce accountability, if need be, as eye examinations are for a regulatory purpose*.

Darcy Ranger, New Plymouth Charter Boat Co Ltd, requested that candidates for examination with drug convictions should not have to attend specified doctors to provide a urine sample. He submitted that they should be able to attend any general practitioner of their choice to provide a urine sample.

Maritime New Zealand response: *This comment is outside the scope of the amendments. Issues relating to alcohol and drugs are being managed by the Ministry of Transport.*

Darryn Shaw from Sanford Ltd did not support references to STCW– F in active rules until the convention is ratified and adopted by New Zealand.

Maritime New Zealand response: *All references to STCW-F have been removed from the amendments.*

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board requested that when examinees attend an optometrist the proof of identify requirements be simplified by allowing then to provide suitable photo identification.

Maritime New Zealand response: *The rule requires specified forms of identification to be provided or other satisfactory proof of age and identity. This allows flexibility as to what forms of identification are acceptable and is similar to the request. MNZ will provide guidance through the Advisory Circular.*

Definitions

New Zealand Association of Optometrists Inc, the Optometrists and Dispensing Opticians Board and Peter Grimmer requested that the definition of 'registered optometrist' be amended to require a current Annual Practising Certificate.

Maritime New Zealand response: *This is accepted and the definition amended*.

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board requested that the definition of 'approved medical practitioner, be amended to include 'approved by the Director.'

Maritime New Zealand response: *This is accepted and the definition amended*

Peter Grimmer suggests that if it is the intent of MNZ to ensure that mariners meet specific letter and colour vision standard and that mariner's eyes are free of serious or progressive disease, then the word 'or' in the definition of 'eyesight test' should be substituted with the word 'and.'

Maritime New Zealand response: *As this is the intent of MNZ, the suggestion is accepted and the definition has been amended*.

34.6 Distinction of standards between assessments by approved optometrists and approved medical practitioners

New Zealand Association of Optometrists Inc, the Optometrists and Dispensing Opticians Board and peter Grimmer questioned whether eyesight standards and colour vision standards should differ, depending as to who conducted the assessment (medical practitioner or optometrist).

Maritime New Zealand response: *MNZ agrees that the same standards should apply, regardless as to who conducts the assessment and the rule has been amended accordingly.*

Appendix 5 – General comment

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board suggested that the appendix be re-written with a common purpose as it applies to the vision of masters, mates and deck ratings, and that of engineering officers and ratings, radio officers and electrical or electronic officers. Standards for examination would be the same, whether done by an approved medical practitioner or an approved optometrist.

Maritime New Zealand response: *MNZ accepts that there should be a common purpose and the same standards apply to eyesight and vision testing by approved medical practitioners or approved optometrists.*

Peter Grimmer suggests that all eyesight examinations are better carried out by an approved optometrist than an approved medical practitioner.

Maritime New Zealand response: *Asking examinees to attend both an optometrist and a doctor to gain a certificate of medical fitness in other circumstances (renewal of certificates which cover navigational watchkeeping and engineering certificates) would add significant costs. MNZ believes that eye testing provided by medical practitioners is sufficient for the purposes of the issue of a Certificate of Medical Fitness, with medical practitioners able to refer examinees to approved optometrists, if they believe an in-depth eye examination is required. For seafarers who undertake navigational watches the initial eye examination for certificates of competency is conducted by an approved optometrist.*

Appendix 5 (4)(4) Assessment of eyes for serious or progressive eye disease

Roger Apperley welcomes this clause. He notes that costs to applicants will increase, as at present approved optometrists only assess visual acuity and colour perception. The benefits to the applicant of having eye health assessed will more than justify increased costs.

Maritime New Zealand response:

This requirement brings the coverage of eye examination for optometrists in line with that of approved medical practitioners who are required to give consideration to 'progressive pathological conditions.' As specialists in eye health optometrists may be able to provide, on average, a better assessment of eye health than approved medical practitioners.

Requirements for medical standards as part of STCW have been changed (which take effect on 1 January 2012) to include a declaration that the seafarer is free of any disease likely to be aggravated by service at sea or to render the seafarer unfit for such service. Associated guidance material makes it clear that this includes requiring a seafarers eyes to be free of permanent or progressing pathology.

Appendix 5 Visual acuity standards

Roger Apperley welcomes the new requirement to assess near visual acuity, as this will improve chart reading, for instance.

Maritime New Zealand response: *This requirement brings the coverage of eye examination for optometrists in line with that of approved medical practitioners who are required to assess both far and near visual acuity.*

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board submitted that the specification of 120 degree horizontal fields only is insufficient.

Maritime New Zealand response: *MNZ has subsequently become aware that the international standard has remained as 'normal visual fields' for deck officers and ratings required to undertake lookout duties and 'sufficient visual fields' for engineering officers and ratings. MNZ has proposed that the wording of the international standard be used in the rule, with advice on what these mean in the Advisory Circular. Professor Jacobs of the University of Auckland has advised MNZ that while 140 degrees is a higher standard, it is not, in practice, significantly different from 120 degrees. Given the potential of a 140 degree standard to impact adversely on employment opportunities, the 120 degrees specification for horizontal visual fields will be recommended in the Advisory Circular.*

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board submitted that the relaxation of visual acuity standards for those not required to undertake bridge watchkeeping and lookout duties to 6/15 may need some

justification as 6/12 is required for driving and even 6/12 would be a low visual ability in adverse conditions such as a fire in the engine room.

Maritime New Zealand response: *The revised STCW requirement is for a minimum standard of 6/15 for seafarers who undertake an engineering watch . MNZ will retain the 6/15 standard.*

Optometrists and Dispensing Opticians Board submitted that where an examinee fails to meet standards the requirement for an immediate re-test be clarified.

Maritime New Zealand response: *MNZ agrees and the requirement is now to re-test 'as soon as practicable.'*

Optometrists and Dispensing Opticians Board stated that visual acuity standards in s14 (4) should be specified as **at least** 6/6 or 6/12.

Maritime New Zealand response: *MNZ agrees with the submission*.

Appendix 5 (16) Validity of colour vision tests

New Zealand Association of Optometrists Inc, the Optometrists and Dispensing Opticians Board, Peter Grimmer, Roger Apperley and Ross Taylor argued that there is no justification for an age distinction for the validity of colour vision tests results. They also argue that while changes in colour vision are rare, they are associated with some forms of serious or progressive eye pathology.

Maritime New Zealand response: *Subsequent to consultation, the medical requirements under STCW have been amended to require colour vision tests every six years, with this being mandatory from 1 January 2012. MNZ has recommended this provision be adopted in this rule amendment, as it addresses the concerns expressed in submissions.*

Appendix 5 (19) Conduct of the Ishihara Plate Test

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board reported a study that two or fewer errors on the Ishihara plate test provides acceptable evidence of normal colour vision.

Maritime New Zealand response: *MNZ, in discussion with the submitters, agrees that one error is acceptable.*

Appendix 5 The lantern test

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board stated that there are a limited number of practitioners who have a Holmes Wright Type B lantern and that it is no longer available for purchase. Additionally, replacement bulbs are hard to find. Consideration should be given to an alternative test.

Maritime New Zealand response: *MNZ is aware of the limited number of Holmes Wright Type B lanterns. Provision has been made in the rule for the use of any other colour vision test, where the Director is satisfied that an equivalent standard is achieved*. *MNZ is following development in this area in other countries.*

Roger Apperley commented that three complete circuits of the lantern test are sufficient, rather than four as proposed in the draft rule.

Maritime New Zealand response: *MNZ discussed this with New Zealand Association of Optometrists Inc, the Optometrists and Dispensing Opticians Board, Peter Grimmer and its principal medical advisor and has amended the requirement to be three circuits of the lantern test.*

Appendix 5 Part 2 table A – Farnsworth D15 test

New Zealand Association of Optometrists Inc and the Optometrists and Dispensing Opticians Board commented that the test should be specified as saturated or unsaturated.

Maritime New Zealand response: *The specification has been changed to saturated Farnsworth D15 test.*

Medical Standards Appendix 1 – addition of sleep disorders to the schedule

The Medical Council of New Zealand supports the proposal and has offered to host advise on its website.

Maritime New Zealand response: *MNZ thanks the Medical Council and will discuss advice for doctors with it.*

Dr John Cantillon commented that as most seafarers are unknown patients it is impossible to identify sleep-related problems unless told, and subsequently the amendment would not make any practical difference. He suggested that employers could provide an annual report on issues such as sleep, alcohol and drugs and depression.

Maritime New Zealand response: *While MNZ agrees that it can be difficult for a medical practitioner to identify sleep problems, it would not be appropriate for this type of information to be provided from an employer. MNZ will provide advice to approved medical practitioners on the identification of sleep disorders.*