

Maritime Transport Act 1994

Maritime Rules

**PART 32 (Foreign Going Deck Qualifications)
AMENDMENT RULES 2007**

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994
I, Harry James Duynhoven, Minister for Transport Safety, hereby make
the following maritime rules.

Signed at Wellington

this *14th* day of *August* 2007

by HARRY JAMES DUYNHOVEN



Minister for Transport Safety

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Part Objective

The objective of the Part 32 Amendment Rules is to amend rules 32.17, 32.18 and 32.19 to allow greater flexibility in recognizing sea service and experience for candidates for deck officer certificates on foreign going ships. The amendments also introduce a new qualification, Master of a Foreign Going Ship of less than 3000 tons gross tonnage.

Rules subject to Regulations (Disallowance) Act 1989

Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules.

The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Extent of Consultation

On 24 March 2007, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 32 (Foreign Going Deck Qualifications) Amendment Rules. A notice was also published in the New Zealand Gazette on 22 March 2007. The Authority then made its Invitation to Comment and draft Part 32 (Foreign Going Deck Qualifications) Amendment Rules available to the public with approximately 47 copies being sent automatically to interested parties. Comments on the draft Part were requested by 20 April 2007.

Three organisations provided written submissions on the draft. All submissions and any oral comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

1 Entry into force

These amendment rules come into force on 14 September 2007.

2 Rule 32.2 Definitions

Rule 32.2 is amended by inserting the following definitions:

‘**“military commercial ship”** means a military ship that –

- (a) carries cargo or passengers; or
- (b) carries out operations that may be carried out by a commercial operator.

“military ship” –

- (a) means a ship that –
 - (i) belongs to the armed forces of a State; and
 - (ii) bears the external marks distinguishing the nationality of ships of that State; and
 - (iii) is under the command of an officer duly commissioned by the Government of that State whose name appears in the appropriate service list or its equivalent; and
 - (iv) is crewed by crew subject to regular armed forces discipline; and
- (b) includes a ship requisitioned under section 10 of the Defence Act 1990.’

3 Officer in Charge of a Navigational Watch of a Foreign Going Ship

For Rule 32.17 is substituted the following:

‘32.17 Officer in Charge of a Navigational Watch of a Foreign Going Ship¹ - Route ¹

- (1) A candidate for the issue, under this rule, of an *Officer in Charge of a Navigational Watch of a Foreign-Going Ship Certificate* must –
 - (a) be at least 18 years of age; and
 - (b) have completed the sea service prescribed in subrule (2); and
 - (c) within the last 10 years, have completed 12 months sea service in the capacity of –
 - (i) trainee deck officer; or
 - (ii) trainee navigating officer; or
 - (iii) deck officer; or
 - (iv) navigating officer; or
 - (v) deck crew,including six months bridge watchkeeping duties under the supervision of a qualified navigating officer; and
 - (d) have satisfactorily attended and completed an approved training programme; and

¹ This certificate equates to the STCW-95 certificate “Officer of the Watch – Unlimited”.

- (e) have passed an oral examination and written examinations that test knowledge of an approved syllabus; and
 - (f) hold the following certificates, which must be acceptable to the Director –
 - (i) a (current) proficiency in medical first aid certificate;
 - (ii) an electronic navigational systems certificate;
 - (iii) a competence in advanced fire-fighting certificate;
 - (iv) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate;
 - (v) a GMDSS radio operator certificate;
 - (vi) a certificate in signalling; and
 - (g) comply with any applicable (medical fitness) requirements of Part 34; and
 - (h) within the last 12 months, have passed the prescribed letter eyesight test; and
 - (i) have passed the prescribed lantern colour vision test.
- (2) A candidate for the issue, under this rule, of an *Officer in Charge of a Navigational Watch of a Foreign-Going Ship Certificate* must have completed within the last 10 years, in the capacity of trainee deck officer or trainee navigating officer or deck officer or navigating officer or deck crew, either –
- (a)
 - (i) 12 months sea service on commercial trading ships of 500 tons gross tonnage or more; and
 - (ii) an approved structured training programme; or
 - (b)
 - (i) 24 months sea service, including 12 months on commercial trading ships of 500 tons gross tonnage or more; and
 - (ii) an approved correspondence training course; and
 - (iii) a trainee deck officer record book; or
 - (c)
 - (i) 30 months sea service that includes –
 - (aa) 12 months sea service on commercial trading ships or military commercial ships of 500 tons gross tonnage² or more; or
 - (bb) six months sea service on military commercial ships, of over 500 tons gross tonnage,³ in the capacity of an officer in charge of a navigational watch; and
 - (ii) an approved correspondence training course or a trainee deck officer record book; or
 - (d) 36 months sea service that includes –
 - (i) 12 months sea service on commercial trading ships or military commercial ships of 500 tons gross tonnage or more; or
 - (ii) six months sea service on military commercial ships, of 500 tons gross tonnage or more, in the capacity of an officer in charge of a navigational watch.
- (3) For the purpose of subrules (1) and (2), the Director may accept, for qualifying sea service –
- (a) sea service on pleasure craft or fishing vessels of 10 metres or more in length operating beyond restricted limits, equivalent to two-thirds of actual time served up to a maximum of six months:

² Or 750 displacement tons, see rule 32.50 Tonnage of Military Commercial Ships.

³ Or 750 displacement tons, see rule 32.50 Tonnage of Military Commercial Ships.

- (b) sea service on fishing vessels operating in the unlimited area, up to a maximum of six months;
- (c) sea service on training vessels operating beyond restricted limits, up to a maximum of six months;
- (d) sea service on vessels that are undergoing repairs or survey, up to a maximum of two months;
- (e) sea service on floating production storage and offloading facilities, up to a maximum of three months;
- (f) sea service on drilling rigs or drilling ships at semi-permanent or permanent moorings, up to a maximum of three months;
- (g) sea service on other ships that are not cargo or passenger ships, on its merits, having regard to the relevance of the sea service to the certificate;
- (h) sea service on fishing vessels operating in the unlimited area while holding –
 - (i) a *Master of a Deep Sea Fishing Vessel Certificate*; or
 - (ii) a *Skipper of a Deep Sea Fishing Boat Certificate* issued under the Masters, Mates, and Fishing Deckhands (Coastal, Fishing, and Restricted-Limit Ships) Qualifications Regulations 1993; or
 - (iii) a *Mate of a Deep Sea Fishing Vessel Certificate*.

‘32.17A Officer in Charge of a Navigational Watch of a Foreign Going Ship–Route 2

A candidate for the issue, under this rule, of an *Officer in Charge of a Navigational Watch of a Foreign Going Ship Certificate* must –

- (a) be at least 18 years of age; and
- (b) hold –
 - (i) a *New Zealand Offshore Master Certificate*; or
 - (ii) a *Mate of a Deep Sea Fishing Vessel Certificate*; or
 - (iii) a *Master of a Deep Sea Fishing Vessel Certificate*; or
 - (iv) a *Master of a Yacht of less than 500 gross tonnage*; and
- (c) in the last 10 years, have completed 12 months sea service on commercial ships as a person in charge of a navigational watch for not less than eight hours out of every 24 hours claimed –
 - (i) on vessels of 24 metres or more in length that operate outside restricted limits; and
 - (ii) while being the holder or a *New Zealand Offshore Master Certificate* or equivalent; and
- (d) have satisfactorily attended and completed an approved training programme; and
- (e) have passed an oral and a written examination that test knowledge of an approved syllabus; and
- (f) hold the following certificates, which must be acceptable to the Director –
 - (i) a proficiency in medical first aid certificate;
 - (ii) an electronic navigational systems certificate;
 - (iii) a competence in advanced fire-fighting certificate;
 - (iv) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate;
 - (v) a GMDSS radio operator’s certificate;
 - (vi) a certificate in signalling; and

- (g) comply with any applicable (medical fitness) requirements of Part 34; and
- (h) within the last 12 months, have passed the prescribed letter eyesight test; and
- (i) have passed the prescribed lantern colour vision test.⁴

4 Chief Mate of a Foreign Going Ship

For Rule 32.18 is substituted the following:

'32.18 Chief Mate of a Foreign-Going Ship⁴

- (1) A candidate for the issue of a *Chief Mate of a Foreign-Going Ship Certificate* must –
 - (a) be at least 18 years of age; and
 - (b) have completed 18 months sea service on commercial trading ships or military commercial ships of 500 tons gross tonnage⁵ or more as officer in charge of a navigational watch for not less than eight hours out of every 24 hours claimed whilst being the holder of a *Officer in Charge of a Navigational Watch of a Foreign Going Ship Certificate* or equivalent; and such service must include –
 - (i) 3 months sea service on ships that are not military commercial ships; and
 - (ii) 12 months sea service in the last ten years; and
 - (iii) 6 months sea service –
 - (aa) on ships operating in the unlimited area; or
 - (bb) on ships operating in the offshore area on voyages of not less than 24 hours; or
 - (cc) as a member of the crew living on board ships operating in the coastal area on voyages of less than 24 hours; and
 - (c) have satisfactorily attended and completed an approved training programme; and
 - (d) have passed an oral examination and written examinations that test knowledge of an approved syllabus; and
 - (e) hold the following certificates, which must be acceptable to the Director –
 - (i) a proficiency as person in charge of medical care on board ship certificate;
 - (ii) a navigation and emergency control course certificate;
 - (iii) an electronic navigational systems certificate;
 - (iv) a competence in advanced fire-fighting certificate;
 - (v) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate;
 - (vi) a GMDSS radio operator certificate;
 - (vii) a certificate in signalling; and
 - (f) comply with any applicable (medical fitness) requirements of Part 34; and
 - (g) within the last 12 months, have passed the prescribed letter eyesight test; and
 - (h) have passed the prescribed lantern colour vision test.

⁴ This certificate equates to the STCW-95 certificate "Chief mate unlimited".

⁵ Or 750 displacement tons, see rule 32.50 Tonnage of Military Ships.

- (2) For the purpose of subrule (1)(b), the Director may –
 - (a) accept sea service acquired on vessels other than commercial trading ships, having regard to the relevance of the sea service to the certificate;⁶
 - (b) reduce the total required sea service to 12 months, if the candidate has completed an approved structured training programme.’

5 **Master of a Foreign Going Ship of less than 3000 tons gross tonnage**

For Rule 32.19 is substituted the following:

‘32.19 Master of a Foreign Going Ship of less than 3000 tons gross tonnage

- (1) A candidate for the issue of a *Master of a Foreign Going Ship of less than 3000 tons gross tonnage Certificate* must –
 - (a) be at least 20 years of age; and
 - (b) have completed 36 months sea service on commercial trading ships or military commercial ships of 500 gross tonnage⁷ or more, as officer in charge of a navigational watch, for not less than eight hours out of every 24 hours claimed, while holding a *Officer in Charge of a Navigational Watch of a Foreign Going Ship Certificate* or equivalent; and such service must include –
 - (i) 12 months sea service within the last ten years; and
 - (ii) 3 months on ships that are not military commercial ships; and
 - (iii) 18 months –
 - (aa) on ships operating in the unlimited area; or
 - (bb) on ships operating in the offshore area on voyages of not less than 24 hours; or
 - (cc) as a member of the crew living on board ships operating in the coastal area on voyages of less than 24 hours; and
 - (c) have satisfactorily attended and completed an approved training programme; and
 - (d) have passed an oral examination and written examinations that test knowledge of an approved syllabus; and
 - (e) hold the following certificates –
 - (i) a proficiency as person in charge of medical care on board ship certificate;
 - (ii) a navigation and emergency control course certificate;
 - (iii) a proficiency in medical first aid certificate;
 - (iv) an electronic navigational systems certificate;
 - (v) a competence in advanced fire-fighting certificate;
 - (vi) a proficiency in survival craft and rescue boats (other than fast rescue

⁶ Sea service in the offshore area on voyages of not less than 24 hours will be considered equivalent to sea service in the unlimited area. Sea service as officer in charge of a navigational watch for not less than eight hours of every 24 hours claimed on vessels, while holding a Second Mate of a Foreign Going Certificate or equivalent will be considered equivalent to sea service in the unlimited area.

⁷ Or 750 displacement tons, see rule 32.50 Tonnage of Military Ships.

- boats) certificate;
 - (vii) a GMDSS radio operator certificate;
 - (viii) a certificate in signalling; and
 - (f) comply with any applicable (medical fitness) requirements of Part 34; and
 - (g) within the last twelve months, have passed the prescribed letter eyesight test; and
 - (h) have passed the prescribed lantern colour vision test.
- (2) For the purpose of subrule (1)(b), the Director may-
- (a) count as qualifying sea service, sea service acquired on vessels other than commercial trading ships having regard to the relevance of the sea service to the certificate;⁸
 - (b) reduce the total required sea service to 24 months if the candidate has satisfactorily completed an approved structured training programme.
 - (c) count as qualifying sea service equivalent to one and a half times the actual time served, sea service acquired in the last ten years -
 - (i) in the capacity of first mate;
 - (ii) on commercial trading ships of 500 gross tonnage or more; and
 - (iii) while holding a certificate as *Chief Mate of a Foreign Going Ship*' or equivalent.

6 Master of a Foreign Going Ship (Master Mariner)

Part 32 is amended by inserting the following rule after rule 32.19:

'32.19A Master of a Foreign-Going ship (Master Mariner)⁹

- (1) A candidate for the issue of a *Master of a Foreign-Going Ship (Master Mariner) Certificate* must -
- (a) be at least 20 years of age; and
 - (b) have completed 36 months sea service on commercial trading ships or military commercial ships of 500 tons gross tonnage¹⁰ or more, as officer in charge of a navigational watch for not less than eight hours out of every 24 hours claimed, while holding a *Officer in Charge of a Navigational Watch of a Foreign-Going Ship Certificate* or equivalent; and such sea service must include -
 - (i) 12 months service within the last ten years; and
 - (ii) 6 months service on ships that are not military commercial ships; and
 - (iii) 18 months service -
 - (aa) on ships operating in the unlimited area; or
 - (bb) on ships operating in the offshore area on voyages of not less than 24 hours; or
 - (cc) as a member of the crew living on board ships operating in the

⁸ Sea service in the offshore area on voyages of not less than 24 hours will be considered equivalent to sea service in the unlimited area. Sea service as officer in charge of a navigational watch for not less than eight hours of every 24 hours claimed on vessels, while holding a Second Mate of a Foreign Going Certificate or equivalent will be considered equivalent to sea service in the unlimited area.

⁹ This certificate equates to the STCW-95 certificate "Master unlimited".

¹⁰ Or 750 displacement tons, see rule 32.50 Tonnage of Military Commercial Ships.

- coastal area on voyages of less than 24 hours; and
- (c) have satisfactorily attended and completed an approved training programme; and
 - (d) have passed an oral examination that tests knowledge of an approved syllabus; and
 - (e) hold the following certificates –
 - (i) a proficiency as person in charge of medical care on board ship certificate;
 - (ii) a navigation and emergency control course certificate;
 - (iii) a proficiency in medical first aid certificate;
 - (iv) an electronic navigational systems certificate;
 - (v) a competence in advanced fire-fighting certificate;
 - (vi) a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate;
 - (vii) a GMDSS radio operator certificate;
 - (viii) a certificate in signalling; and
 - (f) comply with any applicable (medical fitness) requirements of Part 34; and
 - (g) within the last 12 months, have passed the prescribed letter eyesight test; and
 - (h) have passed the lantern colour vision test prescribed in the Appendix.
- (2) For the purpose of subrule (1)(b), the Director may–
- (a) count as qualifying sea service equivalent to one and a half times the actual time served, sea service acquired in the last ten years –
 - (i) in the capacity of first mate;
 - (ii) on commercial trading ships of 500 gross tonnage or more;
 - (iii) while holding a certificate as second mate of a foreign going ship or equivalent,
 - (b) count sea service, acquired on vessels other than commercial trading ships, on its merits having regard to the relevance of the sea service to the certificate.^{11'}

¹¹ Sea service in the offshore area on voyages of not less than 24 hours will be considered equivalent to sea service in the unlimited area. Sea service as officer in charge of a navigational watch for not less than eight hours of every 24 hours claimed on vessels, while holding a Second Mate of a Foreign Going Certificate or equivalent will be considered equivalent to sea service in the unlimited area.

7 Tonnage of Military Ships

Part 32 is amended by inserting the following rule after rule 32.49:

'32.50 Tonnage of Military Ships

For the purpose of this Part, the Director may accept 750 displacement tons as being equivalent to 500 tons gross tonnage.'

Maritime Rules

PART 32

SHIPS' PERSONNEL - QUALIFICATIONS

AMENDMENT

Consultation Details

(This text does not form part of the rules contained in Part 32. It provides details of the consultation undertaken before making the rules.)

Summary of Consultation

Three organisations and individuals provided written submissions on the draft of Part 32 (Foreign Going Deck Qualifications) Amendment Rules –

Solander Group
Silver Fern Shipping Ltd
New Zealand Shipping Federation

Comments on Submissions

- 1. Solander Group** comments that they fully support the proposals and that the amendments suggested will improve the experience base of the New Zealand Master Mariner's qualification and more suit the likely trades of our Foreign Going vessels.
- 2. Silver Fern Shipping Ltd.** comments that they support the Amendment Rules and that the rules help create a solid foundation for future training of deck cadets and a viable maritime industry within New Zealand.
- 3. NZ Shipping Federation** comments that the Federation highlighted the need for change to Maritime Rule Part 32 in its draft strategy "Roadways to Waterways", and congratulate Maritime NZ and the Ministry of Transport for processing this change so rapidly. The Federation supports the changes and believes that skill levels will not be diminished and the changes will provide for people wishing to progress through the industry an opportunity to get high quality training through to Master Foreign-Going within New Zealand.