

Secondary Legislation



MARITIME TRANSPORT ACT 1994

MARITIME RULES AMENDMENTS 2025

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994 I, James Meager, Associate Minister of Transport, having had regard to the criteria for making Maritime Rules in section 39(2) of the Maritime Transport Act 1994, hereby make the following Maritime Rules.

Signed at Wellington

This *20* day of *March* 2025

By Hon JAMES MEAGER


Associate Minister of Transport

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Objective

The objective of the Maritime Rules Amendments 2025 is to amend Maritime Rules Parts 19, 20, 31, 32, 34, 35, 40A, 40C, 40D, 40E, and 82 to make changes to Seacert and non-commercial use of commercial ships, and to make corrections to the maritime rules.

Seacert

The objective of the Maritime Rules Amendments 2025 relating to Seacert is to update Maritime Rules Parts 31 and 32 to:

- facilitate entry to the sector for maritime workers
- make a number of other changes to address regulatory and system issues.

These objectives will be met through introducing the new Skipper two nautical mile certificate and a further option to fulfil sea service for the Skipper Restricted Limits endorsed to 500 GT.

Non-commercial use of commercial ships

The objective of the Maritime Rules Amendments 2025 relating to non-commercial use of commercial ships is to update Maritime Rules Parts 19, 20, 31, 32, 40A, 40C, 40D, 40E, and 82 to set out requirements for the non-commercial use of a commercial ship, ensure consistency, and clarify provisions that do not apply during non-commercial use.

Minor and technical changes

The objective of the Maritime Rules Amendments 2025 is also to make minor corrections or other amendments to clarify or update rules in Parts 19, 20, 31, 32, 34, 35, and 82.

The authority for making Maritime Rules Regulatory Amendment Package 2025 is found in sections 34 and 36 of the Maritime Transport Act 1994, including sections 34(1)(c) and (2), and sections 36(1)(a), (j), (k), (n), (o), (p), (za), and (zb).

Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.

Extent of consultation

Formal consultation on the Proposed Regulatory Amendments Package (RAP1) Maritime Rules Amendments 2024 (from which this Maritime Rules Amendments 2025 was developed) began on 4 October 2024 and concluded on 15 November 2024. The public were invited to comment on the draft rules via notification on the Maritime New Zealand website. A notice was also published in the *Gazette*. Copies of the draft rules were made publicly available during the consultation. A summary of consultation is provided at the end of these rules.

Entry into force

The Maritime Rules Amendments 2025 comes into force as follows:

- (a) except for the amendment rules referred to in paragraphs (b) and (c), these rules come into force on **21 April 2025**:
- (b) the following amendment rules come into force on **1 September 2025**:
 - (i) amendment subrules 13(2)(b) and (d):
 - (ii) amendment rule 15:
 - (iii) amendment subrule 30(b):
 - (iv) amendment subrule 31(2)(b):
 - (v) amendment subrule 34(b):
 - (vi) amendment subrule 35(2)(b):
 - (vii) amendment subrule 39(f):
 - (viii) amendment rule 41:
 - (ix) amendment rule 45:
- (c) amendment subrule 54(2) comes into force on **1 December 2025**.

Part 19: Maritime Transport Operator – Certification and Responsibilities

1 Rule 19.1 Application

In rule 19.1, replace subrule (2) with the following:

“(2) This Part applies to the non-commercial use of a commercial ship to the extent provided for in rule 19.4.”.

2 Rule 19.2 Definitions (including alphabetising “category”)

In rule 19.2,—

- (a) place the existing defined terms in the appropriate alphabetical order; and
- (b) in the definition of “maritime transport operation”, after paragraph (a)(viii), insert paragraph (ix) as follows:
 - “(ix) it is being used for the purpose of sea trials before the Certificate of Survey is issued for the ship:”; and
- (c) insert, in the appropriate alphabetical order, the following definition:

“New Zealand waters means—

 - (a) the territorial sea of New Zealand; and
 - (b) the internal waters of New Zealand; and
 - (c) all rivers and other inland waters of New Zealand:”; and
- (d) in the definition of “non-commercial use”—
 - (i) replace “hire and reward” with “hire or reward”; and
 - (ii) delete “relocation, sea trials, or”; and
- (e) insert, in the appropriate alphabetical order, the following definition:

“personal flotation device—

 - (a) within New Zealand waters, has the meaning set out in rule 91.2 of Part 91; and
 - (b) in any other case, means a device that meets the standards for type 401 or 402 in New Zealand Standard NZS 5823:1989, NZS 5823:2001, or NZS 5823: 2005, or a lifejacket that meets the standards in rule 42A.18 of Part 42A:”.

3 New rule 19.4

After rule 19.3, insert the following rule 19.4:

“19.4 Non-commercial use of a commercial ship

- (1) This rule 19.4 applies to the owner and the maritime transport operator of a ship that is engaged in the non-commercial use of that ship.
- (2) Where a ship in a maritime transport operation is engaged in non-commercial use, rules 19.62(1), 19.62(2)(b)(ii), and 19.62(3)(c) do not apply to that ship’s non-commercial use, during the period of that use.
- (3) The owner or the maritime transport operator, or both, as applicable, must ensure that the non-commercial use of the ship is conducted in accordance with the applicable rules in this Part, including the safe operating procedures applicable to the operation.
- (4) The owner or the maritime transport operator, or both, as applicable, must ensure that, during the non-commercial use of the ship, any powered equipment, lifting equipment, and any other machinery on board the ship that could pose a danger to passengers or other persons on board is secured or isolated from those passengers and persons.
- (5) The owner or the maritime transport operator, or both, as applicable, must ensure that, during the non-commercial use of the ship,—

- (a) the ship's wake does not cause unnecessary danger or risk of damage to other ships or structures, or of harm to other persons; and
 - (b) in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies, or other situations cause danger or a risk to the safety of persons on board, every person on board wears a properly secured personal flotation device of an appropriate size for that person.
- (6) The owner and the maritime transport operator must ensure that the safe operating procedures referred to in clause 1.4 of the Appendix, relating to the non-commercial use of a ship, includes details of provisioning for the following, where appropriate:
- (a) up to date charts and nautical publications relevant to the areas covered by the proposed voyage:
 - (b) how the ship is crewed and the crew's skill and experience requirements to ensure sufficient crew and sufficient qualified crew are carried on board to operate the ship safely, taking into account the assessment criteria in rule 31.21 of Part 31:
 - (c) any circumstances where the scope of certification of the ship will be exceeded:
 - (d) lifesaving appliances, firefighting appliances, communications and distress signalling equipment, and navigational equipment that are appropriate to the area and circumstances of the intended operation:
- (7) The owner or the maritime transport operator, or both, as applicable, must ensure the non-commercial use of any ship is exclusively for the purpose of the owner's or maritime transport operator's pleasure, and is conducted as a discrete voyage that is separate to and independent of any other use of that ship.
- (8) The owner or the maritime transport operator, or both, as applicable, must ensure that, during the non-commercial use of any ship, the maximum cargo capacity, and maximum number of people on board assigned to that ship in its scope of certification is not exceeded.
- (9) Other than for those elements of the scope of certification that are not permitted to be exceeded under subrule (8), a ship may be operated outside its scope of certification, during its non-commercial use, to the extent permitted in the relevant safe operating procedures applicable to the operation and in accordance with this rule 19.4.”.

4 Rule 19.64 Validity of Certificate of Survey

In rule 19.64, in subrule (d), before “the ship is operated”, insert “except as otherwise expressly permitted to operate outside the scope of certification of the ship under maritime rules,”.

5 Rule 19.65 Display of Certificate of Survey

In rule 19.65,—

- (a) in subrule (a), after “maritime transport operation,”, insert “except a ship during its non-commercial use,”; and
- (b) in subrule (b), after “maritime transport operation,”, insert “or for a ship of any length during its non-commercial use,”.

Part 20: Operating Limits

6 Part objective of Part 20

In the Part objective of Part 20,—

- (a) in the penultimate paragraph, remove the open bracket (“(“ before “(zb)”; and
- (b) replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

7 Rule 20.2 Operating limits defined

In rule 20.2, in the definition of “low-water mark”,—

- (a) delete “same”; and
- (b) replace “as” with “set out”; and
- (c) after “Zone” insert “Act”.

8 Rule 20.4 Other definitions

In rule 20.4, in the appropriate alphabetical order, insert the following definition:

“**non-commercial use** has the meaning set out in rule 19.2 of Part 19.”.

9 Rule 20.21 Requirement to operate within lesser of operating limits assigned to ship or operating limits that apply to Master

In rule 20.21, after “20.43,”, insert “or during the period of non-commercial use in accordance with rule 19.4 of Part 19,”.

10 Rule 20.43 Permission for a single voyage outside restricted or coastal limits

- (1) In rule 20.43(1)(a),—
 - (a) before “by a ship”, insert “within coastal limits”; and
 - (b) delete “, for a voyage to be made within coastal limits”.
- (2) In rule 20.43(1)(b),—
 - (a) before “by a ship”, insert “within offshore limits”; and
 - (b) delete “, for a voyage to be made within offshore limits”.
- (3) In rule 20.43(2)(b),—
 - (a) after “the voyage is”, insert “not for hire or reward and is”; and
 - (b) in subrule (ii), after “drydocking”, insert a comma (“,”); and
 - (c) in subrule (ii), delete “, trials or tests”; and
 - (d) in subrule (iii),—
 - (i) after “repositioning”, insert “of a ship referred to in subrule (1)”; and
 - (ii) after “restricted limits”, insert “or between different coastal limits”; and
 - (e) delete subrule (iv).

Part 31: Crewing and Watchkeeping

11 Part objective of Part 31

In the Part objective of Part 31,—

- (a) in the penultimate paragraph, after “(za)”, insert a comma (“,”); and
- (b) replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

12 31.1 Application

In rule 31.1(2)—

- (a) at the end of subrule (h), replace the full stop (“.”) with “; or”; and
- (b) after subrule (h), insert subrule (i) as follows:

“(i) a relocation operation.”.

13 Rule 31.2 Definitions

- (1) In rule 31.2, replace the definition of “non-commercial use” with the following:

“**non-commercial use** has the meaning set out in rule 19.2 of Part 19:”.

- (2) In rule 31.2, in the appropriate alphabetical order, insert the following definitions:

- (a) “**complement**, in relation to minimum complement, means the crew or the master or both:”.

- (b) “**low-water mark** has the meaning set out in section 2 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:”.

- (c) “**relocation operation** means the operation of a commercial ship for the purpose of its relocation, where the operation—

- (a) is not for hire or reward; and

- (b) is exclusively for the purpose of relocation of that ship and is conducted as a discrete voyage that is separate to and independent of any other use of that ship:”.

- (d) “**shoreline** means—

- (a) the low-water mark along the coast of the North Island, the South Island, Stewart Island / Rakiura and the islands of the Chatham Islands group; and

- (b) the land along the edge of a lake or other large body of water at its lowest ebb:”.

14 Rule 31.3 Abbreviations of names of certificates

In rule 31.3, in the chapeau, replace “32.03” with “32.3”.

15 Part 31 Table 1 Abbreviations of names of certificates and other details

In Part 31, in Table 1, in the appropriate alphabetical order, insert a new row with two columns as follows:

S2NM	Skipper two nautical miles
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16 Part 31 Table 4 Unlimited area – Rule 31.43(2) (applies up to December 31 2016 only)

In Part 31, in Table 4,—

- (a) in the 1st row, in the 3rd column, replace “crew” with “complement”; and
- (b) in the 2nd row, in the first column, replace “less” with “fewer”; and
- (c) in the 2nd row, in the 3rd column, replace “crew” with “complement”.

17 Part 31 Table 5 Coastal and offshore limits – Navigational watchkeeping

In Part 31, in Table 5, in the last row, in the 1st column, before “24 m”, delete duplicate “of”.

18 Rule 31.60 Application

In rule 31.60, after “24 metres”, insert “in”.

19 Part 31 Table 7 Crewing for fishing vessels – Unlimited area

In Part 31, in Table 7, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

20 Footnote under Table 7 and flow diagram

In Part 31, in the footnote under Table 7 and the flow diagram, replace “ships” with “vessels”.

21 Part 31 Table 8 Crewing for fishing vessels – Offshore limits

In Part 31, in Table 8, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

22 Part 31 Table 9 Crewing for fishing ships – Beyond inshore fishing limits but within coastal limits

- (1) In Part 31, in the title of Table 9, replace “ships” with “vessels”.
- (2) In Table 9, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

23 Rule 31.80 Application

In rule 31.80(1),—

- (a) between subrules (a) and (c), insert subrule (b) as follows:
“(b) *reserved*”; and
- (b) in subrule (c), after “enclosed”, insert “water”.

24 Rule 31.82 Requirement to operate under Minimum Safe Crewing Document for some ships

In rule 31.82(2)(a), replace “24m” with “24 metres in”.

25 Rule 31.84 Minimum crewing requirements for other ships

In rule 31.84(4),—

- (a) in subrule (c), after “24 metres”, insert “in”; and
- (b) in subrule (c), after “Table 12”, replace the full stop (“.”) with “; and”; and
- (c) in subrule (d), after “24 metres”, insert “in”.

26 Part 31 Table 10 Crewing for Passenger ships – Inshore Limits

In Part 31, in Table 10, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

27 Part 31 Table 11 Crewing for Passenger ships – Enclosed Water Limits

In Part 31, in Table 11, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

28 Part 31 Table 12 Crewing for non-passenger ships – Offshore limits

In Part 31, in Table 12, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

29 Part 31 Table 13 Crewing for non-passenger ships – Coastal limits

- (1) In Part 31, in the heading of Table 13, remove the tab-space between “13” and “Crewing”.
- (2) In Part 31, in Table 13, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

30 Part 31 Table 14 Crewing for non-passenger ships – Inshore Limits

In Part 31, in Table 14,—

- (a) in the row of headings above the 1st row, in the last column, replace “crew” with “complement”; and
- (b) under the last row, insert a new row with columns that align with the row above, and insert the following text in the new columns:

Less than 6 m operating within 2 nautical miles of the shoreline within inshore limits	Master	S2NM	1
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31 Part 31 Table 15 Table 15 Crewing for non-passenger ships – Enclosed Limits

- (1) In Part 31, in the title of Table 15, after “Enclosed”, insert “Water”.
- (2) In Part 31, in Table 15,—
 - (a) in the row of headings above the 1st row, in the last column, replace “crew” with “complement”; and
 - (b) under the last row, insert a new row with columns that align with the row above, and insert the following text in the new columns:

Less than 6 m operating within 2 nautical miles of the shoreline within enclosed water limits	Master	S2NM	1
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32 Part 31 Table 16 Crewing for fishing vessels – Offshore limits

In Part 31, in Table 16, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

33 Part 31 Table 17 Crewing for fishing vessels – Beyond inshore fishing limit but within coastal limits

In Part 31, in Table 17, in the row of headings above the 1st row, in the last column, replace “crew” with “complement”.

34 Part 31 Table 18 Crewing for fishing vessels – Inshore limits and Inshore fishing limits

In Part 31, in Table 18,—

- (a) in the row of headings above the 1st row, in the last column, replace “crew” with “complement”; and
- (b) under the last row, insert a new row with columns that align with the row above, and insert the following text in the new columns:

Less than 6 m operating within 2 nautical miles of the shoreline	Master	S2NM	1
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35 Part 31 Table 19 Crewing for fishing vessels – Enclosed limits

- (1) In Part 31, in the title of Table 19, after “Enclosed”, insert “Water”.
- (2) In Part 31, in Table 19,—
 - (a) in the row of headings above the 1st row, in the last column, replace “crew” with “complement”; and
 - (b) under the last row, insert a new row with columns that align with the row above, and insert the following text in the new columns:

Less than 6 m operating within 2 nautical miles of the shoreline within enclosed water limits	Master	S2NM	1
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36 Rule 31.100 Crewing requirements that may be fulfilled by certificates issued under former Part 32 or legacy certificates, specified certificates, or ring-fenced certificates until relevant end date

In rule 31.100(2), at the end of subrule (b), insert a full stop (“.”).

Part 32: Seafarer Certification

37 Part objective of Part 32

In the Part objective of Part 32,—

- (a) in the penultimate paragraph, after “(za)”, insert a comma (“,”); and
- (b) replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

38 Rule 32.01 Application

In rule 32.01, in the heading, replace the rule number “32.01” with “32.1”.

39 Rule 32.02 Definitions

In rule 32.02,—

- (a) in the heading, replace the rule number “32.02” with “32.2”.
- (b) in the definition of “certificate of competency”, replace “32.03” with “32.3”; and
- (c) in the definition of “certificate of proficiency”, replace “32.03” with “32.3”; and
- (d) in the definition of “officer”, replace “32.03” with “32.3”; and
- (e) in the definition of “relevant training”, in paragraph (a)(i)(B), replace “32.04” with “32.4”.
- (f) in the appropriate alphabetical order, insert the following definitions:
 - (i) “**daylight hours** means the hours between sunrise and sunset:”.
 - (ii) “**low-water mark** has the meaning set out in section 2 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:”.
 - (iii) “**shoreline** means—
 - (a) the low-water mark along the coast of the North Island, the South Island, Stewart Island / Rakiura and the islands of the Chatham Islands group; and
 - (b) the land along the edge of a lake or other large body of water at its lowest ebb:”.

40 Rule 32.03 Alphabetical table of abbreviations and further details relating to certificates

In rule 32.03, in the heading, replace the rule number “32.03” with “32.3”.

41 Part 32 Table 1 Table of abbreviations and further details relating to certificates

In Part 32, in Table 1, in the appropriate alphabetical order, insert a new row with columns as follows:

S2NM	Skipper two nautical miles	CoC	Master	32.41A	32.41B	National
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42 Rule 32.04 Director’s determination in respect of training for national award

In rule 32.04, in the heading, replace the rule number “32.04” with “32.4”.

43 32.10 Requirement to hold certificate and associated endorsements

In rule 32.10(2)—

- (a) at the end of subrule (d), replace the full stop (“.”) with “; or”; and
- (b) after subrule (d), insert subrules (e) and (f) as follows:
 - “(e) is acting as master or a crew member on a ship during a period of non-commercial use in accordance with rule 19.4 of Part 19; or
 - (f) is acting as master or a crew member on a ship during a relocation operation as defined in rule 31.2 of Part 31.”.

44 Rule 32.20 Renewal of certificates

In rule 32.20(6), replace “the unlimited” with “any operating”.

45 New rules 32.41A and 32.41B

After rule 32.41, insert the following rules 32.41A and 32.41B as follows

“32.41A Skipper two nautical miles

This is a certificate of competency to which the requirements in the following table apply in accordance with rule 32.12.

Table 2A Table of requirements for S2NM

1	Age	is at least 18 years of age.
2	Prior certification	none.
3	Medical and eyesight	demonstrates the applicable requirements of Part 34.
4	Competency and training standard	meets the following competencies: <ul style="list-style-type: none"> (a) safe navigation and use of electronic navigational systems: (b) management of the vessel and operation of its propulsion: (c) knowledge of the legal requirements for operating a vessel: (d) management of emergency situations.
5	Sea service	100 hours of self-declared sea service on any vessel or have equivalent experience operating a vessel.
6	Training	successfully completes relevant training.
7	Examinations	passes any examinations that the Director may require for S2NM.
8	Ancillaries and GMDSS	demonstrates the following ancillary proficiencies in accordance with rule 32.16: <ul style="list-style-type: none"> (a) first aid: (b) RROC.

32.41B Privileges of Skipper two nautical miles

The privileges of a certificate of competency as Skipper two nautical miles are to perform the functions and duties of a master on a non-passenger ship or a fishing vessel or a fishing ship, of less than 6 metres in length, that is operated within 2 nautical miles of the shoreline—

- (a) carrying 6 persons or fewer, during daylight hours; or
- (b) carrying no other persons, during any hours.”.

46 Rule 32.43 Privileges of Skipper restricted limits

In rule 32.43,—

- (a) in subrule (a), after “12 metres”, insert “in”; and
- (b) in subrule (b), after “12 metres”, insert “in”; and
- (c) after “inshore”, insert a comma (“,”).

47 Rule 32.45 Privileges of Skipper coastal/offshore

In rule 32.45,—

- (a) after “coastal”, insert a comma (“,”); and
- (b) after “24 metres”, insert “in”.

48 Rule 32.47 Privileges of Master yacht less than 24m

In rule 32.47,—

- (a) replace “24m” with “24 metres in length”; and
- (b) replace “in restricted,” with “carrying 19 passengers or less within restricted limits and 12 passengers or less within”.

49 Rule 32.49 Privileges of Marine engineer class 6

In rule 32.49,—

- (a) in subrule (a), after “fishing, passenger”, insert a comma (“,”); and
- (b) in subrule (b), replace “less” with “fewer”; and
- (c) in subrule (c), after “24 metres”, insert “in”; and
- (d) in subrule (d), replace “the unlimited” with “any operating”; and
- (e) in subrule (e), after “24 metres”, insert “in”; and
- (f) in subrule (e), replace “less” with “fewer”.

50 Rule 32.51 Privileges of Marine engineer class 5

In rule 32.51(1),—

- (a) in subrule (a), after “24 metres”, insert “in”; and
- (b) in subrule (b), replace “less” with “fewer”; and
- (c) in subrule (c), after “24 metres”, insert “in”; and
- (d) in subrule (f), replace “less” with “fewer”.

51 Part 32 Table 9 Table of requirements for Marine engineer class 5 - motor and steam

In Part 32, in Table 9, above the 1st row, insert a row with 3 columns aligning with the row below it, as follows:

1A	Age	is at least 18 years of age.
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52 Rule 32.57 Privileges of Marine engineer class 4

In rule 32.57(1),—

- (a) in subrule (a), after “24 metres”, insert “in”; and
- (b) in subrule (c), replace “the unlimited” with “any operating”; and
- (c) in subrule (d), replace “the unlimited” with “any operating”.

53 Rule 32.61 Skipper restricted limits endorsed to 24 metres

In rule 32.61(1),—

- (a) in subrule (a), after “24 metres”, insert “in”; and
- (b) in subrule (b), after “24 metres”, insert “in”; and
- (c) in subrule (b), after “inshore”, insert a comma (“,”); and
- (d) in subrule (d), after “24 metres”, insert “in”.

54 Rule 32.62 Skipper restricted limits endorsed to 500 GT

(1) In rule 32.62(1),—

- (a) in subrule (b), after “inshore” insert a comma (“,”); and
- (b) in subrule (c), after “24 metres”, insert “in”.

(2) In rule 32.62(2),—

- (a) replace subrule (a) with the following:

“(a) completed approved sea service—

- (i) of no less than 12 months within 5 years preceding the date of the application on ships of 12 metres in length or more while holding a current certificate of competency as Skipper restricted limits endorsed to 24 metres, or equivalent, that has included the completion of an approved training record book while on board a ship; or
- (ii) of no less than 18 months in command of commercial ships of 12 metres in length or more, that has included the completion of an approved training record book while on board a ship; and”;

- (b) in subrule (b), after “assessment”, insert “or examination”.

55 Rule 32.67 Specified activity endorsement

In rule 32.67(4)(d), after “24 metres”, insert “in”.

56 Part 32 Table 17 Table of requirements for Watchkeeper deck <500GT NC

In Part 32, in Table 17, in row number 5, in the 3rd column,—

- (a) in paragraph (a), after “12 metres”, insert “in”; and
- (b) in paragraph (b)(i), after “12 metres”, insert “in”.

57 Part 32 Table 19 Table of requirements for Master<500GT

In Part 32, in Table 19, in row number 4, in the 3rd column,—

- (a) in paragraph (a), after “24 metres”, insert “in”; and
- (b) in paragraph (b), after “24 metres”, insert “in”.

58 Part 32 Table 25 Table of requirements for Chief mate yacht

In Part 32, in Table 25, in row number 5, in the 3rd column, in paragraph (a)(ii), after “12 metres”, insert “in”.

59 Rule 32.109 Privileges of Chief mate yacht

In rule 32.109, delete “of less than 3000GT”.

60 Part 32 Table 27 Table of requirements for Master yacht

In Part 32, in Table 27, in row number 4, in the 3rd column,—

- (a) in paragraph (a)(ii)(A), after “24 metres”, insert “in”; and
- (b) in paragraph (b)(ii)(A), after “24 metres”, insert “in”.

61 Rule 32.153 Privileges of Mate fishing vessel – limited

In rule 32.153(b), replace “unlimited waters” with “any operating area”.

62 Part 32 Table 40 Table of requirements for SFV

In Part 32, in Table 40, in row number 4, in the 3rd column, after “12 metres”, insert “in”.

63 Rule 32.155 Privileges of Skipper fishing vessel – limited

In rule 32.155,—

(a) in subrule (a), after “45 metres”, insert “in”; and

(b) in subrule (b), after “24 metres”, insert “in”.

64 Rule 32.211 Transition of Marine Engineer Class 6 who has approved sea service as a second engineer on fishing ships of over 750 kW in the unlimited area

In rule 32.211(2), replace “the unlimited” with “any operating”.

Part 34: Medical Standards

65 Part objective of Part 34

In the Part objective of Part 34, replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

66 Rule 34.2 Definitions

In rule 34.2,—

- (a) in the definition of “national deck certificate”, replace “32.03” with “32.3”; and
- (b) in the definition of “national engineering certificate”, replace “32.03” with “32.3”; and
- (c) in the definition of “STCW deck certificate”, replace “32.03” with “32.3”.

Part 35: Approval of Training for Purposes of Part 32, Assessments and Examinations, and Industry Specific Certificates

67 Part objective of Part 35

In the Part objective of Part 35,

- (a) in the penultimate paragraph, after “(za)”, insert a comma (“,”); and
- (b) replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

68 Rule 35.12 Limitation on approval of training

In rule 35.12(1)(b), replace “32.04” with “32.4”.

Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships

69 Rule 40A.3 Application

In rule 40A.3, after subrule (3), insert subrule (4) as follows:

- “(4) To avoid doubt, where a ship is operated outside the operating limits assigned to that ship (non-assigned limits) in accordance with rule 40A.6 or 19.4, this Part does not apply to that ship in respect of the requirements applicable to those non-assigned limits.”.

Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships

70 Rule 40C.3 Application

In rule 40C.3, after subrule (3), insert subrule (4) as follows:

- “(4) To avoid doubt, where a ship is operated outside the operating limits assigned to that ship (non-assigned limits) in accordance with rule 40C.6 or 19.4, this Part does not apply to that ship in respect of the requirements applicable to those non-assigned limits.”.

Part 40D: Design, Construction and Equipment – Fishing Ships

71 Rule 40D.3 Application and compliance

In rule 40D.3, after subrule (4), insert subrule (5) as follows:

- “(5) To avoid doubt, where a ship is operated outside the operating limits assigned to that ship (non-assigned limits) in accordance with rule 40D.6 or 19.4, this Part does not apply to that ship in respect of the requirements applicable to those non-assigned limits.”.

Part 40E: Design, Construction and Equipment – Sailing Ships

72 Rule 40E.3 Application

In rule 40E.3, after subrule (1), insert subrule (2) as follows:

- “(2) To avoid doubt, where a ship is operated outside the operating limits assigned to that ship (non-assigned limits) in accordance with rule 40E.71 or 19.4, this Part does not apply to that ship in respect of the requirements applicable to those non-assigned limits.”.

Part 82: Commercial Jet Boat Operations – River

73 Part objective of Part 82

In the Part objective of Part 82, replace the last paragraph with the following:

“Maritime Rules (rules) are secondary legislation under the Legislation Act 2019. Under that Act, the rules are required to be presented to the House of Representatives. The House may, by resolution, disallow any rule. The Regulations Review Committee is the select committee responsible for examining all secondary legislation and may consider any matter relating to secondary legislation and report on it to the House. Anyone can make a complaint to the Regulations Review Committee about the operation of secondary legislation.”.

74 Rule 82.2 Definitions

In rule 82.2, in the definition of “non-commercial use”,—

- (a) after “means the”, replace “use” with “operation”; and
- (b) after “for a period,” insert “not for hire or reward,”.

The summary of public consultation below does not form part of the rules, but provides details of the consultation undertaken in making the rules.

Summary of public consultation

1. Maritime NZ published a notice of the Minister's intention to make rules in the *New Zealand Gazette* on 4 October 2024 (2024-au5026). Publication coincided with the consultation process commencing. An Invitation to Comment (ITC) document was posted on the Maritime NZ website for a six week period. Information was also posted on the Government consultation website. The consultation closed on 15 November 2024.
2. Sixteen submissions were received from two individuals, one marine pilot, one local authority, six operators, one training organisation, two industry associations and three government agencies. Overall:
 - **Non-commercial use of commercial vessels** – most submitters agreed with the proposed rules changes to reduce regulation of non-commercial use subject to key conditions. One submitter noted ambiguity in the current rules, but disagreed with the proposals to address the issue and considered a legislative change was required. They considered that the definition of a pleasure craft in the Maritime Transport Act 1994 (the Act) should be amended so that non-commercial vessels are deemed to be pleasure craft for the duration of the non-commercial journey. Additionally, the vessel need not comply the Maritime Transport Operator Certificate (MTOC) or the Maritime Transport Operator Plan (MTOPlan).
 - **SEACERT** – most submitters supported the new limited pathway for skilled foreign seafarers to enter the New Zealand domestic sector and the Skipper Two Nautical Mile (S2NM) certificate. Submitters who commented on the amendments to the Skipper Restricted Limits (SRL) endorsed to 500 GT considered that further or other work was required on the endorsement.

Most feedback was on the non-rule proposal to amend the competency framework and training record book (TRB) for the Qualified Deck Crew (QDC) certificate. Submitters disagreed with the proposals. This issue will be dealt separately to the rules process.

Overall comments

3. Two submitters provided overall comments on the proposed changes. These included:
 - One submitter noted that they had no concerns with the proposed changes.
 - One submitter had reservations about the non-commercial use proposals for commercial vessels.

Non-commercial use of commercial vessels

Rule changes to reduce regulation of non-commercial use subject to key conditions

4. Seven submitters commented on the proposal for rule changes to reduce regulation of non-commercial use subject to key conditions.
 - Three submitters agreed with the preferred option. One submitter sought clarification on whether a vessel during a period of non-commercial use could permissibly be provided to a third party of the owner or operator, such as a family member, friend, or other person under the policy wording in 19.4(8) [now rule 19.4(7)] "exclusively for the purpose of the owner's or maritime transport operator's pleasure".
 - One submission raised concerns about whether the new provisions proposed would prohibit 'mixed trips' where commercial and non-commercial/recreation activities are mixed in a single journey.
 - One submitter asked about the application of Health and Safety at Work Act 2015 (HSWA) to a commercial vessel during non-commercial use.

- One submitter noted ambiguity in the current rules, but disagreed with the proposals to address the issue and considered a legislative change would be better. They were concerned with the proposals for change in rule 19.4. They considered that they were in vessels standard operating procedures and were redundant. Specifically, they considered that the definition of a pleasure craft in the Act should be amended so that non-commercial vessels are deemed to be pleasure craft for the duration of the non-commercial journey. Additionally, the vessel need not comply the Maritime Transport Operator Certificate (MTOC) or the Maritime Transport Operator Plan (MTOPL).

New provisions cover risks when operating

5. One submitter raised concerns about the provisions on securing or isolating commercial equipment on board that may pose a danger to passengers or other persons during any period of non-commercial use. The submitter noted that this responsibility of the owner or operator may be covered by existing obligations under HSWA.

Maritime NZ comment

6. We consider that an owner or operator providing their vessel to a third party for non-commercial use is consistent with the policy intent and that any risks would be managed by that owner or operator.
7. Our proposal does not prohibit trips that contain both commercial and non-commercial activities. The proposal is that lesser regulation applies to trips that are non-commercial only. If a trip has a commercial component, then all of the normal existing regulations apply.
8. During a period of non-commercial use, HSWA will generally not apply as no work activity is taking place, however a person conducting a business or undertaking (PCBU) could still be liable under some circumstances. For example, if in the course of normal work activity, regular maintenance is neglected by the PCBU and an incident occurs, even during a period of non-commercial use, that PCBU could be liable if it does not (through action or inaction, as in this case) carry out its primary duty of care.
9. An amendment to the Act is out of scope of this consultation. Maritime NZ considers that the changes to the proposals for non-commercial use will mean that its requirements are not overly onerous.
10. The proposal for securing or isolating equipment aligns with Australia. Maritime NZ considers that this further specification is necessary as during a period of non-commercial use a vessel may have passengers or other persons on board that are not familiar with the reasonably practicable measures under HSWA for safe operating.

Seafarer Certification

Proposal One: Amend the competency framework and the TRB for the QDC Certificate

11. Five submitters commented on the proposal to amend the competency framework and the TRB for the QDC certificate.

Shortages of QDC certificate holders

12. Four submitters commented that they had seen no shortages in the supply of QDC certificate holders. Two submitters provided further comment:
 - One submitter noted serious culture and wage level issues in the maritime sector and that it was hard to get training signed off on.
 - One submitter noted that if new employees do not have a QDC certificate then they assist them to gain one. They also noted that it was an accessible certificate that can be delivered internally, the trainee can work on the job, and it introduces them to the maritime system. They also noted its importance in passenger vessel operations because of requirements to it being in Minimum Safe Crewing Document (MSCD) tables.

Financial cost impacts of changing the QDC certificate's competency framework and TRB

13. Four submitters commented on cost impacts of changing the competency framework and TRB for the QDC certificate. Submitter comments included:
- One submitter noted that training providers may lose income. They stated that training providers get funding to deliver a course that only uses the TRB and this was not in the spirit of the training framework.
 - One submitter considered that this was not an issue.
 - One submitter stated that operators would still train seafarers under the current settings for the QDC certificate and therefore there would be no cost savings.
 - One submitter stated it would contribute to a low wage and productivity economy and would not encourage workforce development. They considered that it would lead to employee turnover and an increase of inexperienced seafarers in the industry.
 - One submitter considered that revising the QDC certificate's competency framework and TRB would have no financial impact and that the primary financial implications for seafarer's are from New Zealand Qualification Authority qualification pathways and the Tertiary Education Commission funding framework.

Feedback on the proposed changes to the competency framework and TRB for the QDC

14. Seven submitters commented on the proposed changes to the QDC certificate's competency framework and the TRB. Five submitters did not support the proposed changes. Their individual comments included:
- One submitter was satisfied with current settings and that the competencies were all relevant. They considered that deletions did not suit the QDC certificate's purpose.
 - One submitter commented that the proposal would worsen existing maritime sector issues and would not favour employees. They commented that industry should provide more training opportunities and work to retain skilled seafarers.
 - One submitter consider that the changes were excessive and could impact how QDC-qualified crew are utilized on-board.
 - One submitter supported removing specific tasks such as splicing lines and gave suggestions for alignment with training requirements. The submitter also suggested that:
 - The medical requirements for QDCs should be simplified or eliminated.
 - STCW training courses and adapting Australian training could be useful.
15. One submitter commented that the QDC should be an entry level qualification but there should be two entry points. Either with sea service (allowing support roles to apply) or through study.
16. One submitter suggested changes to the proposed framework including that:
- "Buoyage" be amended to "Identifies lateral and cardinal buoys and explains how to pass correctly"; and
 - "Assisting in the wheelhouse" be amended to "Understands the principles of keeping a safe lookout".

Other impacts, costs, or benefits not noted in the consultation document

17. Three submitters noted other impacts, costs, or benefits. There was no shared themes from their submissions. Comments included:
- One submitter stated that they considered the changes would reduce the requirements for QDC certificates and further training would be required to ensure that they could work at the same level as current holders.

- One submitter stated that some current certificate holders did not understand their role properly.
- One submitter noted differences before and after COVID. Before COVID they had trained QDC certificate holders with an industry training organisation and trained 60 people per year. After COVID, it has been difficult to run the programme.

Further comments

18. Four submitters made further comments on the proposed changes including:

- One submitter noted significant negative workplace culture issues.
- Two submitters offered assistance on amending the QDC certificate's TRB and competency framework.
- One submitter suggested a settings change for MSCDs to say: "QDC or a person who has completed and approved Part 35 QDC". They considered that this would have significant advantages. This includes reducing application costs, processing time, and administration time.
- One submitter suggested that the QDC should be aligned with the MCA Deck rating yacht. If the two frameworks were consistent then this would support seafarers and worker retention. They considered that the word "yacht" should be added into the framework.

Maritime NZ comment

19. Maritime NZ is not proposing changes to the amendment rules. Maritime NZ does note the submitters' concerns about the proposed changes to the QDC framework and TRB and will respond to them outside the rules' process.

Proposal Two: a new limited pathway for skilled foreign seafarers to enter the New Zealand domestic sector

20. Seven submitters commented on a new limited pathway for skilled foreign seafarers to enter the New Zealand domestic sector.

Skill shortages in the New Zealand maritime industry

21. Six submitters commented on skill shortages:

- One submitter noted significant cultural issues in the maritime industry leading to labour shortages.
- One submitter noted skill shortages in general.
- One submitter noted that there were shortages of masters for tourist vessels and particularly the largest vessels.
- One submitter noted that there was anecdotal evidence that foreign seafarers found it difficult to work with Maritime NZ.
- One submitter had noted there were no skill shortages in the New Zealand maritime industry.
- One submitter noted a shortage of STCW qualified seafarers and considered there should be trans-tasman cooperation under the Trans-Tasman Mutual Recognition Agreement. This would encourage free movement of seafarers between countries and as there are similar systems it would be readily accepted and recognised.
- One submitter noted skill shortages across multiple occupations including MEC2 and MEC3 engineering certifications.

Proposed policy change

22. Eight submitters commented on the proposed policy change. Seven were supportive of the proposed policy change and one was opposed. Of the seven submitters that were in support of the proposed policy change, specific comments included:
- One submitter considered that any assessment of participating countries should be assessed by trained persons and education providers with specialist knowledge as they understand New Zealand certificate requirements. They noted that New Zealand would need to get full details of another administration's system.
 - One submitter supported Australian and New Zealand cooperation to ensure valid STCW certification issued by either administration is recognised freely and reciprocated in each country. This would increase the filling of seafarer roles in both jurisdictions.
 - Three submitters noted the importance of foreign seafarers in their operations and larger vessels over a long period. They supported such seafarers being able to gain New Zealand certificates without relying on those from their native country.
 - One submitter supported it on the basis it as implemented as described in the consultation material. The submitter went on to note concerns that it could be used to introduce non-comparable workers to the sector and reduce the bargaining position of New Zealand seafarers.
23. One submitter who was opposed commented that there was a problematic culture in the maritime sector and that should be addressed first before other changes are made.

Impacts, costs, and benefits of the proposal

24. Two certificate holders noted impacts, costs, and benefits from the proposal. These included:
- One submitter noted that foreign certificate holders would not have knowledge of the HSWA or the Maritime Operator Safety System. While these are captured in STCW there is no domestic requirement.
 - One submitter noted concerns that it would lead to seafarers being brought in that do not have equivalent qualifications and requirements would be loosened. This in turn would negatively affect local seafarers and reduce their position.

Further comments

25. Four submitters provided further comments. These included:
- One submitter noted that it would be important for foreign seafarers to be competent if they were in command roles.
 - Three submitters requested that Ukraine was a recognised administration.

Maritime NZ comment

26. Maritime NZ notes submitters' responses on the proposal. Maritime NZ will update the maritime sector on progress as the pathway is developed. There are no changes to the amendment rules proposed.

Proposal Three: Skipper Two Nautical Miles

Options for the Skipper Two Nautical Miles

27. Six submitters commented on the options for the S2NM as to whether it should be up to 6m in length or up to 12m in length. Three submitters supported the S2NM certificate being for vessels of up to 6m in length, but noted impacts that could occur or considered some changes were needed. These included:
- One submitter considered that it was an accessible qualification and would reduce the need for Part 35 applications. They noted that the up to 12 metres in length option would overlap with the SRL qualification and it was important to maintain its training and qualification requirements. They also noted that a seafarer moving from this certificate to

the SRL should have to complete the SRL TRB. Implementation should be clearly defined in any future rule change.

- One submitter proposed increasing the sea-service requirement for the S2NM certificate.
- One submitter noted that it would fill gap in the framework that did not exist under the previous regime. This option does provide more privileges and associated risk.

28. Other comments included:

- One submitter supported this option noting that it was for the reasons set out in the ITC document.
- One submitter noted that it covered a wide range of vessels and would likely have more uptake. They also noted that concerns around the up to 12m in length option were more to do with vessel type and who might operate such vessels.

29. One submitter supported the S2NM certificate being for vessels up to 12m in length. The submitter also noted they supported an option for a certificate to allow them to operate boats up to 7.5 metres within three nautical miles.

30. One submitter disagreed with the proposed certificate and considered that its intent was to reduce workers' conditions and devalue other certifications. They considered that the Skipper Restricted Limits (SRL) certificate was appropriate for the situations described, not onerous, and the intent was to increase the amount of lower skilled workers in the industry.

Proposed privileges for the certificate

31. Five submitters commented on the proposed privileges for the S2NM certificate. There were no specific themes for the comments on privileges but queries about how and to what extent they should apply. Specific comments on the proposed privileges included:

- One submitter considered that two nautical miles from the coast was too large an operating area for a 6 metre vessel. They considered that one nautical mile, similar to Australian certificate would be safer.
- One submitter queried how the S2NM applied to different varieties of vessels such as novel craft and rental craft or situations such as water events. They considered that water events were unregulated.
- One submitter proposed increasing the sea-time for the S2NM certificate.
- One submitter stated that the certificate should not be progressed.
- One submitter stated there should be no passenger endorsements for the certificate or anything that affects the status of the SRL certificate.

Further impacts, costs, and benefits

32. Two submitters commented on further impacts.

- One submitter considered that existing SRL certificate holders would be disadvantaged by S2NM entering the market and there would be wage reductions. They suggested increasing sea service requirements be increased for the S2NM certificate to 200 hours and for the SRL certificate. They also noted that the S2NM certificate should be specific to the activities stated.
- One submitter stated that the new certificate would lead to low level training, low wages, and low retention. They also considered it would reduce the quality of the maritime work force and public confidence in it.

Further comments

33. One submitter suggested that Maritime NZ consider extending the range of operation to three nautical miles.

Maritime NZ comment

34. Maritime NZ notes submitters' feedback and will progress introducing a new S2NM Certificate for vessels of up to 6 m in length. Maritime NZ proposes to apply the certificate to vessels of up to 6m in length because this size of vessel is consistent with the proposed risk and it fits with the wider SeaCert framework. Maritime NZ considers that this is the most appropriate sized vessel for the new certificate and differentiates it from the existing SRL certificate that is for larger vessels in wider operating areas. Maritime NZ is proposing no changes to rules.

Proposal Four: Amending the Skipper Restricted Limits (SRL) endorsed to 500 GT

35. Three submitters commented on this proposal. One submitter supported the option to amend the Skipper Restricted Limits (SRL) endorsed to 500 GT.
36. Two submitters supported maintaining the status quo. Specific comments included:
- One submitter noted that they considered that the SRL endorsed to 500 GT already had issues and needed refinement to make it fit for purpose. They commented that the tasks underlying the endorsement were multiple topics merged together. This implied to the seafarer that not much needs to be written for the task.
 - One submitter considered that the SRL endorsed to 500 GT should be made available on the Skipper Coastal Offshore (SCO) certificate. The current SCO certificate was not useful with larger vessels. They noted that there were unnecessary costs sitting above the certificate. This change should be available as an extra endorsement.

Maritime NZ comment

37. Maritime NZ notes submitters' comments for the proposal and other queries. Maritime NZ considers that the submitter comments were beyond the scope of possible changes that could be made to the rules. As Maritime NZ was aware that prior to consultation the requirements for the SRL endorsed to 500 GT was an existing issue, no changes were made to the proposed rules.

Minor and technical amendments

38. One submitter commented on the minor and technical rules amendments in relation to the proposed amendment to the privileges of the Chief Mate Yacht certificate to align it with the Master Yacht certificate. They noted that superyachts are defined as starting at 24m or over in length and that they include both sail and powered craft. They considered that this qualification was unnecessary apart for some small sail school companies. They proposed a limit of 200 t and having a Power/ sail option. They suggested consulting the superyacht sector to increase the pool of available seafarers.

Maritime NZ comment

39. Maritime NZ notes that feedback on the usefulness of the certificates. Maritime NZ considers that the proposed change is beyond the scope of a minor and technical amendment. Maritime NZ is proposing no changes to rules.