

How we decide a seafarer, pilot or commercial jet boat driver is fit and proper to hold a maritime document

Operational Policy OP 17

September 2025

Introduction

As a risk-based regulator we prioritise taking actions to prevent harm from occurring across the maritime domain. One way we do this is by ensuring those exercising privileges on ships operating in our waters are fit and proper to do so.

This operational policy sets out how we decide whether a seafarer, pilot or commercial jet boat driver is fit and proper to exercise the privileges of the certificate they are applying for.

Certificates and licences

Seafarer certificates of competency and proficiency, pilot certificates and commercial jet boat driver licences (collectively referred to as certificates), are maritime documents issued under the Maritime Transport Act 1994 (MTA). These certificates allow people to exercise privileges on ships operating in the maritime domain.

The Director of Maritime New Zealand (Maritime NZ) (the Director), or their delegate, will issue a certificate if, among other things, they are satisfied the person is fit and proper to exercise the privileges of the certificate being applied for.

Application of this policy

This policy applies to applicants seeking or renewing:

- New Zealand certificates
- New Zealand issued Standards of Training, Certification and Watchkeeping for Seafarer (STCW) certificates
- New Zealand issued Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) aligned certificates
- Pilot and pilot exemption certificates, and
- New Zealand Commercial Jet Boat Driver (River) Licences
- recognition of foreign STCW or STCW-F certificates, and

- recognition of Australian domestic certificates under the Trans-Tasman Mutual Recognition Act 1997.

This policy does not apply to maritime documents issued to:

- owners or operators of New Zealand ships or foreign ships operating in New Zealand waters
- body corporates and their officers
- persons or organisations that provide maritime training, testing, inspection, audit or certification of ships or maritime products, or
- persons or organisations that provide the design, manufacture, or maintenance of ships or maritime products.

This policy should be read alongside our operational policy When we will reject or decline an application for a maritime or marine protection document (OP01), which can be found on our website.

What do we mean by fit and proper?

Fit means that the person is physically and mentally able, has the required knowledge and is competent to execute the privileges of the certificate they are applying for.

Proper means the person demonstrates a standard of behaviour that we are confident shows they can execute the privileges of the certificate being applied for in a way that does not pose a significant risk to the maritime domain.

The type of behaviours that pose significant risks are detailed in the sections below.

How we decide if an applicant is fit and proper for the certificate they are seeking

Decisions on whether a seafarer is fit and proper to hold a maritime document are made after considering an individual's specific circumstances. We consider whether the certificate being applied for is deemed high risk or low risk.

High risk certificates

High risk certificates allow people to execute the greatest privileges on ships (including control of a vessel or significant systems on a vessel, or oversight of other seafarers). People who hold high risk certificates have the potential to cause the most serious harm if they are not fit and proper.

We may consider any information that could be relevant to determine whether or not a person is fit and proper.

Certificates that are considered high risk are:

- Masters and Chief Engineers



- Engineers that may have sole charge of a vessel including Marine Engineer Class 1 (MEC1) and Marine Engineer Class 2 (MEC2, MEC2 <3000kw, and MEC 2 ECE), and Marine Engineer Class 4, 5 and 6
- Skippers
- Pilots and people who hold a Pilot Exemption Certificate (pilots), and
- Commercial Jet Boat Drivers – River (jet boat drivers).

All legacy or equivalent ring-fenced certificates, set out in Part 32, Part 82, and Part 90 that align with the certificates above, are also considered high risk.

Applicants seeking or renewing a high risk certificate, or recognition of the foreign equivalent, must be fit

To be fit to hold a high risk certificate, applicants must:

- meet the relevant age requirements
- hold any relevant prerequisite certificates required
- hold any endorsements or ancillary certificates required
- pass any examinations or assessments required by the Director
- successfully complete relevant training requirements
- demonstrate competencies and standards required
- be medically fit and hold a valid certificate of medical fitness in accordance with Maritime Rules Part 34 - Medical Standards, and
- satisfy the Director or their delegate that the level of sea service is appropriate for the certificate being sought.

More detail on the requirements can be found in Maritime Rules Part 32, 34, 82 and 90, which are available on our website.

Applicants seeking or renewing a high risk certificate or recognition of the foreign equivalent, must be proper

We may consider any information that could be relevant to determine whether or not a person is proper to perform the privileges of the high risk certificate they are applying for. Particular weight will be given to whether an applicant, by being convicted of a specified offence set out below, has demonstrated a history of:

- violent and threatening behaviour,
- a wilful disregard for the law, or
- reckless behaviour, and/or extreme beliefs.

Applicants who we consider have demonstrated these behaviours by being convicted of a specified offence, are unlikely to be considered proper to hold a high risk certificate.

An applicant may be considered proper, despite having a conviction for a specified offence if they:



- were sentenced to less than 12 months in prison for any specified offence, and
- can provide evidence of rehabilitation

or

- were sentenced to more than 12 months in prison (or home detention), and
- have not committed any further offences of any kind within seven years from their release from prison, and
- can provide evidence of rehabilitation.

Specified Offences

Specified offences are those that we consider demonstrate violent and threatening behaviour, a wilful disregard for the law, reckless behaviour, or extreme views. Any offence committed outside New Zealand, which is similar to a specified offence listed in this policy, is also considered a specified offence for the purposes of this policy.

Violent and threatening behaviour

The specified offences for violent and threatening behaviour are:

Under the Crimes Act 1961:

- murder (section 167)
- a sexual crime under Part 7 punishable by seven or more years' imprisonment (other than an act that is no longer an offence) and includes a crime under section 144A or section 144C
- attempt to murder (section 173)
- counselling or attempting to procure murder (section 174)
- conspiracy to murder (section 175)
- accessory after the fact to murder (section 176)
- wounding with intent (section 188)
- injuring with intent to cause grievous bodily harm (section 189(1))
- aggravated wounding or injury (section 191)
- discharging a firearm or doing dangerous act with intent (section 198)
- acid throwing (section 199)
- poisoning with intent to cause grievous bodily harm (section 200(1))
- infecting with disease (section 201)
- abduction for purposes of marriage, or civil union, or sexual connection (section 208)
- kidnapping (section 209)
- abduction of young person under 16 (section 210)
- robbery (section 234)



- aggravated robbery (section 235), or
- assault with intent to rob (section 236).

Wilful disregard for the law and reckless behaviour

The specified offences that relate to a wilful disregard for the law or reckless behaviour are:

Under the Land Transport Act 1998:

- person in charge of motor vehicle causing injury or death (section 61), or
- person in charge of a motor vehicle causing injury or death in circumstances to which section 61 does not apply (section 62)

Under the Misuse of Drugs Act 1975:

- knowingly permits any premises or vehicle, including any premises or any vessel, aircraft, hovercraft, motor vehicle, or other mode of conveyance to be used for the purpose of the commission of an offence (section 12), or
- knowingly import or export precursor substances for unlawful use (section 12AB)

Under the Health and Safety at Work Act 2015:

- reckless conduct in respect of a duty (section 47) only for non-maritime related offences.

Under the MTA:

- a seafarer performs, or attempts to perform, designated safety, security, or marine environmental duties while the proportion of alcohol in the seafarer's breath, as ascertained by an evidential breath test, exceeds certain limits. This offence is a specified offence when a person has been convicted three times within seven years, whether the sentence was custodial or a fine (section 40C).

Extreme beliefs

The specified offences are:

- any convictions for participation in organised criminal group under the Crimes Act 1961, or
- any convictions under the Terrorism Suppression Act 2002.

Evidence of Rehabilitation

The applicant may provide evidence that they have been rehabilitated if they have been convicted of a specified offence. The type of evidence we will consider includes, but is not limited to:

- whether parole has successfully been completed
- whether the applicant has successfully undertaken a rehabilitation course with the New Zealand Department of Corrections, a Kaupapa Māori organisation, or other community organisation, and



- testimonials of good character from a trusted referee – such as an employer, parole officer, doctor, psychologist or councillor.

Any equivalent evidence of rehabilitation carried out overseas will also be considered.

Holders of high risk certificates prior to the commencement of this policy will continue to be considered proper

Seafarers, pilots and jet boat drivers who have been assessed as proper before 1st September 2025 will continue to be considered proper.

Low risk certificates

All certificates that are not considered high risk, are considered low risk We may consider any information that could be relevant to determine whether or not a person is fit and proper to hold a low risk certificate.

Applicants for low risk certificates are likely to be deemed fit and proper to perform the privileges of the low risk certificate they are applying for, if they have met the requirements below.

Applicants seeking or renewing a low risk certificate or recognition of the foreign equivalent, must be fit

To be considered fit to hold a low risk certificate, applicants must:

- meet the relevant age requirements
- hold any relevant prerequisite certificates required
- hold any endorsements or ancillary certificates required
- pass any examinations or assessments required by the Director
- successfully complete relevant training requirements
- demonstrate competencies and standards required
- be medically fit and hold a valid certificate of medical fitness in accordance with Maritime Rules Part 34 - Medical Standards, and
- satisfy the Director or their delegate that the level of sea service is appropriate for the certificate being sought.

More detail on the requirements can be found in Part 32 and Part 34, which are available on our website.

How we decide whether a person seeking or renewing a low risk certificate or seeking or renewing recognition of a foreign equivalent, is proper

The Director or their delegate, will deem applicants for low risk certificates are proper when they apply for their certificate.

This is because Maritime NZ has considered applicants for low risk certificates, by the nature of their role, are unlikely to pose significant risk to the maritime domain from their specific behaviour; except in extreme cases.



However, if the Director or their delegate, have any concerns about the applicants fit and proper person status when considering a low risk certificate application, they may at any point in time request further information from the applicant when making a fit and proper determination.

When seeking further information, the information is likely to include, but is not limited to, whether the applicant has demonstrated, by being convicted of a specified offence, a history of:

- violent and threatening behaviour,
- a wilful disregard for the law, or
- reckless behaviour, and/or extreme beliefs.

Certificate holders are required to notify Maritime NZ of any new information relevant to fit and proper person status

All certificate holders are required to inform Maritime NZ immediately of any information that could impact on whether they remain fit and proper for the certificate they hold.

In particular, any person holding a high risk certificate, who is convicted of a specified offence (detailed above) on or after the date this policy commences, must immediately notify us of their conviction.

If a high risk certificate holder notifies us they have been convicted of a specified offence or a change in their medical fitness status, we will reassess whether they remain fit and proper to continue to hold the high risk certificate.

We will communicate our decision to revoke the certificate or not in writing.

Further information

Further information can be found on our website on requirements for recognition or renewal of:

- foreign STCW or STCW-F certificates, and
- Australian domestic certificates under the Trans-Tasman Mutual Recognition Act 1997.

Legislative basis for this policy

The following sections of the MTA and Maritime Rules support this policy:

Section 35 – Application for maritime document

Section 41 – Issue of maritime documents and recognition of documents;

Section 50 – Criteria for fit and proper person

Maritime Rules Part 34: Medical Standards

Maritime Rules Part 32: Seafarer Certification

Maritime Rules Part 90: Pilotage, and

Maritime Rules Part 82: Commercial Jet Boat Operations – River.



Key terms

This section sets out any abbreviations and provides definitions for terms used in this policy.

Ancillary	for the purposes of this policy, means a certificate of ancillary proficiency listed in the Schedule to Part 32.
Legacy certificate	for the purposes of this policy, means a certificate having status under the transitional provisions of the MTA or in the transitional provisions of Part 32, Part 82 or Part 90.
Maritime document	means: <ul style="list-style-type: none"> • any licence, permit, certificate or other document issued under Part 5 of the MTA to or in respect of any person, ship, cargo, maritime procedure, or maritime product, and • includes any foreign licence, permit certificate, or other document recognised by the Director under section 41 of the MTA or accepted by the Director under section 42.
Maritime domain	for the purposes of this policy refers to refers to maritime activities related to maritime commercial operators, maritime security for ports and shipping, recreational boating, and national and Pacific search and rescue coordination within New Zealand’s marine waters
Recognition	for the purposes of this policy means accepting a foreign certificate or qualification as equivalent to a New Zealand certificate or qualification.
Ring-fenced certificate	means a certificate (including any endorsements) that has been ring-fenced under subpart F of Part 32 with the effect that its validity has been preserved.
Seafarer	for the purposes of this policy means any person who is employed or engaged on any ship in any capacity for hire or reward; or works on any ship for gain or reward otherwise than under a contract for employment; including pilots and people who have a pilot exemption certificate, and commercial jet boat drivers. It does not include any other person temporarily employed or engaged to work on a ship while it is in port; or a person who is appointed as an observer under New Zealand fisheries, maritime or environmental legislation.
Sea service	means service on board a ship relevant to the certificate, prescribed endorsement or ancillary proficiency for which sea service is required.
STCW certificate	means a certificate that is provided for in subpart C of Part 32.



STCW-F certificate	<p>means a certificate that is provided for in subpart D of Part 32 or an STCW-F aligned national certificate including:</p> <ul style="list-style-type: none"> • a MEC 5 with the associated privilege described in rule 32.51(1)(e); or • a MEC 5 motor and steam with the associated privilege, through rule 32.55(a), described in rule 32.51(1)(e); or • a MEC 4 with the associated privilege described in rule 32.57(1)(c).
---------------------------	---

Disclaimer

This document provides information on Maritime NZ's approach to assessing whether individual seafarers, pilots and commercial jet boat drivers are fit and proper to hold a maritime document. It is not a substitute for Maritime rules or other legislation.

Seafarers, pilots, commercial jet boat drivers and others with an interest in this policy must make sure they are operating to the latest maritime rules and other legislation and obtain legal advice when appropriate. This document may not be the most current version available so please check [Operational Policies - Maritime NZ](#) to confirm that you are referring to the current version of this publication.

