

Advisory Circular

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Maritime Rules – Part 35: Recognised Seafarer Training, Assessments and Examinations, and Industry-Specific Certificates

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1. General

1.1 Purpose of advisory circulars

Maritime New Zealand (MNZ) advisory circulars are designed to give assistance with and explanations about the standards and requirements set out in the maritime rules. However, the notes in advisory circulars should not be treated as a substitute for the rules themselves, which are the law.

If an advisory circular sets out how a rule can be satisfied, then compliance with that advice ensures compliance with the rule. While other methods of complying with the rule may be possible, MNZ would first need to be satisfied that those alternative methods were of an equivalent standard to what is advised in the advisory circular. The advisory circular would then be amended to include those equivalents.

This advisory circular supports new maritime rules Part 35 Recognised Seafarer Training, Assessments and Examinations, and Industry-Specific Certificates, which come into effect on 1 April 2014. A number such as rule or maritime rule 35.10 refers to a specific rule within Part 35.

1.2 Application of Part 35

Part 35 applies to:

- the ability of the Director of MNZ to approve training for certificates, endorsements and ancillary proficiencies issued under Part 32: Seafarer Certification
- assessors and examiners who conduct assessments and examinations for Part 32 certificates and endorsements
- procedures for MNZ-required examinations
- the approval of industry organisations to issue industry-specific certificates relating to certain small craft
- other rules that make use of elements of Part 35.

2. Supportive guidance to the Part

There are four subparts to Part 35, providing for the approval of training, approval of assessors and examiners, and the examination procedures for the purposes of Part 32 certificates and endorsements. Subpart D provides for the approval of industry persons or bodies to issue industry-specific certificates for certain small craft.

2.1 Explanation of the rule

The achievement of competency and training standards are the basis for issuing all Part 32 certificates and endorsements. They provide the basis for the final examination for a particular certificate or endorsement conducted by a Maritime Examiner or Maritime Assessor under Part 35 of the maritime rules. They also provide the basis for on-board training, structured training programmes and ancillary proficiency requirements.

Maritime rule 32.04 provides for the Director to make a determination, and publish, the New Zealand national awards issued under the Education Act 1989 (Education Act) that are acceptable for meeting competency and training standards for New Zealand seafarer certificates and endorsements provided for in Part 32. A national award is a certificate or qualification issued by a training provider evidencing successful completion of training provided for under the New Zealand Education Act. This includes:

- training that leads to a qualification listed on the New Zealand Qualifications Framework
- training based on an assessment standard registered on the Directory of Assessment standards
- training that leads to an award under a training scheme
- any other training under the Education Act considered appropriate for Part 32.

Where there is no national award available, subpart A of this Part allows the Director to approve training for a certificate or endorsement. This can include training that is delivered in combination with training based on assessment standards provided for under the Education Act.

A list of the certificates and qualifications acceptable to the Director, and any training approved under Part 35, is available on MNZ's website: maritimenz.govt.nz.

2.2 Subpart A – Approved training for purposes of Part 32

Subpart A allows the Director of MNZ to approve training for a certificate, endorsement or ancillary proficiency provided for in Part 32.

After January 2015, this will be limited to approval of training only where there is no certificate or qualification already available under the Education Act for the particular certificate, endorsement or ancillary proficiency.

This limitation applies to any application to recognise a certificate or qualification under section 41(2) of the Maritime Transport Act 1994 (MTA), with the exception of applications to recognise foreign qualifications or certificates.

However, the Director will be able to continue to approve training:

- provided in combination with NZQA assessment standard-based training
- for the purpose of on-board training requirements or reduction of sea service
- for bridging courses that enable transition between, or renewal of, certificates where these are not available as national awards
- for refreshing or updating competence or knowledge (such as changes in relevant national and international regulations, or technological changes) where this is not available through a national award.

2.2.1 Inspection powers

The Director can require a training provider who has applied for or has been approved to deliver training under this subpart to provide:

- such documents, records and information necessary to assess whether the training is suitable
- access to inspect facilities, including to review procedures and training methods.

The training provider must pay for the cost of any inspection undertaken under this rule.

2.3 Subpart B – Assessors and examiners

Subpart B sets out the approval process, privileges and requirements for Maritime Assessors and Maritime Examiners.

2.3.1 Assessors

Maritime Assessors carry out assessments for Part 32 certificates, endorsements, ancillary proficiencies or approved training record books on behalf of the Director of MNZ. Examples include the practical assessment of a Skipper Restricted Limits (SRL) candidate who has completed the required task book on a non-commercial ship, and the local knowledge and competence assessment for an SRL Cook Strait endorsement.

Application process

An applicant for an Assessor Certificate must make an application on the form provided, pay the required fee, and include any additional information or material that is requested. This includes the types of certificates, endorsements, ancillary proficiencies or training record books for which the person intends to act as assessor.

They must also provide a signed statement agreeing to promote and maintain quality standards and consistency as required by the Director of MNZ in the carrying out of assessments.

The Director must issue an Assessor Certificate if the applicant meets the requirements of section 41 of the MTA as set out in Part 35, including:

- holding a certificate of competency appropriate for the certificates, endorsements, ancillary proficiencies or training record books for which the applicant seeks to act as an assessor
- recent relevant commercial sea service
- assessment as a fit and proper person.

An Assessor Certificate has a maximum duration of five years, at which time it must be renewed.

Standards and other requirements

- An assessor can only carry out an assessment if he/she has had at least six months' commercial sea service in the five years preceding the assessment.
- An assessor may require the person being assessed to provide information that the assessor considers appropriate and necessary to properly assess the candidate.
- Assessments must be done in accordance with any specific requirements and procedures set by the Director of MNZ.
- An assessor must:
 - keep records related to the performance of the assessor's duties
 - follow any required practices and procedures related to the storage, security and disposal of the records and personal information of the person assessed
 - provide records of assessment and other relevant information in the required format, in required timeframes.

2.3.2 Examiners

Maritime Examiners carry out the final examinations for Part 32 certificates and endorsements on behalf of the Director of MNZ. They can also conduct examinations for the recognition of foreign equivalents to Part 32 certificates or endorsements.

Application process

An applicant for an Examiner Certificate must make an application on the form provided, pay the required fee, and include any additional information or material that is requested. This includes the types of certificates, endorsements, ancillary proficiencies or training record books for which the person intends to act as assessor.

They must also provide a signed statement agreeing to promote and maintain quality standards and consistency as required by the Director of MNZ in the carrying out of maritime examinations.

The Director must issue an Examiner Certificate if the applicant meets the requirements of section 41 of the MTA of this Part, including:

- qualifications, knowledge and understanding appropriate for the certificates or endorsements the applicant intends to act as an examiner for
- knowledge of training and assessment methods, and types of examinations, relevant to the certificate or endorsement being examined
- assessment as a fit and proper person.

Before issuing an Examiner Certificate, the Director may also require an applicant to attend training in assessment methodology and techniques, to be interviewed, and to provide testimonials and references.

An Examiner Certificate has a maximum duration of five years, at which time it must be renewed.

Obligation to remain current

An examiner must maintain knowledge and understanding appropriate to the types of certificates or endorsements for which he/she is acting as an examiner, and can only carry out an examination if he/she has:

- had at least one peer review in the period three years immediately preceding the date of the examination
- completed at least one refresher course relating to examination techniques since the examiner's certificate was issued or last renewed, subject to a relevant refresher course being available in New Zealand.

Conduct of examinations

Examinations must be done in accordance with any specific requirements and procedures set out in Part 35 and by the Director.

The examiner may require the candidate to provide information the examiner considers appropriate and necessary to properly assess the candidate.

An examiner must conduct and administer an examination of a candidate in accordance with an examination plan designed by the examiner. The examination plan must be based on the question framework set by the Director (where one is provided), information provided by the candidate (such as a training record book), and the relevant competency and training standard for the certificate or endorsement.

An examination plan is not required where the examination has been prescribed in full by the Director.

An examiner must not conduct an examination for the issue of a certificate of competency or endorsement to any person they have taught for that particular certificate or endorsement.

Quality assurance and record keeping

An examiner has an obligation to support MNZ wherever possible to maintain the quality and consistency of the examination system, including moderation of the examination system and the training of new examiners.

The examiner must:

- keep records related to the performance of the examiner's duties
- follow any required practices and procedures related to the storage, security and disposal of the records and personal information of the person examined
- provide records of examination and other relevant information in the required format in required timeframes.

2.4 Subpart C – Examination procedures

A candidate must provide the information the examiner requires no later than 10 working days prior to the intended date of an examination, unless the examiner allows otherwise. This information must include:

- all training record books required to be completed for the certificate or endorsement
- evidence showing whether the candidate passed or failed any assessments or examinations for the required training for the certificate or endorsement. (Maritime training schools and other training providers may do this on behalf of the candidate, but the candidate should confirm if this is the case.)

A candidate who fails to attend an examination at the time and place appointed by an examiner will be considered to have failed that examination unless he or she produces a medical certificate or other evidence of her or his inability to attend that is satisfactory to the examiner.

Passes in any examination are valid for five years.

No candidate who fails an examination may re-sit that examination until:

- three weeks have passed from the date of the failed examination
- the candidate has satisfactorily completed any extra sea service or training required by the examiner.

A candidate must observe the rules required by the examiner to be observed during the examination. The Director may refuse to issue a certificate to an applicant who violates the rules set by the examiner.

2.4.1 Examination results

As soon as possible after the examination, an examiner must:

- inform the candidate in writing of the results
- forward the examination plan, marks and results to MNZ.

2.4.2 Extra sea service or training

The examiner can require a candidate to complete up to six months' extra sea service and/or training before applying for re-examination if the examiner believes the candidate fails to meet the relevant training and competency standard for the relevant certificate or endorsement.

The examiner should only require this if the additional training and/or sea time would sufficiently rectify the deficiency in knowledge, understanding or proficiency for the seafarer to pass the subsequent examination.

The examiner must notify the Director and candidate in writing of what additional training or sea service is required.

2.5 Subpart D – Industry-specific certificates

Subpart D provides for industry-specific training where the requirement for crew of a ship to hold Part 32 commercial certificates of proficiency or competency is disproportionate to the nature and scope of operation (for example, regional council staff operating a small boat to take water samples).

Industry-specific certificates can only be issued for the operation of:

- boats of 6 metres (m) or less in length overall *or*
- non-passenger boats (except fishing boats), of 15m or less that operate only within restricted limits.

Industry-specific certificates are **not** maritime documents.

2.5.1 Approval to issue industry-specific certificates

The Director may issue an organisation with approval to provide industry-specific training if:

- The applicant meets the requirements of section 41 of the MTA
- the training framework provided (detailed below) is appropriate to the organisation's maritime operation
- approval is in the interests of maritime safety, particularly taking into consideration the risks to maritime safety from the organisation's maritime operation.

The approval is a maritime document and has a maximum duration of five years, at which time it must be renewed.

The organisation must make the application on the form provided, include any information or material that is requested (including the proposed training framework), and pay the required fee. The approval will be in writing and will detail:

- the type of certificate or certificates that the organisation may issue
- the class of applicants to whom the applicant may issue certificates
- any conditions that the Director considers appropriate for the approval.

An organisation can only issue industry-specific certificates if it continues to fully comply with the terms and conditions of the approval. It must be in a form approved by the Director of MNZ.

2.5.2 Training framework

The training framework for an industry-specific certificate should, as a minimum, identify:

- the duties and functions the certificate is for and the training required to receive it
- the risks, including health and safety and environmental risks, involved in the operation of the ship to which the certificate relates, and the training required to recognise and avoid or respond to each risk

- the skill level of persons providing training, including nautical, instruction and assessment experience
- how the training will be provided, including:
 - details of shore-based and on-board training
 - the training schedule, including the number and length of lessons, and details of any training undertaken in darkness
 - assessment procedures
- the minimum number of hours of boating experience required
- medical and eyesight standards for the certificate holder
- how continued proficiency of certificate holders will be maintained
- how continued proficiency of trainers will be maintained
- the requirements that existing operators must fulfil to be issued with the certificate.

2.6 Subpart E – Transitional and revocation provisions

2.6.1 Industry-specific training

Approvals to conduct training for industry-specific training granted under the previous Part 35 are deemed to be an approval under the current Part 35.

The deemed approval will expire on the expiry date on the approval document or, if there is no expiry date indicated, on 30 March 2019, whichever is soonest. Until then, the organisation can continue to train, and issue, certificates as long as they continue to fully comply with the terms and conditions of the original approval.

Industry-specific certificates issued under the old Part 35 approvals continue to remain valid, subject to any terms or conditions assigned to them.

2.6.2 Maritime Examiners

Persons who hold a maritime document allowing them to act as a Maritime Examiner prior to 30 March 2014 are deemed to have been issued with an Examiner Certificate when the new rule comes in. They will be able to continue to examine seafarers for new Part 32 certificates or endorsements that correspond to the certificates they are currently authorised to examine for (see table below).

Examiners approved under the previous Part 35 and deemed to hold an Examiner Certificate will not be required to meet the currency requirements of Part 35 until after 31 March 2016.

The deemed Examiner Certificate expires on the date that the maritime document recognising the person as an examiner under former Part 35 would have expired.

Former certificate or endorsement	Equivalent new certificate or endorsement
Able seafarer deck	Able Seafarer Deck
Able seafarer engine	Able Seafarer Engine
Electro-technical rating	Electro-technical Rating
Electro-technical officer	Electro-technical Officer
New Zealand chief mate (yacht)	Chief Mate Yacht
New Zealand master (yacht <500GT)	Master Yacht <500GT
New Zealand master (yacht)	Master Yacht
Chief mate of a foreign-going ship	Chief Mate
Master of a foreign-going ship (master mariner)	Master
Officer in charge of a navigational watch of a foreign-going ship	Watchkeeper Deck
Master of a foreign-going ship <3000GT	Master on Ships <300GT Unlimited
Deck watch rating	DWR
Marine engineer class 1 (MEC1)	MEC 1
Marine engineer class 2 endorsed chief Engineer (MEC2 ECE)	MEC 2 ECE
Marine engineer class 2 (MEC2)	MEC 2
Marine engineer class 3 (MEC3)	MEC 3
Engine room watch rating	EWR
NZOM STCW-95	Master <500GT NC
ADH-F	ADH-F
Mate of a deep-sea fishing vessel	MFV-U
Master of a deep-sea fishing vessel	SFV-U
CDH, ADH	QDC
Marine engineer class 6	MEC 6
Marine engineer class 5 motor	MEC 5
Marine engineer class 5 steam	MEC 5 steam
Marine engineer class 4	MEC 4
Integrated rating confirmed by the Director as meeting requirements of STCW Regulations II/6 and III/6	DWR endorsed with EWR
Tanker endorsement	Tanker endorsement of the relevant kind under this Part (but limited to the appropriate type of tanker)
High-speed ship endorsement	High-speed ship endorsement
NZOW with ILM endorsement	SRL endorsed to 24m
	SRL endorsed 24m–500GT

Former certificate or endorsement	Equivalent new certificate or endorsement
	SCO
ILM	SRL endorsed to 24m with or without one or more national certificate endorsements
LLO	SRL with or without one or more endorsements
NZOM	Master <500GT (Near-Coastal) restricted to coastal limits
	SFV Limited
NZOW	MFV
	Watchkeeper Deck <500GT NC

Table 1 Equivalent certificates for Maritime Examiners

General enquiries

Freephone: 0508 22 55 22 (New Zealand only)

Phone: +64 4 473 0111

Fax: +64 4 494 1263

Email: enquiries@maritimenz.govt.nz

All current rules and advisory circulars can be found on MNZ's website:
maritimenz.govt.nz.

Printable versions may be downloaded from the landing page for each rule.

If you are printing a full set of rules, printable versions of the cover pages and side insert tabs may also be downloaded.

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