WELLINGTON NEW ZEALAND

PURSUANT to Section 36 of the Maritime Transport Act 1994

I, MARK JAMES GOSCHE, Minister of Transport,

HEREBY MAKE the following maritime rules.

SIGNED AT Wellington

This 18th day of December 2000

by MARK JAMES GOSCHE

Minister of Transport

Maritime Rules

PART 31C

CREWING AND WATCHKEEPING

FISHING VESSELS
Maritime Rules

Part 31C

Crewing and Watchkeeping

Fishing Vessels
Contents

Part Objective

Extent of Consultation

Commencement

Section 1 - General
31C.1 Entry into Force 1
31C.2 Definitions 1
31C.3 Abbreviations 2
31C.4 Application 3
31C.5 Equivalent Certificates 3
31C.6 Revalidations 6

Section 2 - Minimum Safe Crewing
31C.7 General Requirements 7
31C.8 Minimum Safe Crewing Assessment: 8

Section 3 - Operating Areas
31C.9 Unlimited Area 10
31C.10 Offshore Area 11
31C.11 Coastal Area 12
31C.12 Inshore Area 13
31C.13 Enclosed Area 15

Section 4 - Watchkeeping
31C.14 Fitness for Duty 16
31C.15 Fatigue 16
31C.16 Watchkeeping Standards 16
Part Objective

Part 31C prescribes minimum crew numbers and minimum qualifications for the crew of fishing vessels. It also requires fishing vessels to examine their operations and ensure they are crewed safely in accordance with criteria prescribed in the rules. Part 31C replaces the Shipping (Manning of Fishing Boats) Regulations 1986.

Part 31C introduces new requirements that –

- set guidelines for safe watchkeeping, both at sea and in port, for both deck and engine-room watchkeepers;

- support an awareness of fatigue issues and their countermeasures;

- require deck and engineer watchkeeping officers on fishing vessels operating in the unlimited area to have 5 year currency validations.

Part 31C takes account of STCW-F 95, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.

Authority for making Part 31C is found in section 36(1)(n), (o), (p) and (u) of the Maritime Transport Act 1994.
Extent of Consultation

On 9 September 2000, the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 31C. A notice was also published in the *New Zealand Gazette* on 7 September 2000. Copies of the draft Part 31C and the invitation to comment were then sent to interested parties. Comments on the Part were requested to be made by 1 November 2000, but were accepted until 1 December 2000.

Nineteen submissions were received on Part 31C. All submissions were considered and, where appropriate, the proposed rules were amended to take account of the comments made.
Commencement

Part 31C as amended was referred to and signed by the Minister of Transport.

Part 31C will come into force on 1 February 2001.
Section 1 – General

31C.1 Entry into Force

(1) Except as provided in rules 31C.1(2) to (6), Part 31C comes into force on 1 February 2001.

(2) The requirement in Table 1 for fishing vessel sea service comes into force on 1 February 2002.

(3) The requirement in rule 31C.8(4) for medical training comes into force on 1 February 2002.

(4) The requirement in Table 3 for a second engineer in vessels under 50 metres in length comes into force on 1 February 2003.

(5) The requirements in Tables 5 and 6 for vessels of less than six metres in length come into force on 1 February 2003.

(6) The requirement in rule 31C.7(2) for validation and revalidation of certificates comes into force on 1 February 2003.

31C.2 Definitions

In Part 31C –

“ASHORE OR UNDER WARRANTY” in respect of engine and system maintenance, means carried out with specialist shore support to a standard that the Director considers justifies a reduction of engineer qualification on the vessel for which such support is provided:1

“COASTAL AREA” means within the coastal limits set out in Appendix 2 of Part 20:

“CREW” means the persons employed or engaged in any capacity on board a vessel, including the master, but not including any pilot or any person temporarily employed on the vessel while it is in port:

“DIRECTOR” means the Director of Maritime Safety as defined in the Maritime Transport Act 1994:

1 Guidance on this standard is provided in the Advisory Circular to Part 31C.
"Enclosed area" means the area within –

(a) the enclosed water limits set out in Appendix 1 of Part 20; and

(b) all New Zealand inland waters:

"Fishing vessel" means a vessel that is required to be registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996:

"Inshore area" means within –

(a) the inshore limits set out in Appendix 1 of Part 20; and

(b) any defined section of the coastal area not beyond the territorial sea of New Zealand which has been assigned to that vessel as an inshore limit by a surveyor in accordance with Part 20:

"Length" means length overall as defined in Part 40D:

"Offshore area" means within the offshore limits defined in Part 20:

"Officer" includes the master:

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

"STCW-F certificate" means -

(a) the New Zealand offshore master certificate with STCW-F endorsement; and

(b) the mate of a deep sea fishing vessel certificate; and

(c) the master of a deep sea fishing vessel certificate:

"System" means any system for which an engineer is responsible, other than the main propulsion machinery:

"Unlimited area" means outside the offshore limits defined in Part 20:

"Vessel" means ship as defined in the Maritime Transport Act 1994.

31C.3 Abbreviations

In Part 31C –

"ADHF" means Advanced Deckhand Fishing Endorsement:

"CDSFV" means Master Deep Sea Fishing Vessel:
“ILM” means Inshore Launch Master:

“LLO” means Local Launch Operator:

“MEC 1” means Marine Engineer Class 1:

“MEC2F” means Marine Engineer Class 2 (Fishing):

“MEC 4” means Marine Engineer Class 4:

“MEC 5” means Marine Engineer Class 5:

“MEC 6” means Marine Engineer Class 6:

“MDSFV” means Mate Deep Sea Fishing Vessel:

“NZOM” means New Zealand Offshore Master:

“NZOW” means New Zealand Offshore Watchkeeper.

31C.4 Application

Part 31C applies to any New Zealand fishing vessel.

31C.5 Equivalent Certificates

Where Part 31C requires a person who holds a specific certificate of competency to be carried on board a vessel –

(a) the Director will accept another certificate of competency issued in New Zealand that is specified in Table 1 as being equivalent to that certificate, subject to any applicable conditions specified in Table 1; or

(b) the Director may accept as equivalent to that certificate another certificate of competency not referred to in Table 1, if the Director is satisfied that the requirements to obtain the certificate are not less than those necessary to obtain the certificate required by this Part.
<table>
<thead>
<tr>
<th>Certificate required</th>
<th>Equivalent certificates that are acceptable</th>
<th>Conditions under which equivalents are acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDSFV</td>
<td>Skipper Deep Sea Fishing Boat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master Foreign Going</td>
<td>Must have at least 6 months fishing vessel sea service in a deck capacity, endorsed by the Director on the certificate</td>
</tr>
<tr>
<td></td>
<td>Class 1 Deck Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Mate Foreign Going</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class 2 Deck Officer</td>
<td></td>
</tr>
<tr>
<td>MDSFV</td>
<td>CDSFV or equivalent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mate Deep Sea Fishing Boat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Mate Foreign Going</td>
<td>Must have at least 6 months fishing vessel sea service in a deck capacity, endorsed by the Director on the certificate</td>
</tr>
<tr>
<td></td>
<td>Watchkeeper Foreign Going</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master Home Trade</td>
<td></td>
</tr>
<tr>
<td>NZOM</td>
<td>MDSFV or equivalent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Zealand Coastal Master</td>
<td>Limited to within 100 miles of the coast</td>
</tr>
<tr>
<td></td>
<td>Master Small Home Trade Ship</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Skipper Coastal Fishing Boat</td>
<td></td>
</tr>
<tr>
<td>NZOW</td>
<td>NZOM or equivalent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master River Ship</td>
<td></td>
</tr>
<tr>
<td>ILM</td>
<td>NZOW or equivalent</td>
<td>Must have a maritime engineering qualification issued by the Director, if no other engineer is carried</td>
</tr>
<tr>
<td></td>
<td>Inshore Fishing Skipper</td>
<td>Limited to vessels and areas endorsed on certificate</td>
</tr>
<tr>
<td>Qualification</td>
<td>Requirements</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Master Restricted Limit Launch</td>
<td>Must be endorsed Inshore Fishing Skipper</td>
<td></td>
</tr>
<tr>
<td>Commercial Launch Master</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LLO</td>
<td>ILM or equivalent</td>
<td></td>
</tr>
<tr>
<td>ADHF</td>
<td>Qualified Fishing Deck Hand</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LLO or equivalent but marine engineering qualification not required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Must have at least 3 months fishing vessel sea service in a deck capacity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>outside the inshore area, endorsed by the Director on the certificate, and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>must hold NZQA unit standard 12304 (Seamanship)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Advanced Deckhand</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Integrated Rating</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AB certificate</td>
<td></td>
</tr>
<tr>
<td>MEC2F</td>
<td>MEC 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Class Engineer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Engineer Class 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Class Engineer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Class Diesel Trawler Engineer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Must have at least 6 months service in charge of an engine-room watch on a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>fishing vessel of at least 750 kW propulsive power, endorsed by the Director</td>
<td></td>
</tr>
<tr>
<td></td>
<td>on the certificate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not accepted after 31 January 2005</td>
<td></td>
</tr>
<tr>
<td>MEC 4</td>
<td>MEC2F or equivalent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Class Diesel Trawler Engineer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Class Coastal Motor</td>
<td></td>
</tr>
<tr>
<td>MEC 5</td>
<td>MEC 4 or equivalent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MEC 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Engineer Watchkeeper</td>
<td></td>
</tr>
</tbody>
</table>
31C.6 Revalidations

The Director may validate for a period of up to 5 years a certificate of competency when issuing the certificate, or revalidate a certificate for a period of up to 5 years, if the applicant produces evidence that he or she –

(a) complies with all medical requirements applicable to the certificate; and

(b) has –

(i) in the last five years, completed at least 12 months sea service –

(aa) for a deck officer, in charge of a navigational watch:

(bb) for the holder of MEC 1, as engineer on vessels with a main engine of over 2000 kW:

(cc) for the holder of MEC 2 to 6 inclusive, as engineer on vessels with a main engine of over 750 kW; or

(ii) within the last 12 months, completed at least three months sea service –

(aa) in a capacity stated in rule 31C.5(b)(i); or

(bb) in a lesser capacity than specified in rule 31C.6(b)(i), and has passed a safety oral examination; or
(cc) in a supernumerary capacity; or

(iii) within the last five years, completed at least two and a half years non sea-going service in a position that the Director considers is equivalent to the recent experience prescribed in rule 31C.6(b)(i) or (ii) and is appropriate to the certificate; or

(iv) within the last three months, satisfactorily attended and completed a refresher course that the Director considers is equivalent to the recent experience prescribed in rule 31C.6(b)(i) or (ii); or

(v) within the last 5 years, completed any service or training that the Director considers is equivalent to that prescribed in rule 31C.6(b)(i), (ii), (iii) or (iv).

Section 2 – Minimum Safe Crewing

31C.7 General Requirements

(1) The owner and the master of a fishing vessel must not operate that vessel unless there are on board at least the minimum crew, including crew holding the qualifications –

(a) necessary to operate the vessel safely in accordance with rule 31C.8; and

(b) required by the applicable tables and flow-charts in rules 31C.9 to 31C.13 inclusive.

(2) The owner and the master of a fishing vessel operating in the unlimited area must ensure that the certificates of competency held by the navigation and engineer watchkeeping officers required by rule 31C.7(1)(b) have been validated or revalidated in accordance with rule 31C.6.

(3) If engineer qualifications are required in rules 31C.9 to 31C.13, those qualifications must be for steam or motor as appropriate.

(4) The owner and the master must monitor, on an on-going basis, the effectiveness of the crewing carried to meet rule 31C.7(1) in order to ensure compliance with rule 31C.8.

(5) Where the tables in rules 31C.9 to 31C.13 allow the master, mate or other seafarer to perform the duties of the engineer, the vessel must be fitted with means to allow the main engine to be controlled and monitored from the deck watchkeeping position.
31C.8 Minimum Safe Crewing Assessment

(1) The minimum crew required by rule 31C.7(1)(a) must be sufficient to –

(a) maintain safe navigational, engineering, and radio watches in accordance with
the requirements of this Part and to maintain general surveillance of the vessel;
and

(b) moor and unmoor the vessel safely; and

(c) manage the safety functions of the vessel when employed in a stationary or
near-stationary mode at sea; and

(d) perform operations, as appropriate, for the prevention of damage to the marine
environment; and

(e) maintain the safety arrangements and the cleanliness of all accessible spaces to
minimise the risk of fire; and

(f) provide for medical care on board the vessel; and

(g) conduct all stages of the fishing operation safely; and

(h) inspect and maintain, as appropriate, the structural integrity of the vessel; and

(i) operate all watertight closing arrangements and maintain them in effective
condition and also deploy a competent damage control party; and

(j) operate all on-board fire-fighting and emergency equipment and life-saving
appliances, carry out such maintenance of this equipment as is required to be
done at sea, and muster and disembark all persons on board; and

(k) operate the main propulsion and auxiliary machinery and maintain them in a
safe condition to enable the vessel to overcome the foreseeable perils of the
voyage; and

(l) supply provisions for and prepare nutritious meals on board the vessel.

(2) In applying the requirements of rule 31C.8(1), the owner and the master must take
into account the requirements of the Act and in any maritime rules covering –

(a) watchkeeping; and

(b) fitness for duty; and

(c) safety management; and

(d) certification and licensing of seafarers; and

(e) training of seafarers; and
(f) occupational health, including hygiene; and
(g) crew accommodation.

(3) In applying the requirements of rule 31C.8(1), the owner and the master must take into account the following on board requirements –

(a) on-going training for all crew, including training in the operation and use of fire-fighting and emergency equipment, life-saving appliances and watertight closing arrangements; and

(b) specialised training for particular types of vessels; and

(c) the provision of proper food and drinking water; and

(d) the need to undertake emergency duties and responsibilities; and

(e) the need to provide training opportunities for entrant seafarers to allow them to gain the training and experience needed.

(4) In applying the requirements of rule 31C.8(1)(f), the owner and the master of a fishing vessel must ensure that a sufficient number of seafarers hold first aid or medical training certificates to meet the needs of any reasonably foreseeable medical emergency on board.
Section 3 – Operating Areas

31C.9  Unlimited Area

Fishing vessels operating in the unlimited area must carry at least –

(a) seafarers holding the minimum required qualifications specified in Table 2 and the accompanying flow-chart; and

(b) the applicable minimum crew specified in Table 2.

Table 2

<table>
<thead>
<tr>
<th>Vessel Length</th>
<th>Minimum Required Qualifications</th>
<th>Minimum Crew</th>
</tr>
</thead>
</table>
| 45 m or more           | Master – CDSFV  
First Mate – MDSFV  
Second Mate – NZOW  
Deckhands – 3 x ADHF  
Engineers – in accordance with the flow-chart | 10           |
| 20 m or more but less than 45 m | Master – CDSFV  
Mate – MDSFV  
Deckhand – 2 x ADHF  
Engineers – in accordance with the flow chart and may be Master or other seafarer | 6            |
| Less than 20 m         | Master – CDSFV  
Mate – MDSFV  
Deckhand – ADHF  
Engineers – in accordance with the flow-chart and may be Master or other seafarer | 4            |
31C.10 Offshore Area

Fishing vessels operating in the offshore area must carry at least –

(a) seafarers holding the minimum required qualifications specified in Table 3 and the accompanying flow-chart; and

(b) the applicable minimum crew specified in Table 3.

<table>
<thead>
<tr>
<th>Vessel Length</th>
<th>Minimum Required Qualifications</th>
<th>Minimum Crew</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 m or more</td>
<td>Master - MDSFV endorsed NZOM</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Mate - NZOW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deckhands - 3 x ADHF</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chief Engineer - MEC 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Engineer – in accordance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>with the flow-chart</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineers may be other seafarer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>except Master</td>
<td></td>
</tr>
<tr>
<td>40 m or more</td>
<td>Master – NZOM</td>
<td>6</td>
</tr>
<tr>
<td>less than 50 m</td>
<td>Mate – NZOW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deckhands - 2 x ADHF</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chief Engineer – MEC 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Engineer – in accordance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>with the flow-chart</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineers may be other seafarer</td>
<td></td>
</tr>
<tr>
<td>30 m or more</td>
<td>Master – NZOM</td>
<td>5</td>
</tr>
<tr>
<td>less than 40 m</td>
<td>Mate – NZOW</td>
<td></td>
</tr>
<tr>
<td>20 m or more</td>
<td>Deckhand – ADHF</td>
<td>4</td>
</tr>
<tr>
<td>less than 30 m</td>
<td>Chief Engineer – MEC 4</td>
<td></td>
</tr>
<tr>
<td>Less than 20 m</td>
<td>Second Engineer – in accordance</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>with the flow-chart</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineers may be Master or other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>seafarer</td>
<td></td>
</tr>
<tr>
<td>20 m or more</td>
<td>Master – NZOM</td>
<td></td>
</tr>
<tr>
<td>less than 30 m</td>
<td>MEC 6 and</td>
<td></td>
</tr>
<tr>
<td>and within 100</td>
<td>may be Master or other seafarer</td>
<td></td>
</tr>
<tr>
<td>miles of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>coast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 20 m</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>and within 100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>miles of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>coast</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECOND ENGINEER

Has vessel 4 or more systems?  Is highest powered engine over 750 kW?

Yes  Yes  No

MEC 6  Not required

11
31C.11 Coastal Area

Fishing vessels operating in the coastal area must carry at least –

(a) seafarers holding the minimum required qualifications specified in Table 4 and the accompanying flow-chart; and

(b) the applicable minimum crew specified in Table 4.

<table>
<thead>
<tr>
<th>Vessel Length</th>
<th>Minimum Required Qualifications</th>
<th>Minimum Crew</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 m or more</td>
<td>Master – NZOM</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Mate – NZOW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deckhand – ADHF</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineer - Qualification determined in accordance with the flow-chart</td>
<td></td>
</tr>
<tr>
<td>30 m or more but less than 45 m</td>
<td>Master – NZOM</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Deckhand – ADHF</td>
<td></td>
</tr>
<tr>
<td>20 m and more but less than 30 m</td>
<td>Engineer - Qualification determined in accordance with the flow-chart and may be Master or other seafarer</td>
<td>3</td>
</tr>
<tr>
<td>Less than 20 m</td>
<td>Master – NZOW endorsed ILM</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Engineer – Qualification determined in accordance with the flow-chart and may be Master or other seafarer</td>
<td></td>
</tr>
</tbody>
</table>
31C.12 Inshore Area

(1) Fishing vessels operating in the inshore area must carry at least –

(a) seafarers holding the minimum required qualifications specified in Table 5 and the accompanying flow-chart; and

(b) the applicable minimum crew specified in Table 5.

(2) If the master of a fishing vessel operating within the inshore limits set out in Appendix 1 of Part 20 holds an LLO, the master must ensure that the vessel remains within the nominated parts of the inshore area endorsed on the master’s certificate.

(3) If the master of a fishing vessel operating within any defined section of the coastal area that –

(a) is not beyond the 12 mile territorial sea of New Zealand; and

(b) has been assigned to that vessel as an inshore limit by a surveyor in accordance with Part 20,

holds an LLO, the master must ensure that the vessel remains within the area of operation endorsed on the master’s certificate, provided that the area is within 15 miles of a nominated safe haven and within 4 miles of the coast.
Table 5

<table>
<thead>
<tr>
<th>Vessel Length</th>
<th>Minimum Required Qualifications</th>
<th>Minimum Crew</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 m or more</td>
<td>Master – NZOW endorsed ILM</td>
<td>3</td>
</tr>
<tr>
<td>20 m or more but less than 30 m</td>
<td>Engineer – Qualification determined in accordance with the flow-chart and may be Master or other seafarer</td>
<td>2</td>
</tr>
<tr>
<td>6 m or more but less than 20 m</td>
<td>Master – ILM</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Engineer – Qualification determined in accordance with the flow-chart and may be Master or other seafarer</td>
<td></td>
</tr>
<tr>
<td>Less than 6 m</td>
<td>Master – LLO</td>
<td></td>
</tr>
</tbody>
</table>

![Flowchart Diagram]

- **ENGINEER**
- Is highest powered engine over 750 kW?
  - Yes: MEC 4
  - No: Is vessel over 20 m in length?
    - Yes: Not required
    - No: Has vessel 4 or more systems?
      - Yes: Is highest powered engine over 2000 kW?
        - Yes: MEC 6
        - No: Is engine and system maintenance either carried out ashore or under warranty?
          - Yes: MEC 5
          - No: MEC 4
31C.13 Enclosed Area

Fishing vessels operating in the enclosed area must carry seafarers holding the minimum required qualifications specified in Table 6 and the accompanying flow-chart.

Table 6

<table>
<thead>
<tr>
<th>Vessel Length</th>
<th>Minimum Required Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 m or more</td>
<td>Master – ILM</td>
</tr>
<tr>
<td></td>
<td>Engineer – Qualification determined in accordance with the flow-chart and may be Master or other seafarer</td>
</tr>
<tr>
<td>Less than 6 m</td>
<td>Master – LLO</td>
</tr>
</tbody>
</table>

![Flowchart diagram]
Section 4 – Watchkeeping

31C.14 Fitness for Duty

(1) The owner and the master of a fishing vessel must establish and implement procedures in respect of the vessel’s crew, taking into account the requirement in 31C.15(1), to ensure that all crew are fit for duty when keeping a watch.

(2) The crew of a fishing vessel must ensure, taking into account the requirement in rule 31C.15(2), that they are fit for duty at all times when keeping a watch.

31C.15 Fatigue

(1) When the owner and the master of a fishing vessel establish and implement procedures for ensuring a seafarer’s fitness for duty, they must take into account that –

(a) the level of alertness of a person keeping a navigational or engine-room watch may be affected by fatigue; and

(b) whenever alertness is affected by fatigue, performance can be impaired.

(2) A seafarer on a fishing vessel, when considering his or her fitness for duty, must take into account –

(a) the signs, symptoms, and effects of fatigue; and

(b) that fatigue will affect his or her level of alertness; and

(c) that the performance of any person whose alertness is affected by fatigue can be impaired.

31C.16 Watchkeeping Standards

(1) The owner and the master of a fishing vessel must establish and implement watchkeeping procedures addressing –

(a) for navigational watchkeeping, –

---

2 Guidance on the effects and the signs and symptoms of fatigue is provided in the Advisory Circular to Part 31C.

3 Guidance on watchkeeping procedures is provided in the Advisory Circular to Part 31C.
(i) the composition of the watch; and

(ii) the fitness for duty of watchkeepers; and

(iii) navigation planning and duties; and

(iv) the use of navigational equipment; and

(v) look-out duties; and

(vi) the notification of the master of any change in weather conditions; and

(vii) the protection of the marine environment; and

(viii) navigation with a pilot on board; and

(ix) any characteristics of the fishing vessel that may affect safe navigation; and

(x) keeping an anchor watch; and

(xi) radio watchkeeping; and

(b) for engine-room watchkeeping –

(i) the composition of the watch; and

(ii) taking over the watch; and

(iii) performing the watch; and

(iv) keeping the watch in restricted visibility; and

(v) keeping the watch in congested waters; and

(vi) keeping the watch at anchor.

(2) The crew of a fishing vessel must comply with watchkeeping procedures established under rule 31C.16(1).

(3) The holder of an STCW-F certificate (deck or engineer) must comply with the watchkeeping standards in the draft Document for Guidance on the Training and Certification of Fishing Vessel Personnel produced by the Sub-Committee on Standards of Training and Watchkeeping of the IMO dated 15 July 1999 (STW 31/7) and any amended version of this document adopted by the Maritime Safety Committee of the IMO.

---

*For ease of access, this document is reproduced in the Advisory Circular to Part 31C.*
PART 31C

CREWING AND WATCHKEEPING

FISHING VESSELS

Consultation Details

(This text does not form part of the rules contained in Part 31C. It provides details of the consultation undertaken before making the rules.)

Summary of Consultation

Nineteen organisations and individuals provided submissions on the draft of Part 31C. These were:

Amaltal Fishing Company Limited
Patrick Atwood
F Benzie
Chris Carey
D Couvee
Captain Michael J Halloran
K Jukes
I McLeod
A J Murphy
New Zealand Merchant Service Guild
Once Fishing Services Ltd
Riverton Fishermen’s Association Inc
Sanford Limited
Seafood Industry Training Organisation Vessel Operations Advisory Group
Seafood NZ
John Smallridge
Tuna NZ
L Turner
Whitianga/Coromandel Peninsular Fishers Association
General:

An individual reminded MSA that "all submissions of July and Aug 99 are in your possession" and were assumed to have been referred to and also "that you are aware of the overseas' attempts to bring in these rules and the results".

**MSA response** is to confirm that all developmental information on the present project, including both submissions on the earlier discussion document, and overseas comparisons, had been taken into account in the draft rules – which then take the draft into its next stage of development and consultation.

**Seafood Industry Training Organisation** said "submissions are made in the context of and further to submissions made by VOAG with regard to the discussion document on Part 32".

**MSA response** is that submissions made to an earlier rules Part, such as Part 32 which came into effect in October 1999, are, unless specifically transferred to a different project, considered to have been closed off on completion of the earlier rules. The Group was asked to resubmit any earlier submissions which it wished reconsidered - and this was done.

An individual commented "I carry more than the necessary safety equipment, I usually have 1 more than the required persons for my size. I come out of the water every year and check and repaint everything. Why SHOULD I bother. I could just go to the bare minimum and do it your way. This is my livelihood. I look after it. I don't want to die. If these rules are for particular persons or vessels send it to them don't hide behind the Industry".

**MSA response** is that the rules are for the whole of industry and that they provide for the minimum safety standard. Both good seamanship, and the rules themselves, require that those standards are exceeded as much as necessary for the safe operation of each individual vessel. Rule 31C.7 requires compliance with the minimums specified in the tables and the carriage of the crew needed to safely operate the vessel.

**Seafood Industry Training Organisation** said "Diagram defining limits: please include in the rule for ease of reference. Auckland Islands have safe anchorages on East and West. Industry supports increasing the offshore limit around the islands to 50 nm".

**MSA response** is that to assist industry, definitions of the several operating areas, which are detailed in Part 20, have been included in Part 31C. However, it is not practical to reproduce the full detail of Part 20, as it includes several pages of detailed local limits. In addition, there are local limits which can be assigned by a surveyor under Part 20. The request to change limits is a request for a change to Part 20, rather than Part 31C, and has therefore been
recorded and transferred to the Part 20 development file for consideration during the next amendment of that Part.

Seafood Industry Training Organisation said “SSM companies need to be aware that personnel requirements can be different in different areas for the same vessel and not always insist on the maximum”.

MSA response is that requirements can be different at different times, in different areas, and during different operations. The important thing is that at any given time, area, and operation, the appropriate requirements are met. While Safe Ship Management Companies have responsibility for determining the operating limits of a vessel, they do not have a statutory role in determining the crew required for a vessel.

Tuna NZ made a late submission “to let you know the lack of awareness of Rule 31C in the longline tuna industry”.

MSA response is that while they recognise the practical difficulties of information getting out to individual vessels they are satisfied that the representative organisation was kept fully involved in the consultation on Part 31C.

Tuna NZ made a late submission saying “tuna longline vessels because of the nature of the fishery already have problems with the existing regs, 31C will make it worse”.

MSA response is that while they will work with Tuna NZ on the practical aspects of the operational areas, Part 31C in itself does not change anything in these areas.

31C.5 Equivalent Certificates

An individual said he had checked all this Part and had “no comment to make in relation to the Manning Regulations other than the old AB Certificate is not really recognised as high enough”. He said “I feel the AB Certificate should be slotted about Coastal Launch Master in NZ”.

MSA response is to agree that the AB Certificate is a substantial qualification, but the training and experience necessary to gain it is in different areas to the old CLM and the certificate must therefore be considered as equivalent to different current qualifications.

Riverton Fishermen’s Association Inc asked “The CLM is a combination of marine and engineering skills. Will the engineering portion be recognised as MEC 5 or MEC 6? What level of engineering is to be in the ILM qualification? And will it be recognised as MEC 5 or MEC 6? It is our considered opinion that the engineering portion of the CLM should be recognised as MEC 6, and the 2DTE be accepted as MEC 5 with no update required.”
MSA response is that the levels of engineering in those qualifications have been assessed and we are looking at the possibility of upgrading ILM engineering to MEC 6 level, but there are practical difficulties of sea service requirements, for instance, which need further work. The 2DTE is not considered equivalent to MEC 5 and remains equivalent to MEC 6. The CLM, although containing adequate engineering for smaller vessels to operate without any other engineer, is not considered equivalent to any MEC.

The Whitianga/Coromandel Peninsular Fishers Association asked that holders of a MDSFV certificate, who had previously held a SCFB certificate, could be accepted as the equivalent of an NZOM.

MSA response is that the requested addition to the equivalents table has been made.

An individual said of the requirement for non-fishing certificates to have at least 6 months fishing vessel sea service in a deck capacity that “I assume this is deck experience and not bridge? A 1” Mate or Skipper of a fishing vessel doesn’t walk into that job, they work their way up to it and so have an extensive knowledge of working the trawls, problem solving, deck safety, net design/repairs etc” and “With no disrespect to holders of merchant service tickets, there is no greater teacher than experience and 6 months working on the deck of a fishing vessel is totally inadequate and will not convince me that a holder of a Master / 1” Mate foreign going has gained sufficient knowledge, experienced or is competent enough to run/manage and fish my vessel in a sole charge position. Again this is because of the ability to run modern trawlers as one man wheel houses, those officers working on deck (with foreign going tickets) would get extremely limited bridge time so wouldn’t qualify them to take up a bridge position”.

MSA response is that the 6 month fishing experience is a proposed new requirement where prior to Part 31C there was no rule requiring non-fishing tickets to have any fishing experience at all before serving on fishing vessels. However, over and above any rules, there is a requirement for the owner and the master of the fishing vessel to ensure it is properly crewed.

Sanford Limited said of the requirement for non-fishing certificates to have at least 6 months fishing vessel sea service in a deck capacity that “We believe this is too onerous. In our opinion, the level of sea going standards and professionalism in foreign going Officers is particularly good and we believe the six month requirement is excessive and Sanford Limited recommends two months fishing vessel sea service as being more than adequate. In addition there is the circumstance where a fishing vessel is moved from port to port but not engaged in fishing during that time and in our opinion, a Foreign Going Officer has as much capability as a Deep Sea Skipper or Mate to undertake this role”.
MSA response is that the six months was considered necessary for the working aspects of the fishing vessel, which is what differs significantly from merchant vessels. MSA may consider exemptions from the normal requirements for delivery voyages.

Seafood Industry Training Organisation said "'grandfathering' of qualifications is supported: those who are already operating safely, ie are currently competent, should be able to continue to use their qualifications for the vessels and areas that now apply". They also said "if there was an increase in engineering qualification levels, those already doing the job should be grandfathered" referring to the 2DTE serving as second engineer on larger unlimited vessels.

MSA response is that the equivalent provisions, and the lead-in times for entry into force, are intended to provide the grand-parenting requested. However, in the case of the 2DTE, there is a requirement to upgrade to MEC 5. A 2 year lead-in time is included to allow time for this upgrade.

Seafood Industry Training Organisation asks if the table of equivalents can be expanded to include area of operations and vessel lengths.

MSA response is that areas and vessel types are already included in the table of equivalents if they are necessary to place conditions on the acceptance of a particular qualification. Otherwise the areas and lengths are only relevant to the minimum crewing tables, and not to the equivalents table. Once Part 31 is finalised, it is proposed to produce a wall chart illustrating all the different areas, types, and sizes of vessels, and crew numbers and qualifications.

Seafood Industry Training Organisation said "Handing in "old" qualifications can actually lead to a position where the "new" qualification has less capability than the "old" one. Eg. NZCM upgrade to NZOM diminishes coastal trading ability".

MSA response is that existing qualifications are retained, not handed in, and they are fully recognised for use as equivalents to the new qualifications that are listed in the crewing tables. In the case of the NZCM, the new Pari 20 coastal limits are less than the old 100 nm coastal limits. The equivalents therefore allow the NZCM into the 200 nm offshore area where a NZOM is specified. However a condition is that the NZCM retains the existing 100 nm privileges, rather than increasing that NZCM 100 nm out to the full NZOM 200 miles in the offshore area.

Seafood Industry Training Organisation said "The coastal trading component of NZOM is not required by seafood vessels and should be left out of seafood qualification. Alternative career pathways could be picked up by gaining the deleted component".
MSA response is that this is a Part 32 matter for supplying qualifications rather than a Part 31 matter for using those qualifications. However, during the development of the NZOM under Part 32 it was agreed that a common qualification was of more value to its holders.

31C.6 Licences and Revalidations

An individual argued against “Redoing a ticket 5 yearly” saying “Why not make it that if a person has not done 60 days at sea in the position he is qualified for in a 5 year period he relinquishes all qualifications. This would mean the useless ones who can’t get sea going jobs would end up unqualified and only competent persons would end up in situ. Out of date persons who haven’t been in the job for years would not be able to creep back when other options fail”.

Once Fishing Services Ltd said “The requirement for a seagoing licence is likely to prevent some owner operators from operating their business”. They also stated “the owner or his deckhand fail the medical and are not now allowed to sail in their present capacity. It concerns me also that it is possible to fail the medical when the only thing wrong with you is that you have a raised statistical possibility of some threatening condition”.

Seafood Industry Training Organisation said “the introduction of licences is not supported. It was always understood that when the current qualifications came into force they were valid for life. The introduction of licences is contrary to this understanding.” They also stated “the introduction of the revalidation of licences is not supported within the 200 nm EEZ. Revalidation for those plying international waters is an issue for debate”. Further “Medical revalidation for seafarers: this is supported for seafarers over the age of 55 years. It is requested that seafarers can be checked by their local GP and that a 3 year transition period be applied”.

Sanford Limited said “We fully support the requirement to have a medical practitioner’s verification that the certificated people required on each vessel are able to undertake the role having regard to their medical history and condition”.

MSA response to the above 4 comments is that the licence proposal has been withdrawn for vessels not operating in the unlimited area. For vessels operating in the unlimited area, watchkeepers must have their certificates revalidated every 5 years, including compliance with any medical requirements applicable to their certificate. This is consistent with international standards for voyages on the high seas.

A requirement for medical certificates for crew on all fishing vessels will be developed, in consultation with the industry, in an amendment to Part 34.
31C.7 General Requirements

Seafood Industry Training Organisation said “Theoretically, the safe ship management system makes much of 31C redundant. However, it is noted that the SSM companies do not have a consistent approach to the application of the rules/legislation and a need for moderation is evident. In this context, personnel tables are a valid guideline but the ability to make application to MSA to vary the table must be retained”.

**MSA response** is that having considered this suggestion, along with previous consultation, and the relatively homogeneous nature of the fishing industry, it is felt that the exemption system provides sufficient ability to address special cases. It is noted that while Safe Ship Management Companies have responsibility for determining the operating limits of a vessel, they do not have a statutory role in determining the crew required for a vessel.

Once Fishing Services Ltd said “there seem to be too many categories as you change from inshore to coastal to offshore to unlimited”.

**MSA response** is that the categories specified are those necessary to avoid single categories covering too large a range of vessels.

Seafood Industry Training Organisation said “Reference to gross tonnages of fishing vessels is not viewed as applicable and length of vessels is preferred; below 6m, 6-20m, 20-45m and above 45 meters. This is supported by the actual lengths and numbers of vessels currently operating in NZ”.

Sanford Limited said “We consider that the vessel length ought to be brought into alignment between the offshore, coastal and inshore areas. Currently the offshore area uses 40 metres and 25 metres as their size classes, the coastal areas uses 40m, 30m, and 20m as their size classes and the inshore area uses 20m. We consider it would be useful if these were standardised as per the coastal area”.

**MSA response** to the above 2 comments is that all references to tonnages have been removed and, where possible, the lengths proposed have been used.

Once Fishing Services Ltd said “There does not appear to be any mention of allowance for the master to also be the engineer as was permitted in the old regulations. This is very common in fishing especially among owner operators”.

Seafood Industry Training Organisation said “Dual qualifications which can be held by one person: the status quo is supported”.

**MSA response** to the above 2 comments is that this is provided for but the rules have been amended to ensure it is clear where this is an option.
Seafood Industry Training Organisation asked for more information on the “systems” used to determine the complexity of machinery and thus the grade of engineer certificate required. They asked for “copies of the proposed AC on systems and other AC’s that relate to the rules? Also, “systems” only to apply to vessels requiring MEC 4”.

Sanford Limited said “we would just like to comment in respect to the excellent flow charts for the Engineers qualifications, with the advent of computer controlled machinery especially in new vessels running right through the majority of systems on the vessels, our vessels would have many examples where for example the auxiliary generators that can operate in parallel are computer controlled, or alternatively, the refrigeration plant is computer controlled and under the definition of systems we believe the definition of a system needs to be slightly modified to ensure clarity”.

MSA response to the above 2 comments is that both the flow charts, and the list of systems that applied to MEC 4, 5, and 6, had been developed through an earlier industry consultative project. However it is accepted that further consultation is necessary to develop the detail of the systems listed, and to recognise the variations in those systems. The list of systems has therefore been transferred from the draft rule for ongoing development in the supporting Advisory Circular to Part 31B. A general definition of the term “system” has been substituted in the rule.

31C.8 Safe Minimum Personnel

Sanford Limited said “We agree with this section and consider it as particularly clear and well laid out”.

MSA response is to thank Sanford Limited for this support.

31C.9 Unlimited Area

An individual said of the requirement for a second mate to carry a NZOW that “This would certainly make it easier to man vessels, as good MDSFV qualifications are hard to come by and getting harder. However, should the 1st mate be unavailable for duty, the 2nd mate (who now normally carries a MDSFV) could not step up to fill this gap with a NZOW, unless someone else on board carried the require ticket and “covers for him”. I believe vessels will have to carry 2 x MDSFV tickets to cover any eventuality.

“Please note that despite having an extra MDSFV qualification on deck for example, doesn’t mean that that person would fill the gap ... he or she may be unsuitable. We operate single manned wheelhouses. Any crew member holding a MDSFV in a position from 2nd Mate or lower thus working the deck has very little to do with the bridge or the day to day running and fishing of the vessel. Bathymetry can make
trawling quite tricky, weather conditions at times can be extreme and congestion on grounds heavy.

"Although a crew member may transfer aboard from another vessel carrying a MDSFV, e.g. a smaller inshore vessel, he or she will not necessarily be competent enough to operate my vessel for 12 hours a day in a sole charge position under those conditions".

MSA response is that these comments clearly illustrate that the crewing tables are only a minimum, and that vessel owners and masters must assess their own operations to determine what additional qualifications and what additional crew numbers they require to operate their vessel safely.

Amaltal Fishing Company Limited said "An engine room rating has been added to the manning requirement for a vessel in excess of 1500 gross tons. At present under the shipping (manning of fishing boats) regulations 1986, only two engineers are required on a vessel with a registered length of 60 metres or more".

An individual said of the engine room rating that "It appears that these are not skilled, i.e. don't hold tickets. Our company runs a trainee programme with prospective candidates rotating through the fleet learning the trade. These trainees are over and above the existing manning requirements. Trainees could qualify as ratings without being part of the manning regulations. We run our vessels, as do all modern fishing vessels, with two engineers quite successfully and safely. There is no need to increase manning levels here".

Sanford Limited said "We have noted the minimum qualifications required and minimum complement proposal and we agree with them generally however we do not consider that an engine room rating is required for a vessel over 1500 GRT as an applicable minimum personnel standard. There may well be fishing vessels of this Class and size that carry a number of ratings but equally the more modern vessels do not, and we do not believe this is an appropriate requirement".

Seafood Industry Training Organisation said "The E/R rating concept of having another dedicated engineer is not supported. The vessels in question have up to 40 crew aboard with a large set of skills to draw on. Also, most e/r are U.M.S.".

MSA response to the above comments is that it agrees with the comments and has removed the proposed engine room rating.

Sanford Limited said "Under the section "What will it cost to comply?", we feel that it omitted the reference to the cost for unlimited area fishing vessels of over 1000 GWT. The Chief Engineer will have to upgrade his certificate from the First Class
Diesel Trawler Engineer (which is an MEC 4) to an MEC2F Steam or Motor as appropriate”.

Seafood Industry Training Organisation said “The need for MEC 2F is not agreed – seafood vessels are already operating safely in unrestricted waters. However “Industry supports the development of “specific to seafood vessels” short courses which are voluntary. It is expected that these courses will actually become the industry standard which will need to be held in a competitive employment market”.

Amaltal Fishing Company Limited requested “information on the proposed plan MSA has for the transition to the new maritime certification. As the average age of the chief engineers at Amaltal Fishing Company is 37, I believe all our personnel will be involved in the transition. I would like to suggest that as happened with First Coastal Motor a certificate of service is issued to personnel who can verify a given period of service as Chief Engineer aboard a deep sea fishing vessel in excess of 1500 gross tons whilst holding a first DTE”.

MSA response to the above 3 comments is that a 4 year transition period for First Class Diesel Trawler Engineer has been given. This should extend well beyond the review period for Part 31C and should allow for adequate consultation on this matter with industry. The 1000 gross tons criterion has been changed to 3000 kN, in accordance with an industry wish to remove tonnage as a criterion.

Seafood Industry Training Organisation said the International Code of Signals should be mandatory for unlimited vessels above 45 m”.

MSA response is that this comment has been transferred to Part 25 and the appropriate amendment has been made.

31C.10 Offshore Area

Once Fishing Services Ltd pointed out a minimum crewing anomaly between the offshore and unlimited requirements for vessels below 30 m.

Riverton Fishermen’s Association Inc asked that the section for vessels less than 25 m be revisited as “vessels of this size are often designed to accommodate only two or three persons”.

Seafod NZ said “in the preamble to the draft rules it is implied that there is no intention to disenfranchise the current holders of maritime certificates or remove any current “privileges” afforded to the holders of such tickets when the new rules come into force. However it seems that there will be a loss of “privilege” in respect of those currently operating under the combination of the Coastal Skipper (Coastal Master)
and 2DTE qualifications. The problem arises over the continuance of the validity of the Coastal Skippers to operate out to 100 n miles, together with a 2DTE”.

MSA response to the above 3 comments is that it agrees with the comments and has made amendments to meet the concerns raised.

Sanford Limited said “In respect of the Second Engineer flowchart, we consider that the systems on the vessel are more critical than the size of the vessel for a qualification for the Second Engineer and as such, we believe that 350 GRT threshold is too low and ought to be moved up to 600 GRT”.

MSA response is that in accord with an industry submission, the tonnage has already been changed to an engine power of 750 kW.

Seafood Industry Training Organisation said “Current holders of MDSFV should be able to operate to 200 nm. New MDSFV’s to be examined in the oral for the relevant portion of NZOM”.

MSA response is that it agrees with the comments, the requested amendment has been made to Part 31C and that the syllabus for MDSFV will be amended as requested.

31C.11 Coastal Area

Riverton Fishermen’s Association Inc said “we do not see a need for an Offshore Watchkeeper qualification on vessels under 20 metres as the required ability to navigate from 12 miles to 20 miles doesn’t change, taking into account most vessels are equipped with good electronics ie: radar, GPS, as well as a compass”.

MSA response is that this has been considered but the CLM, and the ILM that replaces it, is only intended as a qualification for use within 12 miles of the coast. Consequently it is not proposed that the requested amendment be made.

Seafood Industry Training Organisation said “Within the coastal area the engineer is a “keep it going till we get back ashore” person. In this case maintenance is carried out ashore and there is not a need for MEC 4. Also reference to “voyage over 24 hr” should be removed from the flow chart”.

MSA response is that the flow-chart specifically does not require MEC 4 when maintenance is carried out ashore. The reference to length of voyage has been removed.
31C.12 Inshore Area

An individual said of the inshore area that “I am qualified but where on the West Coast would you qualify safe havens. As the only two areas we think of as safe are only safe with certain wind directions. They are also 15 plus hours apart not miles”.

MSA response is that the requirement for nearby safe havens applies to holders of the LLO only, and only applies when operating in specially assigned sections of what is the coastal area outside the listed inshore areas. In those circumstances, it is not unreasonable to have this safety requirement and if it cannot be met then those areas are not what is intended for the LLO.

Seafood Industry Training Organisation said “18 months minimum seetime required for ILM and a candidate may be examined on navigation and class 6 then. Class 6 part to become valid only once a further 6 months sea time completed”.

MSA response is that this is a comment on obtaining qualifications under Part 32, not on the requirements for those qualifications under Part 31. The comment has therefore been recorded and transferred to the Part 32 development file for consideration during the next amendment of that Part.

31C.13 Enclosed Area

Seafood Industry Training Organisation said “Restricted limit vessels – aquaculture: these vessels are in a class of their own due to the operating limits, construction and low level machinery. Rules for these vessels may need to be developed separately. Oyster farming vessels to be excluded due to shore proximity and depth of water”.

MSA response is that marine farming vessels are covered by Part 31B rather than 31C and that the rules relating to them have been discussed and resolved with that industry.

31C.14 Fitness for Duty

Sanford Limited said “We support this clause”.

MSA response is to thank Sanford Marine for this support.

The New Zealand Merchant Service Guild put a full case, with examples, saying “We are very disturbed that there are no minimum rest periods prescribed .... It should not be left to this union to force employers to have adequate manning levels and appropriate rosters to combat fatigue. A number of Guild members have voiced their concern in a very uncomplimentary manner towards the Maritime Safety Authority. It is with disbelief that they have read this section in both Part 31B and Part 31C”. However, they did recognise that MSA “have tightened up hours of rest and watch schedules in 31A following submissions from this organisation and others
by adding the words "in accordance with the standard quality assurance practice, the proposal for a minimum safe crewing level must include how the owner will monitor the effectiveness of that crewing level and, if that monitoring indicates that a change is necessary, then the proposal must be resubmitted to the Director".

MSA response to this comment is included in the response to comments on 31C.15 below.

31C.15 Fatigue

An individual asked "Could you please explain the difference in rest periods required for the watchkeepers that are covered in part 31A, and watchkeepers that are covered in the Parts 31B and 31C. How in your view, does one need rest where the other does not?".

Three individuals wrote "I understand that the fatigue and rest provisions in Part 31A of the proposed rules will not apply to Offshore, Coastal, and Restricted vessels. I find that this is most unusual and should be changed to include these provisions as the shorter the voyages, the more the fatigue has to be monitored. This ship passes the refinery wharf at Marsden Point more than two hundred times per year and the ramifications of a serious incident involving this ship and a tanker with the attendant pollution problems would be immense, and I feel the press and public would find it hard to believe that there is one set of criteria for one ship on international voyages and another more lax for another ship on coastal voyages where the risk of coastal pollution is far greater." and "The point of this is that seafarers tend to get fatigued more on short trips than on long ones where they can settled into a routine, and any ship can have an accident or an incident caused by fatigue no matter what trade it is involved in. Therefore for the safety of the coastal seafarers and their ships it is imperative that the fatigue and minimum rest provisions in Part 31A apply to Part 31B and 31C".

An individual enclosed a copy of a 1998 letter they had written to MSA and said "I was astounded to learn that the Hours of Rest noted in clause 31A.10 was not going to be carried through to Marine Rules 31B and 31C. If you refer to my letter Re Comments on Seafarer Fatigue, you will note that I very much believe that this requirement, set for seafarers working on unlimited, offshore and coastal vessels, should apply to ALL commercial vessels. Seafarers, regardless of the type of vessel on which they work, will experience the same fatigue phenomenon. I would even go so far as to suggest that because when working on small vessel the seafarer is likely to be tossed around considerably more than on bigger vessels, and in addition will be more exposed to the elements, (s)he is in all probability likely to suffer from fatigue much quicker. If safety at sea is the prime objective of the Marine Rule, it would be inconceivable that the aforementioned requirement is not applied to all seafarers".
An individual wrote “It has been brought to my attention that the prescribed rest periods in Maritime Rules Part 31A are to be excluded from Part 31B and 31C. As a serving shipmaster with 48 years continuous seetime I pray that you accept with the greatest possible respect, the opinion of the writer, that such an omission ignores the increasing number of serious groundings and accidents, totally ignores submissions and the glaring reality of ship board fatigue so abundant today aboard today’s undermanned and fatigue ridden vessels, and indeed makes a mockery of the title Maritime Safety Authority. Accordingly I .... Master Foreign Going 2418 demand in the interests of safety that the prescribed rest periods in Maritime Rules Part 31A be included, in toto, in Parts 31B and 31C. The writer further prays that no subsequent loss of life due to fatigue would necessitate these pleadings to be repeated in another venue. Thus ends this plea; thus spake the writer. I remain, Yours fraternally”.

An individual said “Rest periods with quality rest time are rare these days. While working cargo (6 on/6 off) it is impossible to sleep in a cheaply produced cabin with no sound insulation, with a container slamming onto the deck or a two tonne spreader slamming onto a container just a few meters away from ones pillow. It is similar to trying to sleep in a forty four gallon drum that is being pelted by stones during target practice. As a watchkeeper I have gone on the bridge or back on deck after NO sleep but instead had 5 hours in my bunk listening to thunderous banging throughout. This noise would not be tolerated by people trying to sleep ashore but because we are seafarers, we are expected to put up with it. On some Aussie ships, the wharfies told us, on the midnight shift, no containers are to be worked within a prescribed distance of the accommodation. That is OK for some but not much use for the 2/O who is on deck during that period and when it is his turn to sleep the noise resumes next to the accommodation. Basically, what I am saying is that giving prescribed rest periods are nor much use unless the rest periods can be used for rest. With the above mentioned situation, you produce watchkeepers on the bridge who are not fit to be there. I don’t know what the solution is except building cabins with sufficient insulation. But seafarers going on watch who are tired should not be happening. Rest period provisions of Part 31A surely must apply to Part 31B and 31C and these rules must allow for rest periods etc with quality sleeping possible. Seafarers, like other earthinglings, need sleep or else they are accidents waiting to happen. Thanking you for your time”.

Sanford Limited said of fatigue that “We believe this is a comprehensive and complete clause, which we support”.

MSA response to the above 9 comments, including the comment on “fitness for duty”, is to thank the writers for their support for addressing the fatigue problem. MSA currently has a dedicated project actively looking at this fatigue matter and these submissions have been copied to that project for consideration there too. The project is likely to result in an amendment to Part 31C. Meanwhile, in Part 31C, the rules provide for a flexibility of approach to this issue
in order to be most effective across the large range of vessels operated under this part, from factory ships to one-person owner operators. Advice on procedures for watchkeeping and fitness for duty are contained in the Advisory Circular.

Part 31C does not require the same submission of the safe crewing assessment to MSA as does Part 31A but an amendment has been made to require the owner and the master to monitor the effectiveness of the crewing required.

Seafood Industry Training Organisation said “Fatigue: guidelines should be in AC rather than rule”.

MSA response is that MSA agrees with the comments and the necessary amendment has been made.

Seafood Industry Training Organisation said “Watch keeping time: this is already defined in Part 32 as 8 hours maximum ‘counts’ per day. All factory vessels work at least 12 hours per day so we seek a specific review on this issue. This is critical to the succession planning and training for personnel. Ideas to create fair recognition of time served include:

- recognise the 12 hours served daily;
- watch keeping to be back dated; or
- reduce requirement by 33.33%.”

MSA response is that this detail is not directly relevant to Part 31C. However, it has been recorded and copied to the development files for fatigue in the AC for Part 31C, and to Part 32. It has also been copied to the current MSA fatigue project.

Appendix 1 Duties of Master and Navigational Watchkeepers

An individual said “The majority of requirements/duties of master and Navigational Watchkeepers listed are basic common sense and are being carried out as a matter of course”.

MSA response is to thank the individual for this comment.

An individual said of the anchor watch requirement that “we go inshore and anchor to avoid fatigue. There are anchor lights to notify vessels what’s up. We notify any vessels in our area by VHF of what we are doing and our GPS position”.

33
Maritime Rules

MSA response to the above comment is that the detailed Appendices on watchkeeping have been removed from the rules. The requirement is now to implement watchkeeping procedures in respect of listed topics. Guidance material for establishing procedures, based on the material in the Appendix, is now placed in the Advisory Circular to this Part. This approach offers more flexibility for procedures covering a broad range of vessels.

An individual thanked MSA “for the opportunity to reply to the document covering proposed rule changes for Part 31C”.

Sanford Limited said “Thank you for the opportunity to comment on Draft Rule Part 31C”.

MSA response to the above two commentators, and to the rest of the 19 organisations and individuals who responded, is to thank them for their contributions towards developing this Maritime Rules Part 31C.

In particular MSA thanks the Seafood Industry Training Organisation Vessel Operations Advisory Group for working closely with MSA in finalising these rules.