



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

PART 34: Medical Standards

Pursuant to section 34(1)(j) and section(s) 36(1)(o) and (u) of the Maritime Transport Act 1994, and having had regard to the criteria specified in section 39(2) of that Act, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This

27th

day of

January

2014

By Hon GERRY BROWNLEE

Minister of Transport

Contents

| | |
|---|----|
| Part objective | ii |
| Extent of consultation | ii |
| Entry into force | ii |
| General | |
| 34.2 Definitions | 1 |
| 34.3 Approval of medical practitioners | 3 |
| Subpart A: Medical examination of young persons | |
| 34.4 Medical examination of young persons | 3 |
| Subpart B: Medical standards for seafarers | |
| 34.20 Application | 3 |
| 34.21 Role of registered medical practitioners and approved medical practitioners | 4 |
| 34.22 Requirement for certificate of medical fitness | 4 |
| 34.23 Examination of seafarers for certificate of medical fitness | 4 |
| 34.24 Additional criteria for national certificates | 6 |
| 34.25 Issue of medical certificate | 6 |
| 34.26 General eyesight and colour vision standards and testing for eye disease | 7 |
| 34.27 Validity of a certificate of medical fitness | 7 |
| 34.28 Expiry of certificates of medical fitness of holders of STCW certificates in course of voyage | 8 |
| 34.29 Seafarer may apply for further examination | 8 |
| 34.30 Equivalent certificates | 8 |
| 34.31 Requirement to wear and carry spectacles | 9 |
| 34.32 Requirement to produce a certificate of medical fitness to the Director or master on request | 9 |
| Subpart C: Seafarers on foreign ships | |
| 34.40 Seafarers on foreign ships | 9 |
| Subpart D: Transition and revocation provisions | |
| 34.60 Former Part 34 revoked | 9 |
| 34.61 Transitional provisions relating to persons recognised as Examiner under former Part 35 | 9 |
| Appendix 1: General eyesight and colour vision standards for seafarers | 10 |
| Appendix 2: Guidance on vaccination requirements for seafarers | 11 |
| Summary of submissions | 12 |

Part objective

Subpart A of Part 34 requires all seafarers under the age of 18 years to undergo a medical examination prior to their employment on a ship. The requirement applies to seafarers employed on New Zealand ships, other than restricted limit ships, and to seafarers engaged on a foreign ship in New Zealand. Subpart A covers New Zealand's obligations under the International Labour Organisation (ILO) Medical Examination of Young Persons (Sea) Convention, 1921.

Subpart B of Part 34 applies to seafarers who seek a medical certificate for the purposes of holding or applying for the issue or renewal of national, STCW or STCW-F aligned certificates issued under Part 32. It also applies to other seafarers on New Zealand ships which are SOLAS ships (foreign going passenger ships, non-passenger ships of 500 tons gross tonnage or more, and other New Zealand ships of 45 metres or more in length which proceed beyond restricted limits). All such seafarers are required to pass a medical examination by a medical practitioner, for the issue of a certificate of medical fitness. In the case of medical certificates for national certificates this may be a registered medical practitioner. In other cases it must be a medical practitioner approved by the Director. Certificates of medical fitness are valid for a period of 2 years. Persons who do not hold a current medical certificate are not to be employed on any ship to which subpart 2 applies.

To the extent it relates to seafarers who seek medical certificates for the purposes of holding or applying for the issue or revalidation of STCW certificates, subpart B implements the requirements of the International Maritime Organisation's International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW). The medical standards prescribed in subpart B are taken from the recommended ILO/IMO Guidelines on the medical examination of Seafarers. These are flexible guidelines which must also be applied with any necessary modifications for the purpose of national certificates.

The authority for making Part 34 is found in section 36(1)(o) and (u) of the Maritime Transport Act 1994.

Maritime rules are subject to the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Legislation Act.

Extent of consultation

On 1 December 2012, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed rules (new Parts 20, 31, 32, 35 and amendments to Part 34) to implement the proposed Seafarer Certification and Operational Limits Framework. A notice was also published in the New Zealand Gazette. In addition, copies of the draft rules and consultation documents were sent to interested parties and made publicly available on the internet. Comments on the proposed new Parts 20, 31, 32 and 35 were requested to be made by 29 January 2013. The consultation period was later extended in response to requests from industry to 29 March 2013.

Further changes to Part 34 were consulted on between November 28 2012 and March 29 2013. Due to the degree of overall change, Part 34 had been re-enacted as new Part and the former Part 34 revoked.

Over 300 RSS feed subscribers also received a consultation notification by email.

Maritime New Zealand received 150 written submissions in the first consultation and 4 submissions on the later Part 34 specific consultation. All submissions were reviewed and amendment was made to the draft rules as appropriate. Submitters generally made points of clarification, implications for transition, and the operation of the training and examinations framework.

Entry into force

These rules enter into force on 1 April 2014.

General

34.2 Definitions

In Part 34—

Act means the Maritime Transport Act 1994:

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

certificate of competency has the same meaning as in Part 32:

certificate of proficiency has the same meaning as in Part 32:

colour vision standards means the applicable colour vision standards set out in Appendix 1 of this Part:

colour vision test means a test as to whether a seafarer meet the applicable colour vision standards set out in Appendix 1 of this Part:

crew has the same meaning as in section 2 of the Act:

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

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

fishing ship means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

foreign ship means any ship that is not a New Zealand ship:

general eyesight standards—

- (a) means the applicable eyesight and vision standards other than colour vision standards set out in Appendix 1; and
- (b) includes standards for distance vision, near or intermediate vision, visual fields, night blindness and diplopia (double vision):

general eyesight test means a test as to whether a seafarer meets the applicable general eyesight standards set out in Appendix 1:

ILO/ILM Guidelines on the medical examination of seafarers means the document entitled 'Guidelines on the medical examination of seafarers' published on behalf of the International Labour Organization and the International Maritime Organization in 2013:

international voyage means a voyage from a port in one country to a port in another country, either of the countries being a party to STCW:

length means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

master has the same meaning as in section 2 of the Act:

national certificate means a certificate issued under subpart B of Part 32:

national deck certificate means the following certificates as described in rule 32.03 of Part 32: QDC, SRL, SCO, Master Yacht<24m:

national engineering certificate means the following certificates as described in rule 32.03 of Part 32: MEC 6, MEC 5, MEC 4:

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under the Act but is required or entitled to be registered under the Act:

non-passenger ship means any ship that is not a passenger ship or a fishing ship or a pleasure craft:

Part means a group of rules made under the Maritime Transport Act 1994:

passenger has the same meaning as in section 2 of the Act:

passenger ship means a ship that carries more than 12 passengers:

pleasure craft has the same meaning as in section 2 of the Act:

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

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

required medical standard means the standard set out in rule 34.23:

restricted limits has the same meaning as in Part 20:

seafarer has the same meaning as in section 2 of the Act:

seafarer certificate means a certificate of competency or a certificate of proficiency issued under Part 32:

ship has the same meaning as in section 2 of the Act:

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

STCW certificate means a certificate issued under subpart C of Part 32 the Maritime Rules:

STCW Code means the Seafarers' Training, Certification and Watchkeeping Code as amended or substituted:

STCW or STCW-F deck certificate means the following certificates as described in rule 32.03 of Part 32: AB Deck, Chief Mate, Chief Mate <3000GT, Chief Mate Yacht, DWR, IR, Master, Master<3000GT, Master<500GT NC, Master Yacht, Master Yacht<500GT, Master <500GT, Watchkeeper Deck, Watchkeeper Deck<500GT NC, ADH-F, MFV, SFV, MFV-U, SFV-U:

unlimited area has the same meaning as in Part 20:

voyage has the same meaning as in section 2 of the Act:

34.3 Approval of medical practitioners

- (1) Subject to such conditions as the Director considers necessary, the Director may approve a registered medical practitioner as an approved medical practitioner for the purposes of this Part if the Director is satisfied that the practitioner—

- (a) has experience to determine whether a seafarer—
 - (i) meets the required medical standard; and
 - (ii) is fit for the duties to which the seafarer's certificate or licence relates, or which the seafarer is to perform; and
 - (b) is professionally independent from employers, seafarers, and employer and seafarer representatives,
 - (c) satisfies the requirements specified in this Part and section 41 of the Act in respect of the approval.
- (2) An approval made under subrule (1) is valid for 5 years from the date of approval.
 - (3) Every application must be submitted to the Director, with payment of the appropriate application fee prescribed by regulations made under the Act.

Subpart A: Medical examination of young persons

34.4 Medical examination of young persons

- (1) This rule applies in relation to any person under the age of 18 years unless a current certificate of medical fitness signed by an approved medical practitioner certifying fitness of that person for that employment has been shown to the master of that ship.
- (2) A person must not—
 - (a) employ a person described in subrule (1) on a New Zealand ship operating outside of restricted limits; or
 - (b) engage a person described in subrule (1) in New Zealand for employment on any ship operating outside of restricted limits.
- (3) A certificate of medical fitness of the kind referred to in subrule (1) remains in force for 12 months from the date on which it was issued, or, where the certificate would otherwise expire in the course of the voyage of the ship, until the end of that voyage.
- (4) An approved medical practitioner must issue a certificate of medical fitness for the purpose of subrule (1) if the practitioner is satisfied that the person is fit for the intended employment.

Subpart B: Medical standards for seafarers

34.20 Application

- (1) An applicant for the issue or renewal of a certificate of proficiency or a certificate of competency under Part 32 must—
 - (a) be able to demonstrate at the time of the application that the applicant is able to meet the requirements of rule 34.22 for joining or beginning employment on a ship; and
 - (b) otherwise meet the requirements of rules 34.22 and 34.23.
- (2) Every holder of an STCW, STCW-F or national certificate issued by the Director under Part 32 must meet the requirements of rules 34.22, 34.23, 34.31 and 34.32.
- (3) Every seafarer who is not referred to in subrule (2) on any of the following types of ship must meet the requirements of rules 34.22, 34.23, 34.31, and 34.32:
 - (a) a New Zealand passenger ship engaged on an international voyage; or
 - (b) a New Zealand non-passenger ship of 500 gross tonnage or more engaged on an international voyage; or
 - (c) a New Zealand passenger ship of 45 metres or more in length which proceeds on a voyage outside restricted limits; or
 - (d) a New Zealand non-passenger ship of 45 metres or more in length which proceeds on a voyage outside restricted limits.

34.21 Role of registered medical practitioners and approved medical practitioners

- (1) Subject to rule 34.4, a seafarer who requires a medical certificate of fitness for the purpose of holding a national certificate or applying for the issue or revalidation of a national certificate must obtain it from a registered medical practitioner.
- (2) A seafarer other than a seafarer described in subrule (1) who requires a medical certificate of fitness for the purposes of this Part, must obtain the medical certificate from an approved medical practitioner.
- (3) Accordingly, in this Part, **medical practitioner** or **medical practitioner in the relevant category** means—
 - (a) in relation to a seafarer described in subrule (1) or a certificate of medical fitness sought by that seafarer, a registered medical practitioner; and
 - (b) in relation to a seafarer other than a seafarer described in subrule (1) or a certificate of medical fitness sought by that seafarer, an approved medical practitioner.

34.22 Requirement for certificate of medical fitness

- (1) A person described in rule 34.20 must not join or begin employment on a ship unless that person holds, and complies with any restrictions attached to—
 - (a) a current certificate of medical fitness category A issued under this Part; or
 - (b) a current certificate of medical fitness category A(T) or category B issued under this Part.
- (2) A person to whom rule 34.20 applies, who is employed on a ship engaged in trade in the unlimited area, must carry a certificate that is acceptable to the Director indicating the type, place, and date given of all vaccinations that the person has received.
- (3) A person to whom rule 34.20 applies must—
 - (a) complete the applicable sections of the medical examination form referred to in rule 34.23(2)(a); and
 - (b) upon completion of the medical examination form, sign the form to certify that it is a true statement; and
 - (c) inform the medical practitioner undertaking his or her medical examination of any medical history and medical records relevant for the examination; and
 - (d) surrender any previous certificate of medical fitness issued to that person for the purposes of this rule that the person continues to hold to the medical practitioner.
- (4) A person must not employ or engage a person to whom rule 34.20 applies for employment on a ship unless that person holds, and complies with any restrictions attached to,—
 - (a) a current certificate of medical fitness category A issued under this Part; or
 - (b) a current certificate of medical fitness category A(T) or category B issued under this Part.

34.23 Examination of seafarers for certificate of medical fitness

- (1) A seafarer who requires a medical examination for the issue of a certificate of medical fitness in accordance with this Part must ensure that the medical examination is carried out by a medical practitioner in the relevant category as required by rule 34.21¹.
- (2) A medical practitioner carrying out a medical examination of a seafarer referred to in subrule (1) must—
 - (a) complete the applicable sections of a medical examination form that is acceptable to the Director; and

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

- (b) comply with the instructions and take into account any guidance for the conduct of medical examinations outlined in Part 3 of the ILO/ILM Guidelines on the medical examination of seafarers (**the Guidelines**); and
 - (c) in the case of a seafarer to be engaged on a voyage in the unlimited area, take into consideration the guidance on vaccination requirements for seafarers outlined in Appendix 2; and
 - (d) judge whether specialised testing is required²; and
 - (e) determine whether, subject to subrules (3) and (4), the seafarer complies with the required medical standard outlined for that seafarer in this rule.
- (3) In determining whether a seafarer satisfies the required medical standard, the medical practitioner must have regard to the following:
- (a) the matters specified in Appendices B to E of the Guidelines that may render a seafarer unfit for duty:
 - (b) the nature of the duties to which the seafarer's certificate or licence relates, or that the seafarer performs:
 - (c) whether the seafarer is new to the industry or a serving seafarer:
 - (d) any information available on the seafarer's past medical records or record of performance of his or her duties:
 - (e) the medical standards are framed to provide the maximum flexibility in their interpretation compatible with the paramount importance of maintaining the safety of vessels at sea and the safe performance of the serving seafarer's duties while protecting the seafarer's health:
 - (f) the individual examinee and whether any conditions render her or him unfit for the duties she or he is expected to perform:
 - (g) the nature of the shipping operation in which the seafarer intends to work:
 - (h) whether any medical condition or conditions may be remedied or sufficiently mitigated to allow such work:
 - (i) the health and safety of the seafarer:
 - (j) the health and safety of other seafarers and passengers:
 - (k) the safety of the ship:
 - (l) if a seafarer is granted a certificate of medical fitness while experiencing any conditions outlined in Appendix E of the Guidelines, the exceptions must be justified by the approved medical practitioner and any restrictions must be clearly noted:
- (4) When determining whether a seafarer satisfies the required medical standard, the medical practitioner must ensure that the seafarer's eyesight and colour vision meet the general eyesight and colour vision standards set out in rule 34.26 and Appendix 1.
- (5) For the purposes of subrule (4), the medical practitioner—
- (a) must, in the case of a person who undergoes a medical examination for the issue of a STCW, STCW-F, or national deck certificate, make the determination in accordance with certification by a registered optometrist; and
 - (b) may, in any other case, accept certification from a registered optometrist that the seafarer's eyesight and colour vision meets the required standard.

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

Maritime Rules

- (6) Despite anything in this Part, the Director may require that a seafarer undergoes eyesight and vision tests conducted by a registered optometrist for the issue of a certificate of medical fitness.
- (7) If a seafarer has lost the sight in 1 eye, the seafarer may not seek a medical examination for the issue of a certificate of medical fitness until 6 months have elapsed following the loss of sight.

34.24 Additional criteria for national certificates

- (1) This rule applies if a seafarer seeks a medical certificate of fitness for the purpose of holding or applying for the issue or revalidation of a national certificate.
- (2) The registered medical practitioner must—
 - (a) have regard to Appendices B to E of the ILO/ILM Guidelines on the medical examination of seafarers with any necessary modifications required to take into account the proximity of the ships on which the seafarer will be able to work to the shore and to shore-based medical facilities; and
 - (b) have particular regard to the degree to which that proximity to shore may lower any risk of adverse effects to the health and safety of the seafarer or to other seafarers and passengers or to the safety of the ship.

34.25 Issue of medical certificate

- (1) On completion of a medical examination for the issue of a certificate of medical fitness to a seafarer, the medical practitioner must—
 - (a) issue a certificate of medical fitness to the seafarer in the form specified by the Director that indicates which medical category outlined in subrule (2) applies to the seafarer; and
 - (b) forward a copy of the certificate of medical fitness to the Director.
- (2) Medical categories for a seafarer referred to in subrule (1)(a) are:
 - A. The standard has been met for unrestricted sea service.
 - A(T) The standard has been met for unrestricted sea service but the seafarer requires medical surveillance at intervals. The certificate of medical fitness must be validated until such medical surveillance is required.³
 - B. The standard has been met for restricted sea service only. The certificate of medical fitness must be endorsed with the type and length of any restriction.⁴
 - C. The standard has not been met and the seafarer is considered temporarily unfit for sea service. The certificate of medical fitness must be endorsed with a number of weeks that should pass before the seafarer is re-examined.
 - D. The standard has not been met and the seafarer is considered indefinitely unfit for sea service. The certificate of medical fitness must be endorsed with a number of months that should pass before the seafarer is re-examined.
 - E. The standard has not been met and the seafarer is considered permanently unfit for sea service.
- (3) If a medical practitioner issues a certificate of medical fitness indicating a medical category B, C, D or E the medical practitioner must—
 - (a) immediately inform the seafarer in writing of his or her right to apply for a further examination under rule 34.29 and the application procedure for such examination; and

³ The validation should take into account the expected duration of the seafarer's tour of duty.

⁴ Restricted service means that the serving seafarer's employment is restricted by any condition such as shipping trades, geographical areas, types of ships or jobs for such periods of time as may be stipulated by the approved medical practitioner.

- (b) if appropriate, issue the seafarer with a report outlining the conditions which should be fulfilled before the seafarer applies for re-examination, including the provision of medical or other submissions to be provided in support of the application.
- (4) Where a medical practitioner finds that the seafarer needs to wear corrective lenses to meet any medical or general eyesight standard, the practitioner must endorse the seafarer's certificate of medical fitness to that effect.

34.26 General eyesight and colour vision standards and testing for eye disease

- (1) Subject to this rule, for the purposes of rule 34.23(4) and any other relevant provisions in this Part, the general eyesight and colour vision standards are set out in Appendix 1.
- (2) The standards set out in Appendix 1 must be applied as follows:
 - (a) the general eyesight standards must have been tested in accordance with this Part—
 - (i) where the medical examination is for the issue of a new certificate under Part 32, in the preceding 12 months; or
 - (ii) in any other case in the preceding 24 months; and
 - (b) the colour vision standards must have been tested in accordance with this Part in the preceding 6 years.
- (3) In addition, the seafarer must be examined as to whether there is any evidence of serious or progressive eye disease.
- (4) The relevant general eyesight and colour vision standards in Appendix 1 are—
 - (a) in relation to STCW and STCW-F deck certificates, the standards set out in row 1 of the Table in the Appendix:
 - (b) in relation to STCW certificates for GMDSS radio operators, radio officers, engineer officers and ratings, and electro-technical officers and ratings, the standards set out in row 2 of the Table in the Appendix:
 - (c) in relation to national deck certificates, the standards set out in row 3 of the Table in the Appendix:
 - (d) in relation to national engineering certificates, the standards set out in row 4 of the Table in the Appendix:
 - (e) in relation to any other seafarer to whom this Part applies, the standard set out in row 5 of the Table in the Appendix.
- (5) A failure to meet the standards set out in subrule (4) does not prevent a medical practitioner from issuing a medical certificate of fitness or the Director from issuing a seafarer certificate that contains limitations or restrictions designed to address the failure if—
 - (a) Appendix 1 provides for the issue of a restricted certificate; and
 - (b) the Director is satisfied that the limitations or conditions will allow the safe and effective performance of routine and emergency duties by the holder of the certificate.

34.27 Validity of a certificate of medical fitness

- (1) Subject to any time restriction imposed on a certificate under rule 34.25(1) and (2), a certificate of medical fitness remains valid for a period of two years from the date of issue.
- (2) If a seafarer has been incapacitated by illness or injury for 30 or more days, the seafarer must not use his or her certificate of medical fitness until an approved medical practitioner has re-examined the seafarer and is satisfied the seafarer meets the standard for the category of certificate held.
- (3) If a seafarer has been discharged or evacuated from a ship for health reasons, the seafarer must not use his or her certificate of medical fitness until an approved medical practitioner has

re-examined the seafarer and is satisfied the seafarer meets the standard for the category of certificate held.

- (4) Despite subrules (1), (2), and (3), if the Director is satisfied at any time that a reasonable doubt exists as to the medical fitness of the holder of a valid certificate of medical fitness, the Director may—
 - (a) request further information from the medical practitioner who issued the certificate; and
 - (b) require the holder of the certificate to undergo a further examination with a medical practitioner of the certificate holder's choice to test for compliance with the medical requirements of rule 34.23.
- (5) A person required by the Director to undergo an examination under subrule (4)(b) must comply with that requirement.
- (6) A medical practitioner who has examined a certificate holder under subrule (4)(b) may—
 - (a) confirm that the medical category on the certificate of medical fitness is correct and that the certificate is valid for the period stated; or
 - (b) reissue the certificate of medical fitness with a different medical category if the examiner considers the certificate holder meets a different standard to that stated on the certificate.
- (7) If a medical practitioner reissues a certificate of medical fitness under subrule (6)(b) to category B, C, D, or E, the provisions of rule 34.25(3) apply.

34.28 Expiry of certificates of medical fitness of holders of STCW certificates in course of voyage

If the period of validity of a medical certificate of fitness of a holder of an STCW certificate expires in the course of a voyage, then the medical certificate must be treated as continuing in force until the next port of call where a medical practitioner recognised by the Party is available, provided that the period shall not exceed 3 months.

34.29 Seafarer may apply for further examination

- (1) If a medical practitioner issues a certificate of medical fitness indicating a medical category B, C, D, or E, the seafarer may apply to the Director for a further examination by a medical practitioner nominated by the Director.
- (2) If a medical practitioner issues a certificate of medical fitness indicating a medical category C or D, the seafarer must not, unless the Director approves otherwise, apply for a certificate from another medical practitioner until the expiry of the period endorsed on the certificate.

34.30 Equivalent certificates

- (1) Subject to subrules (2) and (3), for the purpose of this Part or Part 32 or the recognition of any foreign equivalents to seafarer certificates under section 41 of the Act, the Director may accept a certificate of medical fitness issued to a seafarer by or on behalf of a foreign state.
- (2) A certificate of medical fitness will only be accepted under subrule (1) as equivalent for the purposes of this rule if it is relied on during any period for which the certificate is expressed to remain in force, up to the maximum validity period permitted under rule 34.27.
- (3) The Director must refuse to accept any certificate of medical fitness issued by a foreign state for the purposes of recognition of an equivalent to an STCW certificate of proficiency or certificate of competency issued under Part 32 if—
 - (a) the foreign state is not a Party to STCW; or
 - (b) the foreign state is a Party to STCW, but the Director is not satisfied that the Party meets satisfactory standards for the administration and issue of medical certificates, including standards to ensure—

- (i) medical practitioners are appropriately recognised in accordance with STCW and the STCW Code; and
 - (ii) medical certificates contain the information required by STCW or the STCW Code and are in an appropriate format.
- (4) The Director may refuse to accept any other certificate of medical fitness issued by a foreign state for the purposes of recognition of any other certificate issued under Part 32 and instead require a medical certificate of fitness in accordance with this Part.

34.31 Requirement to wear and carry spectacles

A seafarer to whom this rule applies whose certificate of medical fitness requires the use of spectacles or contact lenses must—

- (a) wear the required spectacles or contact lenses while performing watchkeeping duties; and
- (b) have a spare pair conveniently available on board the ship.

34.32 Requirement to produce a certificate of medical fitness to the Director or master on request

A seafarer to whom this rule applies must produce his or her current certificate of medical fitness, when requested to do so by—

- (a) the Director; or
- (b) the master of the ship on which the seafarer is employed or engaged.

Subpart C: Seafarers on foreign ships

34.40 Seafarers on foreign ships

- (1) This rule applies to a seafarer on a foreign ship that is in a New Zealand port that is—
 - (a) a passenger ship engaged on an international voyage; or
 - (b) a non-passenger ship of 500 gross tonnage or more engaged on an international voyage.
- (2) The seafarer must—
 - (a) hold a current certificate of medical fitness issued by or on behalf of a state that is a party to STCW; and
 - (b) produce the certificate of medical fitness to the Director upon request.

Subpart D: Transition and revocation provisions

34.60 Former Part 34 revoked

Former Part 34 in force prior to the commencement of this Part is revoked.

34.61 Transitional provisions relating to persons recognised as Examiner under former Part 35

- (1) A person who was issued with a maritime document as an approved medical practitioner under rule 34.3 of former Part 34 prior to its revocation by this Part, which remained current immediately before the commencement of this Part, is deemed to have been issued with a maritime document as an approved medical practitioner under rule 35.3.
- (2) The deemed approval expires on the date that it would otherwise have expired under former Part 34.

Appendix 1: General eyesight and colour vision standards for seafarers

| Column 1 | Column 2 General eyesight standards | Column 3 Colour vision standards |
|--|---|---|
| Row 1: STCW and STCW-F Deck | As prescribed in A-I/9 of STCW Code. Must pass general eyesight test in accordance with this standard. | As prescribed in A-I/9 of STCW Code Must pass colour vision test in accordance with this standard. |
| Row 2: STCW and STCW-F Radio, Engineering, and Electro-technical | As prescribed in A-I/9 of STCW Code. Must pass a general eyesight test subject to allowance in standard for combined vision. | As prescribed in A-I/9 of STCW Code. Restricted certificate permitted if fail, as considered appropriate by the Director |
| Row 3: National Deck | As for row 1 - STCW and STCW-F deck. | As for row 1 - STCW and STCW-F deck. Restricted certificate limiting exercise of privileges to daylight hours only to be issued if fail. |
| Row 4: National Engineering | As for row 2 - STCW and STCW-F engineering | No standard to meet |
| Row 5: Others | Sufficient for duties | Sufficient for duties |

Appendix 2: Guidance on vaccination requirements for seafarers

Seafarers should be vaccinated according to the requirements indicated—

- (a) in the World Health Organisation publication International Travel and Health: Vaccination Requirements and Advice which is updated periodically; or
- (b) by the International Association of Medical Assistance to Travellers; or
- (c) by a recognised source similar to those listed in Appendix 3(a) and (b) that is acceptable to the Director.

Part 34

Summary of Submissions

Proposed new Maritime Rules Parts 20, 31 (replacing 31A, 31B & 31C), 32 and 35, and amendments to Part 34, to implement SeaCert were consulted on between November 28 2012 and March 29 2013. The associated offences provisions were consulted on between February 7 and March 29 2013.

150 submissions were received from a broad range of interested parties. The vast majority were supportive of the proposed rule changes in as much as they gave effect to the previously consulted on QOL framework. However there were substantive submissions on some of the elements, particularly the proposed new fee rates for seafarer certification (Part 32).

There were three submissions on the original consultation; all supported the proposal to introduce medical certificates of fitness for domestic seafarers with some specific comments on application of hearing standards. However there were also a small number of other issues in respect to consistency and application of the medical standards in Part 34 that required further consultation from September 20 to October 11, 2013.

There were four submissions as a result of the follow up consultation. Two were specifically concerned with the added cost of compliance required by regular medical checks. Maritime New Zealand appreciate that increased costs are challenging, particularly for small businesses, where different agency requirements have a cumulative effect onto the operator. However Maritime New Zealand consider the requirements for medical fitness are appropriate and proportionate given the responsibilities that seafarers have for themselves, other seafarers, and other users of maritime environment (esp. passengers who are dependent on fit and healthy crew).

One submitter's proposal for a self-declaration instead of the requirement to obtain a medical certificate of fitness from a local General Practitioner was not considered as efficient or cost effective for the seafarer. Self-declaration would attract additional monitoring, oversight, and processing costs which would need to be factored into the certificate renewal process. These together would exceed the costs of obtaining a medical certificate from a GP, estimated at approximately \$60-80/certificate.

One submitter raised specific concerns in regards to the application of standards in the domestic setting, noting that some conditions become less relevant for safe operation of a vessel when it is operating close to shore. Maritime New Zealand agree with this, Maritime Rules Part 34 provide for flexibility in the application of standards in relation to the nature and area of operation of duties. More detailed guidance will be developed to support Medical Practitioners and Optometrists in time for the introduction of the new rules.