

Surveying under MOSS

Guidelines for surveying under the Maritime Operator Safety System
(MOSS)

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This document is uncontrolled if printed. Please refer to the Maritime New Zealand website for the latest version.

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1. Introduction

This document outlines what is expected of surveyors performing regulatory surveys for ships operated under a Maritime Transport Operator Certificate (MTOC). It reflects the expectations on surveyors included in Maritime Rule Part 44 and other maritime rules.

Specific survey standards are included mostly in Maritime Rules Parts 40 to 50 and in the relevant marine protection rules. In addition, Rule Part 44 specifies what is required of a surveyor before issuing a Certificate of Survey.

This document describes the types of surveys that an appropriately qualified surveyor may undertake under the MOSS regime.

It also describes the key steps in the survey process – whether the survey is for the issue or retention of a Certificate of Survey. Those steps are:

1. Identifying the type and scope of the survey required
2. Conducting the survey and recording the findings
3. Closing-out critical deficiencies
4. Producing or reviewing/updating the survey plan
5. Producing and issuing a survey report

Disclaimer

This document provides information and explanations about the requirements set out in the maritime rules. It is not a substitute for the rules themselves, which have the law.

maritimenz.govt.nz/rules

Further information is also available at

[Maritimenz.govt.nz/surveyors](https://maritimenz.govt.nz/surveyors)

2. Identifying the type and scope of survey required

Four types of survey are identified in this guidance material:

- **Design approval survey**
Survey of a design/build plan (including plans related to major modifications or major repairs) of the ship prior to commencement of construction.
- **In-construction survey**
Survey of a ship during its build, or during major modifications or major repairs. The purpose is for on-ship verification of the construction – independent of the owner and builder.
- **Initial survey**
Survey of a ship after construction, when the ship has not previously had a SSM certificate or Certificate of Survey (for its requested scope of certification) in New Zealand. The ship might or might not have been built under survey.
- **Periodic survey**
Survey of a ship either during the term of its certificate of survey (in which case it is referred to as an intermediate survey or inspection), or at the end of the term of its certificate of survey (in which case it is a renewal survey that determines whether its certificate of survey can be renewed).

In the case of a design approval survey, the scope of the survey is determined by the scope of the ship's certification (that is, the ship's category¹, activity, type, operating limits, minimum crew, maximum passengers and other people on board, and maximum cargo capabilities) including the certificates it requires. The surveyor assesses all aspects of the ship design for its compliance with relevant maritime rules – to verify design, construction, calculations and other rule compliance matters (independent of the ship designer, builder, owner and the in-construction surveyor).

For an in-construction survey, the scope of the survey is determined by the approved design of the ship (or design of major modifications or major repairs to the ship). The surveyor's reference point for the scope of the construction survey (and construction report) is the ship design as approved by the design approval surveyor.

For an initial survey, the scope of the survey is determined by the scope of certification requested for the ship and the information available (or missing) from any design approval or construction survey. If the ship was not built under survey, inspections and tests that otherwise would have been conducted during a construction survey must be included in the initial survey.² Once the scope is determined, the relevant maritime rules provide the surveyor's reference point for an initial survey.

For a periodic survey, the scope of the survey should be based on an existing survey plan. However, the surveyor should also verify that what is specified in the existing survey plan is consistent with the scope of the ship's certification, and its current activities.

¹ Category means the intended purpose of the ship: passenger, non-passenger, fishing, sailing or any combination of those purposes.

² This might mean that a surveyor with recognition for design approval is required for part of an initial survey.

3. The survey process

3.1 Conducting the survey

A recognised surveyor is required to be in attendance while undertaking any regulatory survey.

Having determined the type and scope of the survey required, the surveyor is expected to conduct the survey with reference to the relevant documentation:

- for in-construction surveys this is the ship design as approved by an appropriately recognised surveyor.
- for all other survey types this is the applicable maritime rules and survey performance requirements issued by the Director of Maritime New Zealand (Director).

Copies of all maritime rules are available through:

maritimenz.govt.nz/rules

List any documents we need from you before we can assess your application

Following consultation, the survey performance requirements and guidance on how to use them will be available at the Maritime NZ website:

maritimenz.govt.nz/surveyors

Survey findings should be recorded in a manner that follows the survey elements and items included in the rules and any survey relevant survey performance requirements and other guidance provided by Maritime New Zealand (Maritime NZ).

For each ship survey area, Maritime NZ has a check sheet available for surveyors to:

1. ensure that all survey elements are covered in the survey, and
2. record the survey results and observations for inclusion in the survey report.

3.2 Closing-out critical deficiencies

The survey might identify deficiencies that must be remedied by the owner or operator. If that is the case, a corrective actions schedule or report (that includes details about what must be done and when) should be issued by the surveyor, and all critical deficiencies must be corrected before departure of the ship.

It is recommended that the corrective actions report or schedule (including confirmation of closing-out of critical deficiencies) be included as an attachment to the final survey report.

3. The survey process (continued)

3.3 Reviewing the survey plan

The survey results will also provide the basis for the surveyor to review the appropriateness of the current survey plan for the ship.

The survey plan approved by the surveyor should:

- cover the five-year period up to the date of expiry of the current Certificate of Survey
- recognise any identified changes in the level of risk for each survey element
- recognise any change to the ship's scope of certification
- reference relevant survey standards in the maritime rules and survey performance requirements issued by the Director and
- recognise all the expiry dates of all certificates required for the ship.

3.4 Producing and issuing the survey report

As soon as possible after each survey, the surveyor must complete and provide a survey report to the Director and the owner or operator, as applicable.

Disclaimer

Resources to assist the conduct of surveys and producing survey reports can be found on the Maritime NZ website.

maritimenz.govt.nz/surveyors

4. Maintaining survey quality

Underlying MOSS is Maritime NZ's responsibility for the standards that determine the on-going safety of New Zealand's commercial shipping fleet. High quality surveys and inspections play an integral part in this.

Maritime rules, marine protection rules, survey performance requirements and other guidance issued by the Director provide surveyors with a comprehensive set of information to enable high quality surveys and inspections.

In addition to issuing the rules and requirements, Maritime NZ's role in maintaining survey quality includes:

- monitoring surveyor performance; and
- taking appropriate action, where that performance is not meeting the expected quality.

4.1 Performance monitoring

Maritime NZ will monitor surveyor performance by routinely reviewing and considering a wide range of information collected from survey reports, the results of ship inspections, investigations and audits, and from engagement with operators and other sources.

Reviews of survey reports are a particularly important source of information, as the survey report templates available from Maritime NZ are firmly linked to relevant maritime rules and to the Director's survey performance requirements.

Ship visits by Maritime Officers are also important. For example, a visit for the purpose assessing an operator plan might identify that one of the operator's ships has a deficiency that indicates a failure of some part of the survey process.

4.2 How Maritime NZ will respond

Where the monitoring raises a concern over the quality of a surveyor's performance, Maritime NZ may choose to audit that surveyor. Such an audit will be conducted to assess how well the surveyor is operating in accordance with maritime and marine protection rules, survey performance requirements and industry best practice.

Surveyor audits are chargeable, as shown in Maritime NZ's schedule of fees. The amount charged is determined by the time spent on the audit and the hourly rate specified in the Shipping (Charges) Regulations.

maritimenz.govt.nz/fees

In the interests of maritime safety, Maritime NZ may also choose to investigate where there are grounds to believe that a surveyor has failed to comply with the requirements of his or her certificate of recognition, or has acted in a careless or incompetent manner.

Maritime NZ's Compliance Operating Model details the way in which Maritime NZ will respond to non-compliant behaviour or poor performance, and the findings of any audit or investigation will be considered in the context of that model.

maritimenz.govt.nz/compliance

4. Maintaining survey quality (continued)

This is done to ensure we respond in a way that is risk-proportionate, appropriate and encourages an ongoing high standard of surveyor performance.

In tailoring an appropriate response Maritime NZ will consider the surveyor's attitude, behaviour, capability and the risks involved.

Responses range from education and support, for those willing and attempting to comply, through to prosecution or the removal of maritime documents for those who choose to not to comply or are wilfully negligent.

Audits, investigations and their respective responses will follow a robust process and be conducted in a manner that is fair, transparent and lawful.

5. Surveying ships that are ‘in-transition’ to MOSS

On 1 July 2014, a ship that has a fit for purpose certificate and a current New Zealand SSM certificate will be deemed to have a valid Certificate of Survey.

After that date, and provided the requirements of the fit for purpose certificate are met, the ship’s deemed Certificate of Survey expires at the earliest of:

- the expiry date of the fit for purpose certificate
- the next mid-term or renewal out of water inspection date, as set out in its approved maintenance plan (established under the SSM regime³)
- the expiry date of the SSM certificate.

Appendix 1 shows two examples of operator transitions into MOSS.

5.1 Surveying a ship that is covered by a deemed MTOC

On 1 July 2014, an operator that has one or more ships with current SSM certificates will be deemed to have a Maritime Operator Transport Certificate (MTOC) covering those ships.

When conducting a survey of a ship that is covered by a deemed MTOC⁴, the surveyor must:

- comply with the requirements of Rule Part 44, including the requirement that a ship has the documents required by Rules 44.41(2)(c); and
- recognise that the operator’s safety system obligations are still defined by the SSM system (ie continued compliance with the SSM manual).

The net effect is that, before issuing a Certificate of Survey, the surveyor must:

1. approve a survey plan for the ship. Although the previous approved maintenance plan under SSM might have included an appropriate schedule of inspections, a specific MOSS survey plan (in a form acceptable to the Director) must be approved by the surveyor at this time.
2. be satisfied that the ship has a maintenance plan, safety equipment list and spare parts list that meet MOSS requirements.

Whether or not the maintenance plan and record of safety equipment from the SSM system meet MOSS requirements is a matter for the surveyor to judge. In making that judgment the surveyor should consider the templates provided by Maritime NZ – which are in a form acceptable to the Director.

³ Maintenance plans approved by a recognised surveyor under SSM system remain applicable under MOSS (during the deeming phase).

⁴ Surveys of ships under operators with deemed MTOCs will likely be required through to 30 June 2019.

5.2 What happens when a deemed MTOC expires?

A deemed MTOC expires at the same time that the first SSM Certificate expires.

Prior to the expiry of a deemed MTOC, the operator must apply for an MTOC in accordance with Maritime Rule Part 19, and the application must be accompanied by a certificate of survey for each ship in the operation. That certificate may be either a deemed Certificate of Survey (ie a current SSM certificate and fit for purpose certificate) or a MOSS Certificate of Survey issued by a recognised surveyor on or after 1 July 2014.

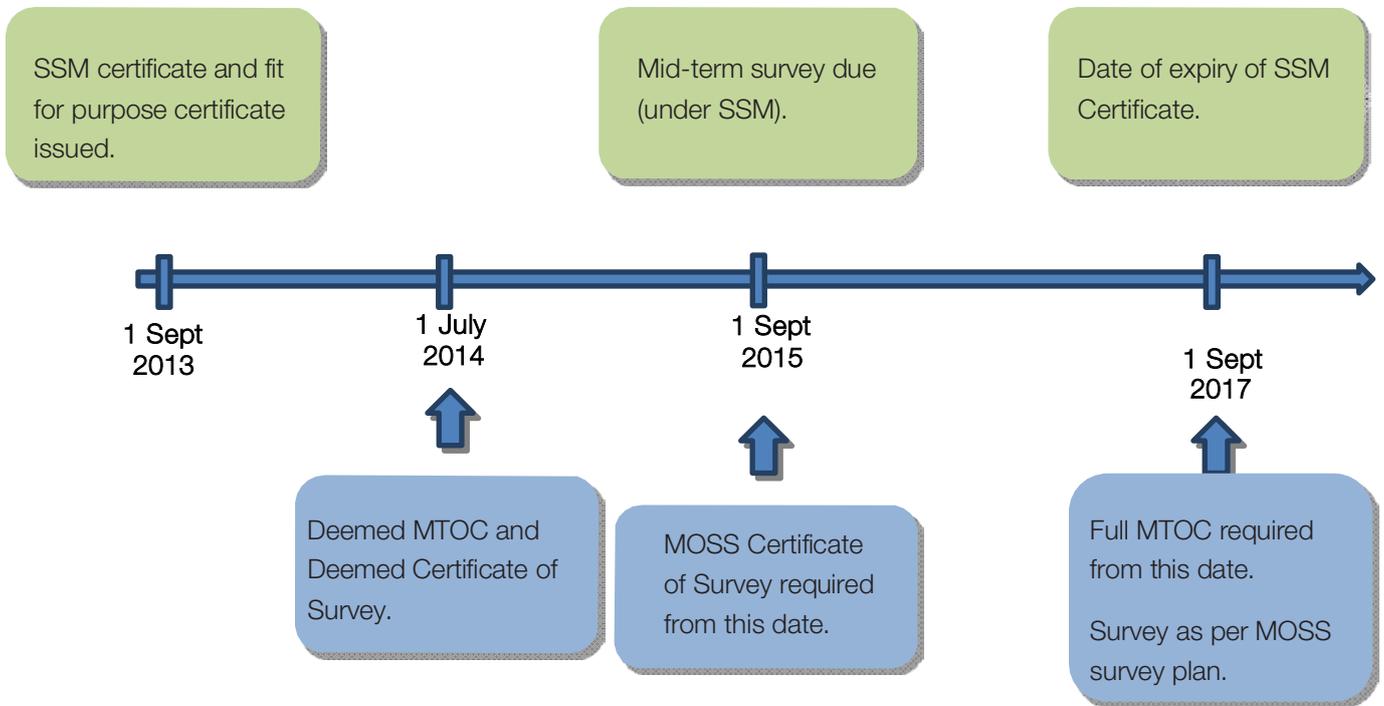
For each ship that has a MOSS Certificate of Survey, the application will also need to include an approved survey plan, a maintenance plan, a safety equipment list and spare parts list – each in a form acceptable to the Director.

Operators preparing for their MTOC applications might see value in having the survey-related documentation of all their ships in the MOSS format (rather than some meeting MOSS and others meeting SSM requirements) before the application is lodged.

If this is the case, some operators might bring forward the survey of some ships – resulting in a higher than otherwise expected number of requests for surveys leading up to the expiry of deemed MTOCs.

Appendix 1. Examples of operator and ship transitions into MOSS

Example 1 – Ship for which mid-term survey occurs first



Example 2 – Ship for which SSM certificate expires first

