



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Maritime Rules

Part 31A and Part 32: Amendment 2012

Pursuant to section 36 of the Maritime Transport Act 1994, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This 16th day of April 2012

By Gerry Brownlee

Minster of Transport

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Part objective

The objective of these amendments is to give effect to changes to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) agreed at the Manila conference in June 2010 (the Manila amendments). The rules amendments affect Parts 31A, 32, and 35.

The changes at Manila take effect from 1 January 2012 with a transition period of five years to 1 January 2017 for full implementation. The rules amendments address those matters requiring to be given immediate effect as well as others where early implementation is desirable.

The rules amendments include:

- changes to the minimum requirements for hours of rest and fitness for duty prescribed in Part 31A;
- changes to the required seagoing service for revalidation of STCW certificates prescribed in Part 31A;
- introduction of four new STCW certificates (Able Seafarer Deck, Able Seafarer Engine, Electrotechnical Officer and Electrotechnical rating) in Part 32 and revocation of the existing ILO AB certificate;
- changes to training requirements and seagoing service for STCW engineering certificates (MEC 3 to MEC 1) prescribed in Part 32;
- changes to definitions associated with the Manila amendments including “certificate of competency” and “certificate of proficiency”;
- a number of consequential changes and other minor corrections to give effect to the Manila amendments.

Extent of consultation

On 1 October 2011, Maritime New Zealand (MNZ) published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the draft amendments to Parts 31A and 32. A notice was also published in the *New Zealand Gazette* on 29 September 2011.

Copies of the draft amendments and the invitation to comment were sent to a targeted list of interested parties. The documents were made publicly available on MNZ's website. Notice of the consultation and links to the consultation documents were also emailed to around 1000 organisations and individuals via MNZ's RSS feed. Comments on the proposed amendments were requested by 28 October 2011.

Only one written submission was received, from the New Zealand Maritime School.

Many of the matters raised in the submission will be addressed in subsequent changes to the rules required for the implementation of the new Qualifications and Operational Limits (QOL) Framework in 2013, as the Manila changes provide for a five-year transition period for many of the new provisions and the current amendments are only addressing the most immediate ones.

Some minor changes have been made as a result of the submission.

Entry into force

These amendments come into force on 17 May 2012.

Subpart A: Amendments to Maritime Rules Part 31A

1 Part objective

The Part objective in Part 31A is amended by omitting—

(a) the first paragraph and substituting the following:

"The objective of Part 31A is to provide for requirements in relation to the minimum personnel and watchkeeping (fitness for duty) on foreign going and coastal vessels."

(b) the expression "STCW-95" in both places it appears, and substituting in each case "STCW"; and

(c) the words "Part 31A, Amendment 1 also introduces a requirement" from the third paragraph, and substituting "Part 31A provides the requirements"; and

(d) the expression ", Amendment 1" from the fourth paragraph.

2 Definitions

Rule 31A.2 is amended by inserting the following definitions in their appropriate alphabetical order:

"non-STCW certificate of competency means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.3A, 32.4, 32.5, 32.9, 32.10, 32.11, 32.12, 32.15, 32.16, 32.19B-D, 32.20-22, and 32.24: "

"seagoing service means service on board a ship relevant to the issue or revalidation of a certificate or other qualification:"

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

"STCW certificate of competency means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.13, 32.17, 32.17A, 32.18, 32.19, 32.19A, 32.23, 32.25, 32.26, 32.27, and 32.27A: "

"STCW certificate of proficiency means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.6, 32.7A, 32.8, 32.8A, and 32.8B:"

3 Application

Rule 31A.4(2) is amended by omitting the expression "STCW-95", and substituting the expression "STCW".

4 Equivalent certificates

Rule 31A.5 is amended by—

(a) omitting the words "of competency" in each place they appear in subrule (1):

(b) inserting the words "or STCW certificate of proficiency" after the words "STCW certificate of competency" in subrule (2):

(c) omitting the expression "STCW-95" from subrule (2)(b), and substituting the expression "STCW".

5 Revalidations

Rule 31A.6 is amended by—

(a) omitting "sea service" in each place where it appears and substituting in each case "approved seagoing service":

(b) omitting "12 months" from subrule (1)(b)(ii), and substituting "six months":

(c) omitting "or the Shipping (Manning and Watchkeeping) Regulations 1986" from subrule (3):

- (d) omitting "six months sea service on tankers of the type to which the certificate applies" from subrule (3)(a), and substituting "three months of approved seagoing service appropriate to the tanker certificate or endorsement the applicant holds":
- (e) omitting "of the type to which the certificate applies" from subrule (3)(b), and substituting "appropriate to the tanker certificate or endorsement the applicant holds":
- (f) omitting "for the type of tanker to which the certificate applies" from subrule (3)(c), and substituting "appropriate to the tanker certificate or endorsement the applicant holds":
- (g) adding the following subrule:

"(5) The criteria for approving a person's seagoing service for the purpose of revalidating a STCW certificate of competency or other STCW certificates or endorsements to be taken into account by the Director for this rule, include, but are not limited to,—

- (a) any existing seafarer certification or other relevant qualifications held by the applicant; and
- (b) the capacity in which the applicant has served while holding that certification or qualification; and
- (c) the size and type of ship on which that seagoing service has been completed (including engine propulsion power or gross tonnage as applicable); and
- (d) the operating limits in which that service has been completed; and
- (e) the applicability of that service to the certificate being sought, including the privileges that the certificate confers."

6 Minimum safe crewing document

Rule 31A.8(2) is amended by omitting the words "of competency".

7 Foreign ships

Rule 31A.11 is amended by—

- (a) omitting "STCW-95" from subrule (1)(c)(ii), and substituting "STCW"; and
- (b) omitting "STCW-95" from subrule (1)(d), and substituting "STCW".

8 General requirements

Rule 31A.12 is amended by—

- (a) omitting "or STCW-95" from subrule (2)(a), and substituting ", STCW-95, or STCW"; and
- (b) omitting "STCW-95" from subrule (2)(c), and substituting "STCW".

9 Hours of rest

(1) Rule 31A.24(1) is omitted and substituted with the following:

"(1) Except as provided in subrules (3), (4), and (5), the owner and the master of a ship must ensure that each person who is assigned duty as officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated safety, prevention of pollution, and security duties is provided with a minimum of—

- (a) 10 hours of rest in any 24 hour period; and
- (b) seventy-seven hours of rest in any seven day period."

(2) Rule 31A.24(2) is amended by adding ", and the intervals between consecutive periods of rest must not exceed 14 hours".

(3) Rule 31A.24(4) is omitted and substituted with the following subrules:

"(4) The hours of rest required by subrules (1) and (2) may be reduced in exceptional circumstances, provided that—

- (a) not less than 70 hours of rest are provided in each seven-day period; and
- (b) exceptions from the requirements in subrule (1)(b) do not extend for more than two consecutive seven-day periods; and

- (c) the duration of the interval between any two periods of exception from the requirements in subrule (1)(b) are at least twice the duration of the exception.
- (5) The 10 hours of rest required by subrule (1)(a) may be divided into no more than three periods and—
 - (a) one of those three periods must be at least six hours in length and the other two must each not be less than one hour in length; and
 - (b) the intervals between consecutive rest periods must not exceed 14 hours; and
 - (c) any such exception does not extend beyond two 24-hour periods in any seven-day period.
- (6) The master of a ship must ensure that an adequate compensatory rest period is provided to a seafarer working on call if the rest period requirements prescribed by subrules (1) and (2) are disturbed by call-outs to work.
- (7) The master of a ship must—
 - (a) ensure that records of the daily hours of rest taken in accordance with subrules (1) and (2) are kept and maintained—
 - (i) in a standardised format; and
 - (ii) in the working language or languages of the ship and in English; and
 - (iii) to allow monitoring and verification of compliance with the requirements of this rule; and
 - (b) ensure that each seafarer—
 - (i) receives a copy of his or her records that is signed and dated by the master or a person authorised by the master to do so; and
 - (ii) signs and dates that copy.
- (8) Nothing in this rule impairs the right of the master of a ship to suspend scheduled hours of rest and require a seafarer to perform any hours of work necessary, until the normal situation has been restored, for—
 - (a) the immediate safety of the ship, persons on board, or the cargo; or
 - (b) the purpose of giving assistance to other ships or persons in distress at sea.
- (9) As soon as practicable after the normal situation has been restored under subrule (8), the master must ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- (10) The master must ensure that any musters, fire-fighting drills, lifeboat drills, and other drills required by law or by New Zealand's obligations under any convention are conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue."

10 Watch schedules

- (1) Rule 31A.25(1) is amended by omitting—
 - (a) the words "Except as provided in rule 31A.25(4), the", and substituting the words "The"; and
 - (b) paragraph (b), and substituting the following paragraphs:
 - "(b) established in a standardised format in the working language or languages of the ship and in English; and
 - (c) available for inspection at all reasonable times by the Director."
- (2) Rule 31A.25(4) is amended by omitting "that does not operate in the unlimited area".
- (3) Rule 31A.25(4)(a) is amended by omitting "or", and substituting "and".

Subpart B: Amendments to Maritime Rules Part 32

11 Part objective

The Part objective in Part 32 is omitted and substituted with the following:

"Part 32 sets out the requirements for nautical and engineering certificates and implements New Zealand's obligations under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

The authority for making Part 32 is found in section 36(b), (o), and (s) of the Maritime Transport Act 1994."

12 Definitions

Rule 32.2 is amended by—

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

"**2nd engineer officer** means the engineer officer next in rank to the chief engineer officer:"

"**chief engineer officer** means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship:"

"**non-STCW certificate of competency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.3A, 32.4, 32.5, 32.9, 32.10, 32.11, 32.12, 32.15, 32.16, 32.19B-D, 32.20-22, and 32.24:"

"**propulsion power** means the total maximum continuous rated output power, in kilowatts, of all the ship's main propulsion machinery which appears on the ship's certificate of registry or other official document:"

"**seagoing service** means service on board a ship relevant to the issue or revalidation of a certificate or other qualification:"

"**STCW certificate of competency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.13, 32.17, 32.17A, 32.18, 32.19, 32.19A, 32.23, 32.25, 32.26, 32.27, and 32.27A:"

"**STCW certificate of proficiency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.6, 32.7A, 32.8, 32.8A, and 32.8B:"

"**STCW Code** means the Seafarers' Training, Certification and Watchkeeping Code as adopted by the 1995 Conference of Parties to STCW, as amended:"

"**STCW Regulation** means the regulations as set out in the Annex to STCW:"

"**training course** means a training establishment based course approved by the Director for a STCW certificate of competency, non-STCW certificate of competency, or a STCW certificate of proficiency:"

(b) omitting paragraph (b) from the definition of **candidate**, and substituting the following:

"(b) to be issued with a STCW certificate of competency, a non-STCW certificate of competency, or a STCW certificate of proficiency under Part 32:"

(c) omitting the definition of "Certificate of competency":

(d) omitting "STCW-95", and substituting "STCW" in the definition of **near coastal voyages**:

(e) omitting the definition of **STCW-95**, and substituting the following:

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

- (f) omitting the definition of "**STCW-95 certificate**":
- (g) omitting the definition of **structured training programme**, and substituting the following:

"**structured training programme** means a competency based training programme approved by the Director that takes place on and off the job according to a predetermined programme for a STCW certificate of competency, non-STCW certificate of competency, or a STCW certificate of proficiency."

13 Heading to Section 1: Certificates of competency

The heading to Section 1 is amended by adding the words "**and certificates of proficiency**".

14 Application and issue of documents

- (1) Rule 32.3(1) is amended by omitting "certificate of competency", and substituting "STCW certificate of competency, non-STCW certificate of competency, or a STCW certificate of proficiency".

- (2) Rule 32.3(2) is omitted and substituted with the following:

"(2) The criteria for approving a person's seagoing service for the purpose of issuing a STCW certificate of competency or other STCW certificate or endorsement to be taken into account by the Director, where not otherwise specified in the rules, include, but are not limited to,—

- (a) any existing seafarer certification or other relevant qualifications held by the applicant; and
- (b) the capacity in which the applicant has served while holding that certification or qualification; and
- (c) the size and type of ship on which that seagoing service has been completed (including engine propulsion power or gross tonnage as applicable); and
- (d) the operating limits in which that service has been completed; and
- (e) the applicability of that service to the certificate being sought, including the privileges that the certificate confers.

- (3) The Director may endorse a person's STCW certificate of competency, non-STCW certificate of competency, or STCW certificate of proficiency at any time to the effect that the person holds any additional STCW certificate of competency, non-STCW certificate of competency, STCW certificate of proficiency, or qualification relevant to maritime activities if the Director is satisfied that the person has gained that additional certificate or qualification."

15 Deck watch rating

- (1) Rule 32.6(1)(e) is amended by inserting the following paragraph:

"(iv) a competency in personal safety and social responsibilities certificate; and".

- (2) The first footnote corresponding to rule 32.6 is amended by omitting "STCW-95", and substituting "STCW".

16 AB certificate

Rule 32.7 is revoked.

17 New rule 32.7A

- (1) Part 32 is amended by inserting the following rule after rule 32.7:

"32.7A Able Seafarer Deck

- (1) A candidate for the issue of a STCW certificate of proficiency for Able Seafarer Deck must—

- (a) be at least 18 years of age; and

- (b) provide evidence of holding a deck watch rating certificate issued under rule 32.6; and
 - (c) provide evidence of having completed approved seagoing service, in the last 10 years as a rating forming part of a navigational watch on commercial ships of 500 gross tonnage or more while holding a deck watch rating certificate—
 - (i) of not less than—
 - (aa) 18 months; or
 - (bb) 12 months and having completed approved on board training and a record book; and
 - (ii) of which not less than 3 months must be on non-fishing vessels; and
 - (d) provide evidence of having—
 - (i) satisfactorily attended and completed a training course approved by the Director for the purposes of this certificate; and
 - (ii) passed an oral and a practical examination that test knowledge of the syllabus approved by the Director for this certificate; and
 - (e) provide evidence of being the holder of a steering certificate; and
 - (f) provide evidence of having completed basic training in accordance with section A-VI/1 of the STCW Code and having met the required standard of competence; and
 - (g) provide evidence of having completed survival craft training in accordance with section A-VI/2(1)-(4) of the STCW Code and having met the required standard of competence; and
 - (h) provide evidence that he or she complies with any medical fitness requirements of Part 34 that apply to this certificate; and
 - (i) provide evidence of—
 - (i) within the last 12 months, having passed the letter eyesight test; and
 - (ii) within the last 6 years, having passed the lantern colour vision test or special colour vision test.
- (2) The Director may consider a candidate to meet the requirements of—
- (a) subrule (1)(b) and (c) if the candidate has completed approved seagoing service in a relevant capacity in the deck department on commercial ships of 500 gross tonnage or more, which are not fishing vessels, of not less than 12 months within five years prior to 17 May 2012:
 - (b) subrule (1)(b), (c), and (d) if the candidate holds an AB certificate issued under rule 32.7 prior to 17 May 2012 and has—
 - (i) completed approved seagoing service in a relevant capacity in the deck department on commercial ships of 500 gross tonnage or more, which are not fishing vessels, of not less than 12 months within five years prior to 17 May 2012; or
 - (ii) passed an oral examination that tests knowledge of the syllabus approved by the Director for the purposes of this certificate."
- (2) Part 32 is amended by inserting after the heading to new rule 32.7A "**Able Seafarer Deck**" the following footnote:

"This certificate equates to the STCW certificate of proficiency for Able Seafarer Deck on a seagoing ship of 500 gross tonnage or more (STCW Regulation II/5)."

18 Engine-room watch rating

- (1) Rule 32.8(1)(d) is amended by inserting the following paragraph:

"(iv) a competency in personal safety and social responsibilities certificate; and"

- (2) The first footnote corresponding to rule 32.8 is amended by omitting "STCW-95", and substituting "STCW".

19 New rules 32.8A and 32.8B

Part 32 is amended by—

- (a) inserting the following rule after rule 32.8:

"32.8A Able Seafarer Engine

- (1) A candidate for the issue of a STCW certificate of proficiency for Able Seafarer Engine must—
- (a) be at least 18 years of age; and
 - (b) provide evidence of holding a certificate as a rating forming part of an engineering watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room issued under rule 32.8; and
 - (c) provide evidence of having completed approved seagoing service in the last 10 years as the holder of a certificate as a rating forming part of an engineering watch on commercial ships of 750 kW propulsion power or more of—
 - (i) not less than 12 months; or
 - (ii) not less than 6 months and having completed approved on board training and a record book; and
 - (d) provide evidence of having—
 - (i) satisfactorily attended and completed a training course approved by the Director for the purposes of this certificate; and
 - (ii) passed an oral and a practical examination that test knowledge of the syllabus approved by the Director for this certificate; and
 - (e) provide evidence of having completed basic training in accordance with section A-VI/1 of the STCW Code and having met the required standard of competence; and
 - (f) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate.
- (2) The Director may consider a candidate to meet the requirements of subrule (1)(b) and (c) if the candidate has completed approved seagoing service in a relevant capacity in the engine department on commercial ships of 750 kW propulsion power or more, which are not fishing vessels, of not less than 12 months within five years prior to 17 May 2012."

- (b) inserting after the heading to new rule 32.8A "**Able Seafarer Engine**" the following footnote:

"This certificate equates to the STCW certificate of proficiency for Able Seafarer Engine in a manned engine-room, or designated to perform duties in a periodically unmanned engine-room, on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more (STCW Regulation III/5)."

- (c) inserting the following rule after the new rule 32.8A:

"32.8B Electrotechnical rating

- (1) A candidate for the issue of a STCW certificate of proficiency for Electrotechnical rating must—
- (a) be at least 18 years of age; and
 - (b) provide evidence of having completed, in the last 10 years,—
 - (i) approved seagoing service on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more, including not less than 12 months training and experience; or

- (ii) a training course approved by the Director including a period of approved seagoing service on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more, of not less than six months; or
 - (iii) a period of approved seagoing service of not less than three months on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more, and having valid and current qualifications that meet the technical competences specified in Table A-III/7 of the STCW Code; and
 - (c) provide evidence of—
 - (i) having satisfactorily attended and completed a training programme approved for the purpose of this certificate by the Director; and
 - (ii) having passed an oral and a practical examination that test knowledge of the syllabus approved for this certificate by the Director; and
 - (d) provide evidence of having completed basic training in accordance with section A-VI/1 of the STCW Code and having met the required standard of competence; and
 - (e) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate.
- (2) The Director may consider a candidate to meet the requirements of subrule (1)(b) and (c) if the candidate has completed approved seagoing service in a relevant capacity on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more, for a period of not less than 12 months within five years prior to 17 May 2012 and has been assessed by the Director as meeting the standards of competence in section A-III/7 of the STCW Code."
- (d) inserting after the heading to new rule 32.8B "**Electrotechnical rating**" the following footnote:
- "This certificate equates to the STCW certificate of proficiency for Electrotechnical rating on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more (STCW Regulation III/7)."

20 New Zealand offshore watchkeeper (NZOW)

Rule 32.11(1)(g)(ii) is omitted and substituted by the following:

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

21 Officer in charge of a navigational watch of a foreign going ship – route

The first footnote corresponding to rule 32.17 is amended by omitting "STCW-95", and substituting "STCW".

22 Chief mate of a foreign going ship

The first footnote corresponding to rule 32.18 is amended by omitting "STCW-95", and substituting "STCW".

23 Master of a foreign-going ship (master mariner)

The first footnote corresponding to rule 32.19A is amended by omitting "STCW-95", and substituting "STCW".

24 New Zealand chief mate (yacht)

Rule 32.19B(1)(d)(iv) is amended by omitting "STCW95", and substituting "STCW".

25 Marine engineer class 3

- (1) The first footnote corresponding to rule 32.23 is omitted and substituted with the following:

"This certificate equates to the STCW certificate of competency for Officer in Charge of an Engineering Watch in a Manned Engine-room or Designated Duty Engineer in a Periodically Unmanned Engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more (STCW Regulation III/1)."

(2) Rule 32.23(1) is omitted and substituted with the following:

- "(1) A candidate for the issue of a STCW certificate of competency for Marine Engineer Class 3 (MEC 3) (motor certificate), Marine Engineer Class 3 (MEC 3) (steam certificate), or Marine Engineer Class 3 (MEC 3) (combined motor and steam certificate) must—
- (a) be at least 18 years old; and
 - (b) provide evidence of having completed—
 - (i) combined workshop skills training and approved seagoing service of not less than 12 months in the last 10 years on main propulsion machinery of commercial ships or New Zealand warships, as part of a training programme approved by the Director for the purposes of this certificate; or
 - (ii) not less than 6 months approved seagoing service in the last 10 years on main propulsion machinery of commercial ships or NZ warships and a national certificate in engineering acceptable to the Director during a course of at least 24 months' duration; or
 - (iii) not less than 36 months of combined workshop skills training and approved seagoing service, including not less than 12 months in the last 10 years, on commercial ships or New Zealand warships, of which not less than 30 months must be seagoing service in the engine department; and
 - (c) provide evidence of having performed, during the approved seagoing service in subrule (1)(b), engine-room watchkeeping duties on main propulsion machinery under the supervision of an engineer officer of—
 - (i) in the case of a motor certificate or a steam certificate, not less than 6 months on a motor or steam ship, as applicable, of 750 kW propulsion power or more; or
 - (ii) in the case of a combined motor and steam certificate, not less than 4 months on motor ships of 750 kW propulsion power or more and not less than 4 months on steam ships of 750 kW propulsion power or more; and
 - (d) complete, to the satisfaction of the Director, an approved engineering training record book for the approved seagoing service required in subrule (1)(b); and
 - (e) provide evidence of having—
 - (i) satisfactorily attended and completed a training course approved by the Director for the purposes of this certificate; and
 - (ii) passed oral and written examinations and a practical assessment that test knowledge of the syllabus approved for this certificate by the Director; and
 - (f) provide evidence of having completed basic training in accordance with section A-VI/1 of the STCW Code and having met the required standard of competence; and
 - (g) provide evidence of having completed the following training in accordance with the relevant sections of the STCW Code and having met the required standard of competence:
 - (i) proficiency in survival craft in accordance with section A-VI/2(1)-(4) of the STCW Code; and
 - (ii) advanced firefighting in accordance with section A-VI/3(1)-(4) of the STCW Code; and
 - (iii) proficiency in medical first aid on board a ship in accordance with section A-VI/4(1)-(3) of the STCW Code; and
 - (h) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate."

- (3) Part 32 is amended by inserting, after the words "24 months' duration;" in new rule 32.23(1)(b)(ii), the following footnote:

"Under rule 32.36 the Director may accept other engineering certificates as equivalent certificates."

- (4) Rule 32.23(2) is omitted and substituted with the following:

"(2) A candidate for the issue of a marine engineer class 3 (motor) certificate who is the holder of a first-class diesel trawler engineer certificate issued under the Fishing Boat Engineering Personnel (Qualifications) Regulations 1993 must either fulfil the requirements of 32.23(1) or—

- (a) provide evidence of approved seagoing service in the last 10 years, including not less than 6 months engine-room watchkeeping duties, on commercial ships of 750 kW propulsion power or more that operate beyond restricted limits, while being the holder of that certificate; and
- (b) fulfil the requirements of subrule (1)(e)-(h); and
- (c) complete, to the satisfaction of the Director, an approved engineering training record book for the approved seagoing service required by subrule (2)(a)."

- (5) Rules 32.23(3) and (4) are revoked.

- (6) Rule 32.23(5) is amended by omitting "rule 32.23(l)(b)", and substituting "subrule (1)(c)".

26 Marine engineer class 2

- (1) The first footnote corresponding to rule 32.25 is omitted and substituted with the following:

"This certificate equates to the STCW certificate of competency for 2nd Engineer Officer on a seagoing ship powered by a main propulsion machinery of 3000 kW propulsion power or more (STCW Regulation III/2)."

- (2) Rule 32.25(1) is omitted, and substituted with the following:

"(1) A candidate for the issue of a STCW certificate of competency for Marine Engineer Class 2 (MEC 2) (motor certificate), Marine Engineer Class 2 (MEC 2) (steam certificate), or Marine Engineer Class 2 (MEC 2) (combined motor and steam certificate) must—

- (a) provide evidence of holding an MEC 3 or equivalent certificate; and
- (b) provide evidence of having completed not less than 12 months of approved seagoing service in the last 10 years, in the capacity of engineer officer, on main propulsion machinery of commercial trading ships or New Zealand warships while holding a MEC 3; and
- (c) provide evidence of having performed, during the approved seagoing service in subrule (1)(b), engine-room watchkeeping duties as engineer officer on main propulsion machinery of—
 - (i) in the case of a motor certificate or a steam certificate, not less than 6 months seagoing service on a motor ship or a steam ship, as applicable, of 750 kW propulsion power or more; or
 - (ii) in the case of a combined motor and steam certificate, not less than 6 months seagoing service on motor ships of 750 kW propulsion power or more and not less than 6 months seagoing service on steam ships of 750 kW propulsion power or more; and
- (d) provide evidence of having—
 - (i) satisfactorily attended and completed a training course approved by the Director for the purposes of this certificate; and
 - (ii) passed oral and written examinations and a practical assessment that test knowledge of the syllabus approved by the Director for this certificate; and

- (e) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate."
- (3) Rule 32.25(2) is omitted and substituted with the following:
 - "(2) A candidate for the issue of a marine engineer class 2 (motor) certificate who is the holder of a marine engineer class 2F certificate must—
 - (a) provide evidence of having completed six months approved seagoing service in the last 10 years on commercial trading ships of 750 kW propulsion power or more that are motor ships; and
 - (b) fulfil the requirements of subrules (1)(d) and (e)."
- (4) Rules 32.25(3) and (4) are omitted.
- (5) Rule 32.25(5) is amended by omitting "rule 32.25(1)(a), watchkeeping sea service means", and substituting "subrule (1)(c), watchkeeping means".

27 Marine engineer class 2 endorsed chief engineer

- (1) The footnote corresponding to rule 32.26 is omitted and substituted with the following:

"This certificate equates to the STCW certificate of competency for Chief Engineer Officer on a seagoing ship powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power (STCW Regulation III/3)."
- (2) Rule 32.26(1) is omitted, and substituted with the following:
 - "(1) A candidate for the issue of a STCW certificate of competency for Marine Engineer Class 2 endorsed chief engineer (MEC 2 ECE) (motor certificate), Marine Engineer Class 2 endorsed chief engineer (MEC 2 ECE) (steam certificate), or Marine Engineer Class 2 endorsed chief engineer (MEC 2 ECE) (combined motor and steam certificate) must—
 - (a) provide evidence of holding a MEC 2 or equivalent certificate; and
 - (b) provide evidence of having completed not less than 12 months of approved seagoing service in the last 10 years in the capacity of engineer officer on commercial trading ships or New Zealand warships while holding a MEC 2; and
 - (c) provide evidence of having served, during the seagoing service in subrule (1)(b), engine room watchkeeping duties as engineer officer on main propulsion machinery of,—
 - (i) in the case of a motor certificate or a steam certificate, not less than 6 months seagoing service on a motor ship or a steam ship, as applicable, of 750 kW propulsion power or more; or
 - (ii) in the case of a combined motor and steam certificate, not less than 6 months seagoing service on motor ships of 750 kW propulsion power or more and not less than 6 months seagoing service on steam ships of 750 kW propulsion power or more; and
 - (d) provide evidence of having satisfactorily passed an oral examination on the responsibilities of the Chief Engineer Officer, approved for this certificate by the Director, that relates to ships with motor, steam, or motor and steam main propulsion machinery, as applicable; and
 - (e) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate.
- (3) Rule 32.26(2) is omitted.
- (4) Rule 32.26(3) is amended by omitting "rule 32.26(1)(a), sea service in a position of responsibility", and substituting "subrule (1)(c), watchkeeping duties".
- (5) Rule 32.26(4) is amended by omitting "rule 32.26(1)(b)", and substituting "subrule (1)(d)".

28 Marine engineer class 1

(1) Rule 32.27 is omitted, and substituted with the following:

- "(1) A candidate for the issue of a STCW certificate of competency for Marine Engineer Class 1 (MEC 1) (motor certificate), Marine Engineer Class 1 (MEC 1) (steam certificate), or Marine Engineer Class 1 (MEC 1) (combined motor and steam certificate) must provide—
- (a) evidence of having—
 - (i) satisfactorily attended and completed a training course approved by the Director for the purposes of the certificate; and
 - (ii) passed oral and written examinations that test knowledge of the syllabus approved by the Director for the certificate; and
 - (b) evidence that he or she complies with any medical fitness requirements of Part 34 applicable to the certificate; and
 - (c) evidence of—
 - (i) holding a MEC 3 or equivalent certificate; and
 - (ii) having completed not less than 36 months of approved seagoing service, including not less than 12 months in the last 10 years, in the capacity of engineer officer on commercial trading ships of 750 kW propulsion power or more while holding a MEC 3; and
 - (iii) having completed, during the approved seagoing service in paragraph (ii), engine-room watchkeeping duties as engineer officer on main propulsion machinery of—
 - (aa) in the case of a motor certificate or a steam certificate, not less than 18 months on a motor ship or a steam ship, as applicable, of 2000 kW propulsion power or more; or
 - (bb) in the case of a combined motor and steam certificate, not less than 18 months on motor ships of 2000 kW propulsion power or more and not less than 18 months on steam ships of 2000 kW propulsion power or more; or
 - (d) evidence of—
 - (i) holding a MEC 2 or equivalent certificate; and
 - (ii) having completed not less than 24 months of approved seagoing service, including not less than 12 months in the last 10 years, in the capacity of engineer officer on commercial trading ships of 750 kW propulsion power or more while holding a MEC 2; and
 - (iii) having completed, during the seagoing service in paragraph (ii), engine-room watchkeeping duties as engineer officer on main propulsion machinery of—
 - (aa) in the case of a motor certificate or a steam certificate, not less than 12 months on a motor ship or a steam ship, as applicable, of 2000 kW propulsion power or more; or
 - (bb) in the case of a combined motor and steam certificate, not less than 12 months on motor ships of 2000 kW propulsion power or more and not less than 12 months on steam ships of 2000 kW propulsion power or more; or
 - (e) evidence of—
 - (i) holding a MEC 2 or equivalent certificate; and
 - (ii) having completed not less than 12 months of approved seagoing service in the last 10 years in the capacity of engineer officer on commercial trading ships of 750 kW propulsion power or more while holding a MEC 2; and
 - (iii) having completed, during the seagoing service in paragraph (ii), engine-room watchkeeping duties as 2nd engineer officer on main propulsion machinery of—

- (aa) in the case of a motor certificate or a steam certificate, not less than 12 months on a motor ship or a steam ship, as applicable, of 2000 kW propulsion power or more; or
 - (bb) in the case of a combined motor and steam certificate, not less than 12 months on motor ships of 2000 kW propulsion power or more and not less than 12 months on steam ships of 2000 kW propulsion power or more.
- (2) For the purposes of subrules (1)(c), (1)(d), and (1)(e), watchkeeping means—
- (a) duties performed on commercial vessels as engineer officer in the main propulsion machinery spaces on regular watch for not less than eight hours out of every 24 claimed, provided the propulsion machinery is in full use during the watch; and
 - (b) duties performed on commercial ships as engineer officer for not less than eight hours out of every 24 claimed on commercial vessels operating with periodically unattended machinery spaces, provided the propulsion machinery is in full use during the eight hours out of every 24 claimed."
- (2) The following footnote is inserted after the heading to rule 32.27:
- "This certificate equates to the STCW certificate of competency for Chief Engineer Officer on a seagoing ship powered by main propulsion machinery of 3000 kW propulsion power or more (STCW Regulation III/2)."

29 New rule 32.27A

Part 32 is amended by—

- (a) inserting the following rule after rule 32.27:

"32.27A Electrotechnical officer

- (1) A candidate for the issue of a certificate of competency for Electrotechnical Officer must—
- (a) be at least 18 years of age; and
 - (b) provide evidence of having completed, in the last 10 years—
 - (i) not less than 12 months of combined workshop skills training and approved seagoing service, of which not less than 6 months must be seagoing service on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more as part of a training programme approved by the Director for the purposes of this certificate as documented in a record book; or
 - (ii) not less than 36 months of combined workshop skills training and approved seagoing service, of which not less than 30 months must be seagoing service in the engine department on commercial ships of 750 kW propulsion power or more or New Zealand warships of 750 kW propulsion power or more; and
 - (c) provide evidence of having—
 - (i) satisfactorily attended and completed a training course approved for the purposes of this certificate by the Director; and
 - (ii) passed an oral, a written, and a practical examination that test knowledge of the syllabus approved for this certificate by the Director; and
 - (d) provide evidence of having completed safety familiarisation and basic training in accordance with section A-VI/1 of the STCW Code and having met the required standard of competence; and
 - (e) provide evidence of having completed the following training in accordance with the relevant sections of the STCW Code and having met the required standard of competence:

- (i) proficiency in survival craft, in accordance with section A-VI/2(1)-(4) of the STCW Code; and
 - (ii) advanced firefighting, in accordance with section A-VI/3(1)-(4) of the STCW Code; and
 - (iii) proficiency in medical first aid on board a ship, in accordance with section A-VI/4(1)-(3) of the STCW Code; and
 - (f) provide evidence that he or she complies with any medical fitness requirements of Part 34 applicable to this certificate.
- (2) The Director may consider a candidate to meet the requirements of subrule (1)(b) and (c) if that candidate has completed approved seagoing service in a relevant capacity on commercial ships of 750 kW propulsion power or more or New Zealand warships or 750 kW propulsion power or more, for a period of not less than 12 months within five years prior to 17 May 2012 and has been assessed by the Director as meeting the standard of competence specified in section A-III/6 of the STCW Code."
- (b) inserting after the heading to new rule 32.27A "**Electrotechnical officer**" the following footnote:
- "This certificate equates to the STCW certificate of competency for Electrotechnical Officer on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more (STCW Regulation III/6)."

30 Section 3: Revalidation of STCW-95 and STCW-F certificates

The heading to Section 3 is amended by omitting "**STCW-95**", and substituting "**STCW**".

31 GMDSS radio operator

Rule 32.46 is revoked.

32 Tankers

Rule 32.47 is revoked.

Subpart C: Consequential amendments

33 Consequential amendments

- (1) Part 34 is amended by deleting clause 5.2 of Appendix 5.
- (2) Part 35 is amended by omitting the words "certificate of competency" in each place where it appears (except rules 35.10 and 35.11) and substituting in each case the word "certificate".
- (3) Rule 35.2 is amended by—
 - (a) omitting the symbol ":", and substituting the words ", unless the context otherwise requires,—"; and
 - (b) omitting the definition of "**Certificate of competency**".

- (4) Rule 35.2 is amended by inserting the following definitions in their appropriate alphabetical order:

"**certificate**, for the purposes of this Part (except rules 35.10 and 35.11), means a—

- (a) STCW certificate of competency;
- (b) non-STCW certificate of competency;
- (c) STCW certificate of proficiency:"

"**non-STCW certificate of competency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.3A, 32.4, 32.5, 32.9, 32.10, 32.11, 32.12, 32.15, 32.16, 32.19B-D, 32.20-22, and 32.24:"

"**STCW certificate of competency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.13, 32.17, 32.17A, 32.18, 32.19, 32.19A, 32.23, 32.25, 32.26, 32.27, and 32.27A:"

"**STCW certificate of proficiency** means a certificate issued under rule 32.3 for which the requirements are prescribed in rules 32.6, 32.7A, 32.8, 32.8A, and 32.8B:"

- (5) Rule 35.2 is amended by omitting, and substituting in their appropriate alphabetical order, the following definitions:

"**candidate** means a person who applies—

- (a) to take an examination, or part of an examination, prescribed in Part 32; or
- (b) to be issued with a STCW certificate of competency, a non-STCW certificate of competency, or a STCW certificate of proficiency under Part 32:"

"**engineering certificate** means a certificate, the requirements for which are prescribed in any of rules 32.8 to 32.10 or 32.20 to 32.27A:"

"**nautical certificate** means a certificate, the requirements for which are prescribed in any of rules 32.9 to 32.19:"

"**structured training programme** means a competency based training programme approved by the Director that takes place on and off the job according to a predetermined programme for a STCW certificate of competency, non-STCW certificate of competency, or a STCW certificate of proficiency:"

"**training course** means a training establishment based course approved by the Director for a certificate:"

"**training provider** means an education organisation offering training for certificates issued under Part 32:"

- (6) Rule 35.10 is amended by adding the following subrule:

- "(4) In this rule, **certificate** and **certificate of competency** mean a certificate issued by an organisation approved in accordance with this rule and rule 35.11."
- (7) Rule 35.11 is amended by adding the following subrule:
- "(3) In this rule, **certificate** and **certificate of competency** mean a certificate issued by an organisation approved in accordance with rule 35.10 and this rule."
- (8) Clause 2.1(a) of Appendix 2 of Part 35 is amended by inserting the words "(as defined in rule 35.10(4) and rule 35.11(3)) or a certificate" after the words "certificate of competency".

CONSULTATION DETAILS

(This text does not form part of the rules contained in Parts 31A and 32. It provides details of the consultation undertaken in making the rules. One submission was received, from the New Zealand Maritime School.)

Part 31A

31A.6

It could be argued that STCW provision allowing service in lesser or supernumerary capacities immediately prior to revalidation is not the same thing as within the 6 months provided in the rule, however, the drafting device of combining the provisions is pragmatic and unlikely to have practical implications.

MNZ Comment: *MNZ has followed the prescription in Sect A-1/II (1) of the STCW Code. NO CHANGES REQUIRED.*

STCW does allow revalidation by an assessment of competence without either sea service or retraining. This is consistent with modern assessment and certification regimes and is probably a far more reliable mechanism for determining whether a mariner is competent to continue than the other methods allowed under both STCW and the rule. Given that the low number of New Zealand certificate holders revalidating through course attendance precludes the cost effective scheduling of such courses, providing this option in the rule would allow a period of bespoke refresher training to be followed by appropriate competency assessment. This would therefore provide a more practical method for revalidation as well as providing greater validity to the process.

Change Requested: Allow an assessment of competence approved by the Director as a valid method for meeting revalidation requirements as a new option in rule 31A6.1

MNZ Comment: *The current rules allow for revalidation based on completion of an approved training course(s) or approved seagoing service in a supernumerary capacity. The STCW provision allowing an “approved test” is not new in the Manila amendments – methods of revalidation have not changed since STCW 95. The rules have not previously allowed for use of “approved tests” and the current mechanisms available have worked well. MNZ is of the view that such tests should only be used as part of a revalidation course which is already provided for in the rules, and that it is not necessary or desirable to allow for approved tests on their own in addition. NO CHANGES REQUIRED.*

More significantly, the proposed rule does not give proper effect to the requirements for revalidating certificates issued under STCW Reg VI, particularly the specific requirements of A-VI/1 (3) [Basic Survival and Fire], A-VI/2 (5) and (11) [PISCRB and FRB] and A-VI/3 (5) [Advanced Fire]. In each case, provision is made that would allow some of the competencies required for each certificate to be revalidated through on board service but there are a number of excluded competencies that can not be so revalidated.

The overriding requirement is for revalidation to be completed through the demonstration of competency. This was an area of very significant debate and discussion throughout the revision process. The clear consensus is that even where a number of competencies were to be revalidated through on board service, there would have to be some evidence such as a record of aligned exercises and drills provided either by the candidate or employer. The sub-committee were extremely explicit in identifying those competencies that could not normally be revalidated through on board service. It would therefore be a very serious failure in full implementation if New Zealand New Zealand does not make the necessary provisions for this.

From a training provider perspective, we have been working internationally to develop a combined programme where all of the required shore based competencies could be refreshed and demonstrated

within probably a six day period, supported by a logbook for seafarers to maintain their record of on competence demonstrations for those that can be demonstrated during seagoing service.

Change Required: Provision must be made for the proper application of A-VI/1 (3), A-VI/2 (5) and (11) and A-VI/3 (5).

MNZ Comment: MNZ agrees there is a need to provide for revalidation of ancillary certificates within the rules. Sections A-VI/1 6.1, A-VI/2 6.1 and A-VI/3 6.1 respectively identify which competencies can be confirmed by on-board training.

However this change does not need to be made immediately. At this stage only minimal changes are being made to the revalidation provisions in Part 31A and this matter will be addressed during the next stage of rules amendments required to implement the new Qualifications and Operating Limits Framework (QOLF). NO CHANGES REQUIRED AT THIS TIME.

Finally, the STCW sub-committee for a number of reasons did not believe that it was yet time to require revalidation of any of the first aid or medical certificates. It is very apparent that accepted practice in even basic first aid and particularly CPR techniques does evolve and that trained personnel rarely have the opportunity to maintain their competency through practice. For this reason, it has become commonly accepted through Department of Labour codes and prosecutions that New Zealand employers must maintain a minimum number of personnel holding evidence of having demonstrated their first aid competence within a two year period. There is something of a contradiction between the current Part 31A and Part 32 requirements where medical training certification effectively remains valid for life and the application of the Health and Safety in Employment Act at least in shore based and normally far less risky shore based employment.

Possible Change: Consideration should be given as to whether seafarers do retain competence in medical practice simply through sea service and whether the consequences if they do not create an unacceptable health and safety risk to other seafarers on board their vessels. Secondly, consideration needs to be given as to whether there are not widely varying applications of medical training requirements between the Department of Labour and Maritime New Zealand application of the Health and Safety in Employment Act.

MNZ Comment: As noted there is no requirement to demonstrate ongoing competence in medical care – refer Table B-1/2. This matter will be discussed with industry to determine if it is necessary to change this in the future. NO CHANGES REQUIRED AT THIS TIME.

31A.15

The use of Class 1 and 2 tanker endorsements were historic and preceded both STCW 95 and Manila. Although not overly problematic, it would be more consistent to use the terms 'basic' and 'advanced' to align more completely with the naming used in STCW and internationally.

MNZ Comment: MNZ agrees that this matter needs to be addressed but considers that it is not urgent. It will be dealt with as part of the future QOLF implementation rules. NO CHANGES REQUIRED AT THIS TIME.

31A.16

No amendments are currently proposed, however, this section has historically been inconsistent with the STCW 95 amendment and is now even less consistent with the changes from the Manila amendment. None of the paragraph references now align with the amended STCW.

More importantly, Regulation V/2 applies to all passenger ships and not only those of a ro/ro passenger configuration. Only V/2 (7) relates to ro/ro vessels.

It is not unreasonable to contemplate non ro/ro passenger vessels working within New Zealand for considerable periods and of course we have many New Zealand seafarers serving on board international passenger vessels.

Change Requested: Amend rule 31A.16 to provide for the training required under STCW Reg V/2 (4-6) for all passenger vessels and for V/2 (7) for ro/ro passenger.

MNZ Response: *MNZ agrees that this matter needs to be addressed but considers that it is not urgent. It will be dealt with as part of the future QOLF implementation rules. NO CHANGES REQUIRED AT THIS TIME.*

31A.24

The derogation provisions allowed under STCW A-VIII 1 (9) were hotly debated throughout the revision. The drafting and intent of the STCW provision is that Administrations rather than owners and Masters would be responsible for allowing the derogation and it was envisaged that this would be on a case by case application of the circumstances rather than the general permission provided for in the proposed rule amendment in rule 31A.24(4) and (5). The intent is that the derogations should only be available in exceptional circumstances and the circumstances that could be planned for in the normal operation of the vessel. A pragmatic compromise might be a rule amendment that provided the ability for an operator or Master to seek approval for the use of the derogation so that MNZ at least has the ability to determine how the operator intends to manage derogations and to ensure that these are not simply a customary operational practice.

Change Requested: Implement an approval process for rest period derogations instead of the blanket approval provided for in the proposed rule amendment to ensure consistency with the intent of the STCW amendment and to ensure that the risks posed by fatigue are managed appropriately.

MNZ Response: *MNZ does not consider it necessary to approve such exceptions on a case by case basis. Part B of the STCW Code provides guidance on how the new provisions should be applied by operators, and MNZ will monitor this accordingly. NO CHANGES REQUIRED.*

Apparent Omissions

Security Provisions

There appear to be no provisions within the proposed Part 31A for the various levels of security training required under STCW Reg VI (5) and (6). Part 31A would seem to be the most appropriate place to prescribe that seafarers with these competencies must be required on board. Failing to provide this requirement would be a fairly serious failure to achieve full implementation.

Change Requested: Provide requirements in Part 31A to give effect to STCW Reg VI (5) and (6).

MNZ Response: *The requirements for security training applicable to all seafarers, those with designated security duties and ship security officers in STCW Regs VI(5) and (6) include transitional provisions. IMO STCW Circular STCW.7/16 notes that even if a seafarer's documentation with regard to the security-related training in Reg. VI(6) is not in accordance with the 2010 Manila Amendments, it would be sufficient to accept compliance with section 13 of ISPS Code. Security training will be*

addressed in later rules amendments as part of the QOLF implementation. NO CHANGES REQUIRED AT THIS TIME.

Alcohol and Drug

No attempt has been made to provide for the implementation is STCW A-VIII/2 (10). This is a serious omission and while we understand the historic environment that has delayed the establishment of prescribed limits, this is now an international convention requirement with very serious consequences for all New Zealand seafarers if not fully implemented. Further, we believe that there would rightly be public outrage if it became known that there were no prescribed maximum drug and alcohol limits for operating vessels in New Zealand.

Change Required: Provide requirements in Part 31A or elsewhere to give effect to STCW VIII/2 (10).

MNZ Response: *The issue of measures for the prevention of abuse of alcohol and drugs is being managed by the Ministry of Transport as part of a broader policy across the transport sectors. MoT will be progressing policy work on this matter in the New Year. It should be noted that in order to implement STCW A-VIII/2(10), amendment/development of other legislation beyond MNZ's mandate may be more appropriate, hence the pivotal role being played by MoT.*

MNZ has kept the Ministry fully briefed on STCW A-VIII/1 (10) during its development phase at the IMO and the Ministry is fully aware of the deadlines for compliance and the implications of not doing so.

Part 32

1 General Comments that relate to multiple sections

MNZ Response: *As a general principle, the current package of rules amendments is intended as a short-term measure to address the immediate requirements of the Manila amendments to the STCW Convention and needs of industry. The approach taken has been to keep the rule changes to a minimum and not attempt to fix everything at this time. Where appropriate, such as for the new qualifications, new rules reflect the style of the STCW regulations and Code. As part of the forthcoming implementation of the new Qualifications and Operating Limits Framework (QOLF), there will be a wide-ranging and comprehensive update of the rules, expected to be take effect in April 2013. Other changes covered by the transition provisions of Manila will also be addressed in that future update. This should be borne in mind when considering the submissions.*

1.1 Assessment of all certificates:

Each of the current STCW certificate requirements refers in different ways to oral, written and sometimes practical or simulator examinations. STCW requires demonstration of competence and therefore competency based assessment must be used. This might involve written, oral and practical assessments but examinations as such are used less and less in this methodology. We believe that the retention of the separate oral examination directly under MNZ jurisdiction should be retained. Given this, we would suggest that all references to examination in the rule should refer to 'satisfactorily passing the assessments of competency specified for this qualification and a final oral examination that may include practical demonstrations'.

MNZ Response: *The concerns are noted. However MNZ believes that the current wording is adequate as assessments should be part of the training courses anyway. This matter will be revisited during the development of rules amendments for implementation of the new QOL framework where there will be a focus on greater consistency and clarity across the rules for all seafarer qualifications. NO CHANGES REQUIRED.*

1.2 Security Training

Consideration needs to be given as to whether the training and competency requirements for security training specified in STCW Reg VI/2 [VI/6?] should be prerequisite for other certificates of competency or proficiency or whether they need to stand alone. By implication, all seafarers must have training in security familiarisation and it would therefore appear to be as much a prerequisite for all other certificates as the basic STCW requirements that are specified under the rule for each other certificate.

MNZ Response: *The requirements for security training applicable to all seafarers, those with designated security duties and ship security officers in STCW Regs VI(5) and (6) include transitional provisions. IMO STCW Circular STCW.7/16 notes that even if a seafarer's documentation with regard to the security-related training in Reg. VI(6) is not in accordance with the 2010 Manila Amendments, it would be sufficient to accept compliance with section 13 of ISPS Code. Security training will be addressed in later rules amendments as part of the QOLF implementation. NO CHANGES REQUIRED AT THIS TIME.*

32.6 Deck Watch Rating

STCW requires only that sea service is appropriate. In our view, the requirements for sea service in commercial vessels and vessels over 500 t are not necessarily relevant as to whether a candidate could develop and demonstrate the competencies required. These requirements appear unnecessarily prescriptive and are not necessarily even relevant to the specific competencies covered by the certificate. We would prefer that the rule provides for wider discretion such as 'appropriate vessels and service' and then provides guidance in an advisory circular or similar device. Further, the requirement for 'commercial' sea service unnecessarily precludes service on warships and potentially super yachts where the ratings duties vary little from those on commercial vessels.

MNZ Response: *The rule provisions and appropriate seagoing service requirements for the DWR certificate will be addressed during the development of rules amendments for implementation of the new QOL framework. NO CHANGES REQUIRED AT THIS TIME.*

32.7A Able Seafarer Deck

We believe that the sea service requirements under (c) are unnecessarily restrictive. Although we would suggest that some sea service on vessels of greater than 500 t would be desirable, the proposed rule requires that all sea service after completion of the deck watch rating must be gained on such vessels. We would suggest that this is not necessary for someone to be competent and would prefer that any restriction on sea service in vessels over 500 t be limited to say 3 or 6 months. Again, the requirement for all sea service to be gained on commercial vessels also potentially precludes service on warships and super yachts where the ratings duties do not vary significantly from those that are allowed under the proposed amendment.

MNZ Response: *A Deck Watch Rating (DWR) Certificate is a pre-requisite for the new Able Seafarer Deck certificate. The AB Deck certificate explicitly refers to ships of 500 gross tonnage or more as does the DWR certificate. MNZ therefore considers it appropriate that all the seagoing service be completed on vessels of 500 GT or more. NO CHANGE REQUIRED.*

The wording of 32.7A (1) (c) ii is also unnecessarily prescriptive and inconsistent with STCW and other requirements in the existing rule. The reduction to 12 months sea service is allowed where this involves an approved training programme and it would be better if the rule simply referred to this as it does for all other certificates currently. The proportion of the training done outside the 12 months on board in shore based training and the nature and vetting of record books used to demonstrate competency are then a matter for the organisation seeking approval for the programme and MNZ when they consider this. We do have a large number of pacific island ratings for example who have attended shore based rating training of up to two years prior to going to sea and who could readily

demonstrate the required competence in the 12 months after achieving a watch rating certificate without doing another structured training programme on board.

MNZ Response: *The concerns expressed in the submission are unclear. The wording used in the rule has followed the form of STCW Reg. II/5. NO CHANGE REQUIRED.*

32.8A Able Seafarer Engine

Similarly, 32.8A (1) (c) ii should read 'not less than 6 months and having completed a special training programme approved by the Director' for the reasons stated above for Able Seafarer Deck.

MNZ Response: *See comments on AB Deck above – NO CHANGE REQUIRED*

32.8B Electrotechnical rating

There is a minor typo in 32.8B (1) (d) which needs the deletion of the 'and' in the first line

MNZ Response: *Error noted – this will be fixed.*

Omissions

We believe that it would be very desirable for New Zealand seafarers seeking employment in overseas jurisdictions for an Integrated Watch Rating and an Integrated Able Seafarer certificate to be issued. These would require the STCW requirements for both disciplines with perhaps even an option for the electrotech rating to be added in addition.

MNZ Response: *MNZ does not consider it is necessary to include Integrated Watch Ratings or Able Seafarer qualifications in the NZ qualifications framework. Seafarers holding both a NZ Deck Watch Rating and an Engine Watch Rating certificate can obtain an Integrated Watch Rating certificate in Australia. NO CHANGE REQUIRED*

32.23 Marine Engineer Class 3

The major amendments to this qualification made in Manila are not reflected in the proposed rule in the way that was intended. This overly complicates the rule. The previous requirement for a minimum 36 month training period including workshop skill development gave rise to the path from a shore based National Certificate or equivalent. Under the amendment, the assessment of the workshop skills shifted to become part of the demonstration of competency required under the main certificate. The effect of this is that even where a candidate holds a National Certificate, their competency in workshop skills will have to be assessed as part of the certificate by an examiner approved by MNZ. This is certainly likely to involve some recognition of prior learning but will have to include assessment.

MNZ Response: *There is no specific requirement within STCW for workshop skills to be assessed as part of the certificate. The training institutions may wish to do their own assessment for the purposes of admission to their courses, but it is not necessary to prescribe such assessments in the rules. NO CHANGE REQUIRED.*

Secondly, although the wording of 32.23 (1) (b) i follows the STCW wording, we acknowledge that it is ambiguous. The debate during the revision was for a combined period of 12 months that included workshop skills training and sea service. It would be better to clarify this wording and we would certainly not like to see anyone become certificated in this role without less than the current 6 months actually on board ship.

MNZ Response: MNZ has discussed the interpretation of the STCW wording with AMSA and they confirmed their understanding that the requirement is for a minimum of 6 months seagoing service out of the 12 months combined workshop skills training and seagoing service. The minimum duration of workshop skills training is not specified.

Rule 32.23(1)(c) is quite clear that candidates must have performed engine-room watchkeeping duties on main propulsion machinery under the supervision of an engineer officer of not less than 6 months, hence they will always have to complete at least 6 months of seagoing service before qualifying. NO CHANGE REQUIRED.

Thirdly, we are not aware of any compelling practical or STCW requirement to increase the appropriate service in either motor or steam vessels from 4 to 6 months as currently proposed. In reality, almost all candidates are primarily motor with the occasional one looking to get a combined endorsement through steam service and assessment.

MNZ Response: STCW defines seagoing service as “service on board a ship relevant to the issue or revalidation of a certificate or other qualification”. MNZ agrees that at MEC 3 level, some of the watchkeeping time will be relevant to either steam or motor (for example learning how to understand systems, monitor equipment, keep a good general machinery watch and so on). This system is also in line with the UK MCA watchkeeping engineer and classes 1 and 2.

CHANGES PROPOSED

The draft rules will be changed to require 4 months service on motor ships and 4 months service on steam ships for the combined motor and steam certificate at MEC 3 level. Watchkeeping service for the higher engineering qualifications will remain unchanged.

Finally, 32.23(2) was the initial device intended to create the pathway from the old 1DTE – now Marine Engineer Class 4. The current wording is not consistent with the STCW workshop skill and training record book requirement and the pathway should now really relate to MEC4.

MNZ Response: As noted, the referenced rule is a transitional path for the old 1 DTE qualification. The intent is to keep such a path available for the transition to the new QOL framework. Progression from MEC 4 to MEC 3 is a different matter and will be dealt with in the new framework. Only the minimum changes have been made to rule 32.23(2) at this stage to ensure it is correctly cross-referenced and also that the required seagoing service is commensurate with the privileges of the MEC 3 certificate (hence the change from 2000 kW to 750 kW). NO CHANGES REQUIRED.

We therefore believe that it would be tidier to reword 32.23 (1) (b) (c) and (d) as follows:

- b ‘provide evidence of having completed–
 - (i) Not less than 6 months approved seagoing service on commercial ships or New Zealand warships in the last 10 years performing engine-room watchkeeping duties on main propulsion machinery appropriate to the certificate sought of at least 750 kW propulsion power, either
 - a. under the supervision of a certificated engineer officer, or
 - b. while holding a Certificate of Competency as Marine Engineer Class 4 or equivalent,and
 - (ii) an approved training record book to the satisfaction of the Director, and
 - (iii) either
 - a. a special training programme of at least 12 months duration including workshop skills training approved by the Director, or

- b. a National Certificate in Engineering or equivalent qualification acceptable to the Director of at least 120 New Zealand Qualification Framework credits, or
- c. combined workshop skill training and seagoing service sea service of not less than 36 months that included not less than 30 months approved seagoing service in the engine department, or
- d. combined workshop skill training and a Certificate of Competency as a Marine Engineer Class 4 or equivalent.

and retaining the proposed (e) – (h).

Then adding a new 32.23 (2)

- I) A Marine Engineer Class 3 will be issued (endorsed) for motor where the candidate provides evidence of having completed the sea service required by 32.23 (1) b (i) in motor propelled ships,
- II) A Marine Engineer Class 3 will be issued (endorsed) for steam where the candidate provides evidence of having completed the sea service required by 32.23 (1) b (i) in steam propelled ships,
- III) A Marine Engineer Class 3 will be issued (endorsed) for both motor and steam where the candidate provides evidence of having completed at least four months in the last 10 years on steam ships and four months in the last 10 years on motor ships while performing watchkeeping duties under the supervision of a certificated engineering officer on vessels over 750 kW.

MNZ Response: *In view of the above comments by MNZ it is not considered necessary to reword the draft rule as has been suggested. NO CHANGES REQUIRED.*

32.25 Marine Engineer Class 2

There has historically not been any training record book requirement internationally to move from Engineering Officer of the Watch to Seconds. In fact, none of the main administrations or support organisations currently have such a book available. Although there is some merit in a record book requirement, the development costs to produce this for New Zealand alone would be prohibitive and an unnecessary constraint to candidates that were not aware of the need for such a book prior to them commencing sea service. Given that competency based assessment will be used for all functions in the future, we would suggest that it would be better that this requirement in the proposed 23.25 (1) (d) is removed.

MNZ Response: *MNZ agrees that with MEC 3 now becoming a pre-requisite for MEC 2, that there is no longer a need for a training record book for MEC 2, and that requiring one is out of step with other administrations.*

CHANGES PROPOSED

The draft rules will be changed to remove this requirement.

Revalidations

We have addressed these in our comments for Part 31A. We would comment in general, however, that revalidation requirements relate to certificates and not vessel operations. It would be a more natural fit for certification requirements to sit under Part 32. This is not a priority but would be a good tidy up in the future.

MNZ Response: *The observation is noted. This matter will be revisited in the next round of rule amendments to give effect to the new QOL framework. While the structure of the revised rules is yet to be determined, there will be a focus on making the rules simpler and improving consistency. NO CHANGES REQUIRED AT THIS TIME.*