

DISALLOWABLE INSTRUMENT



Ministry of **Transport**  
TE MANATŪ WAKA

**Maritime Transport Act 1994**

**Maritime Rules**

**Maritime Rules Parts 31, 32, and 34**

**SeaCert Amendments 2016**

Pursuant to section 36 of the Maritime Transport Act 1994 I, Craig Foss, Associate Minister of Transport having had regard to the criteria in section 39(2) of the Maritime Transport Act 1994, hereby make the following maritime rules.

Signed at Wellington

This

22<sup>nd</sup>

day of

August

2016

By Hon Craig Foss

A handwritten signature in black ink, appearing to read 'Craig Foss'.

Associate Minister of Transport



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## **Objective**

The objective of the Maritime Rules SeaCert Amendments 2016 is to enable seafarers holding specific old or legacy certificates to ring-fence an existing certificate, transition to a new SeaCert certificate, or both. Additional amendments include the extension of the transition deadline for specific certificates and changes to the temporary seasonal endorsement.

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

## **Extent of consultation**

In April 2016, Maritime New Zealand consulted, via its website, with the public on drafts of the proposed amendments to the maritime rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 28 April 2016. The deadline for making a submission was 7 June 2016. Over 340 submissions were received.

## **Entry into force**

These rules enter into force on 30 September 2016.

## ***Maritime Rules***

## Amendments to Part 31

### Part 31 General

#### 1 31.2 Definitions

In rule 31.2—

- (a) before the definition of “sailing ship”, insert the following new definition:  
“**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;
- (b) before the definition of “steam ship”, insert the following new definition:  
“**specified certificate** means a specified certificate Type-A, a specified certificate Type-B, or a specified certificate Type-C as defined under subpart F of Part 32.”

### Part 31 Subpart D

#### 2 Rule 31.84 Minimum crewing requirements for other ships

In rule 31.84(3), replace “12” with “19”.

#### 3 Part 31 Table 10 Crewing for Passenger ships – Inshore Limits

- (a) In Part 31, in Table 10, in the row beginning (in the first column) “Less than 24m<sup>9n</sup>”, where that row splits into two rows in the second, third, and fourth columns, in the last row of the second column, replace “Less than 12” with “1 to 19”.
- (b) In Part 31, in Table 10, in the row beginning (in the first column) “Less than 24m<sup>9n</sup>”, where that row splits into two rows in the second, third, and fourth columns, delete the top row of the second, third, and fourth columns.
- (c) In Part 31, in Table 10, below the headings, in the body of the Table between the heading “Position” and “Certificate”, insert a vertical line.

#### 4 Part 31 Table 11 Crewing for Passenger ships – Enclosed Water Limits

- (a) In Part 31, in Table 11, in the row beginning (in the first column) “Less than 24 m”, where that row splits into two rows in the second column—
  - (i) in the top row, replace “50 to 99” with “20 to 99”; and
  - (ii) in the next row, delete “12 to 49”; and
  - (iii) merge those two rows.
- (b) In Part 31, in Table 11, in the row beginning (in the first column) “Less than 24m”, in the last row of the second column, replace “Less than 12” with “1 to 19”.
- (c) In Part 31, in Table 11, below the headings, in the body of the Table between the heading “Position” and “Certificate”, insert a vertical line.

#### 5 Part 31 Table 16 Crewing for fishing vessels – Offshore limits

- (a) In Part 31, in Table 16, in the row starting “Less than 24m and less than 100nm offshore”, in the third column, replace “SCO” with “SCO<sup>16n</sup>”.
- (b) In Part 31, in the footnote section, on the same page as Table 16, insert footnote <sup>16n</sup> as follows:  
“<sup>16</sup> or SRL <24m with specified activity endorsement”.

## Part 31 Subpart E

### 6 Part 31 Subpart E Transitional and revocation provisions

- (a) In the heading of subpart E of Part 31, after “**Transitional**”, insert “, **ring-fencing**”.
- (b) Amend the “Contents” in Part 31 to reflect the amendment in subrule (a).

### 7 31.100 Crewing requirements that may be fulfilled by certificates issued under former Part 32 or legacy certificates until relevant end date

- (a) In the heading of rule 31.100, after “**or legacy certificates**”, insert “, **specified certificates, or ring-fenced certificates**”.
- (b) Amend the “Contents” in Part 31 to reflect the amendment in subrule (a).
- (c) In rule 31.100, replace subrule (1) with:
  - (1) In this rule 31.100, **end date** means as follows:
    - (a) in relation to any crewing requirements imposed under subpart B of this Part (which relate to STCW certificates)—
      - (i) for a specified certificate transitioning to an STCW certificate under rule 32.206C, if the certificate is not also ring-fenced, the date that the certificate ceases to be valid under rule 32.206(3) or 32.206(5) as applicable; or
      - (ii) for a specified certificate that is ring-fenced and that was both a specified certificate Type-A and Type-C, the date that the certificate ceases to be valid under rule 32.206; or
      - (iii) 31 December 2016 in every other case:
    - (b) in relation to any other crewing requirements imposed under this Part that relate to a specified certificate that is transitioning under subpart F of Part 32 or a certificate that is transitioning under rule 32.206D, if the certificate is not also ring-fenced, the date that the certificate ceases to be valid under rule 32.206(3), 32.206(4), or 32.206(5) as applicable:
    - (c) in relation to any crewing requirements imposed under this Part that relate to a specified certificate that is ring-fenced under subpart F of Part 32 or a certificate that is ring-fenced under rule 32.206D, the date that the certificate ceases to be valid under rule 32.206:
    - (d) in relation to any other crewing requirements imposed under this Part, the date that is 5 years after the commencement of this Part.
  - (1A) In this rule 31.100, **STCW-95** means STCW as it applied immediately prior to 1 January 2012.”.
- (d) Replace rule 31.100(2) with:
  - (2) Where this Part imposes a crewing requirement to carry on board a person holding a certificate described in column 1 of Table 20, the Director may until the end date, accept in fulfilment of the requirements of this Part, the substitution of a person holding—
    - (a) a certificate described in the corresponding row of column 2 or column 3 of the table; or
    - (b) a ring-fenced certificate if the privileges confirmed by the Director for that certificate under rule 32.206A(3) are equal to or greater than for the certificate described in the corresponding row of column 2 or column 3 of the table



**8 Part 31 Table 20 Crewing requirements that may be fulfilled by former Part 32 and legacy certificates until relevant end date**

In Table 20 of Part 31, in the heading, after “certificates”, insert “, specified certificates, or ring-fenced certificates”:

**9 31.102 Transitional arrangements for minimum safe crewing documents**

In rule 31.102(1)(b)(ii), after “2016”, insert “ or 30 June 2018, as applicable”.

## Amendments to Part 32

### Part 32 General

#### 10 32.2 Definitions

In rule 32.2, in the appropriate alphabetical order, insert the following new definitions:

“**New Zealand marine waters** means—

- (a) the territorial sea of New Zealand; and
- (b) the waters of the exclusive economic zone of New Zealand:

**ring-fenced certificate** means a certificate (including any endorsements) that has been ring-fenced under subpart F of this Part with the effect that its validity has been preserved; and ring-fence, ring-fenced, and ring-fencing have corresponding meanings:

**specified activity** means, in relation to an activity for which a specified activity endorsement is issued under rule 32.67, an activity that is a purpose of a voyage on a ship where that activity is either of a seasonal fishing nature, where the target species and the catching method are specified, such as albacore trolling, or for the purpose of scientific research such as seismic surveys:

**specified certificate** means a specified certificate Type-A, a specified certificate Type-B, or a specified certificate Type-C as defined under subpart F of this Part.”.

### Part 32 Subpart A

#### 11 32.12 Issue of certificates or prescribed endorsements

In rule 32.12, after subrule (2), insert subrule (3) as follows:

“(3) Where the applicant holds a specified certificate on or after 30 September 2016 that has since ceased to be valid or that the applicant is progressing to another certificate, the Director may apply the provisions in rule 32.208(5)(a), (b), or (c), as applicable, when assessing the applicant’s competency and training under subrule (1)(c).”.

#### 12 32.13 Issue of restricted privileges certificate

In rule 32.13, replace subrule (2) with:

“(2) Subrule (3) applies if—

- (a) the Director considers that the competency and training standard for a certificate provided for in this Part (higher certificate) including the associated sea service, training, and examination requirements are partially met by a seafarer who holds a lower certificate; and
- (b) the lower certificate is not transitioning to a new certificate under rule 32.208(5)(b) or (c).”.

#### 13 32.14 Duration of certificates

- (a) In the heading of rule 32.14, after “**Duration of certificates**”, insert “**of competency**”.
- (b) Amend the “Contents” in Part 32 to reflect the amendment in subrule (a).
- (c) In rule 32.14, after “A certificate”, insert “of competency”.

#### 14 32.14A New rule

- (a) After rule 32.14, insert the following new rule:

**“32.14A Duration of certificates of proficiency and AB certificates**

- (1) Except as provided in subrule (2), a certificate of proficiency issued under this Part on or after 30 September 2016 does not expire and is valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act.
  - (2) The Director may issue a temporary certificate of proficiency subject to any conditions that the Director considers necessary in the interests of maritime safety.
  - (3) The following certificates, including any of the following endorsements forming part of the certificate, that were issued prior to this rule coming into force, regardless of whether the certificate has expired or will expire, are deemed not to have expired and not to expire and are deemed to be valid for the lifetime of the holder unless suspended or revoked in accordance with the Act:
    - (a) a certificate of proficiency:
    - (b) a certificate that is deemed under rule 32.205 to be a certificate listed in column 2 of Table 44 that is also listed in column 3 of Table 1 of rule 32.3 as a CoP:
    - (c) a tanker endorsement forming part of a certificate referred to in subrule (b), that is deemed under rule 32.205 to be an endorsement listed in column 2 of Table 44:
    - (d) an integrated rating that is deemed under rule 32.205 to be a Deck watch rating (DWR) endorsed with an Engine-room watch rating (EWR) listed in column 2 of Table 44:
    - (e) an AB certificate:
    - (f) an AB certificate (ILO).
  - (4) For the avoidance of doubt, a valid certificate only authorises the holder to exercise privileges under that certificate if the holder continues to comply with all the requirements in the Maritime Rules and the Act that impose the conditions under which the holder is able to exercise those privileges, for example meeting any applicable requirements for continued competency or medical fitness.”.
- (b) Amend the “Contents” in Part 32 to reflect the amendment in subrule (a).

**15 32.15 Duration of prescribed endorsement**

- (a) In rule 32.15(1)(c), replace “temporary seasonal” with “specified activity”.
- (b) In rule 32.15(1)(c), replace the word preceding “Skipper restricted limits certificate” with “a”.
- (c) In rule 32.15(1)(d), before “a tanker”, insert “subject to rule 32.14A(3)(c),”:
- (d) In rule 32.15, before subrule (2), insert the following subrule (1A):

“(1A) A specified activity endorsement on a ring-fenced certificate under rule 32.67 expires on the date specified by the Director in the endorsement or, where no date is specified, 5 years from the date the certificate was endorsed.”.

**16 32.16 Requirement to demonstrate ancillary proficiency**

- (a) In rule 32.16(1)(b), insert at the beginning of the subrule “for STCW certificates,”.
- (b) In rule 32.16(1)(b), at the end of the subrule, replace the full-stop (“.”) with “; and”.
- (c) In rule 32.16(1), after subrule (b), insert new subrule (c) as follows:

“(c) for certificates to which subpart B or D applies, the person has demonstrated continued competence for first aid as prescribed in row (a) of the Schedule.”.

**17 32.19 Director's general power of endorsement**

In rule 32.19(1), after the words "section 41", insert "or ring-fenced under subpart F".

**18 32.23 Duration of renewed certificates**

- (a) In the heading of rule 32.23, after "**Duration of renewed certificates**", insert "**of competency**".
- (b) Amend the "Contents" in Part 32 to reflect the amendment in subrule (a).
- (c) In rule 32.23(1), after "expiry of the certificate", insert "of competency".
- (d) In rule 32.23(2), after "a certificate", insert "of competency".

**Part 32 Subpart B**

**19 32.43 Privileges of Skipper restricted limits**

In rule 32.43(a), replace "12" with "19".

**20 32.45 Privileges of Skipper coastal/offshore**

In rule 32.45, replace "12 passengers or less" with "19 passengers or less within restricted limits and 12 passengers or less within coastal and offshore limits".

**21 32.59 Passenger endorsement for Skipper Restricted Limits, Skipper Coastal Offshore and Master Yacht less than 24m**

In the rule 32.59(2)(a), replace "while holding a command certificate" with "on a commercial ship".

**22 32.61 Skipper restricted limits endorsed to 24 metres**

In rule 32.61(1)(a), replace "12" with "19".

**23 32.62 Skipper restricted limits endorsed to 500 GT**

In rule 32.62(1)(a), replace "12" with "19".

**24 32.67 Temporary seasonal endorsement on Skipper restricted limits certificates**

- (a) In the heading of rule 32.67—
  - (i) replace "**Temporary seasonal**" with "**Specified activity**"; and
  - (ii) delete "**on Skipper restricted limits certificates**".
- (b) Amend the "Contents" in Part 32 to reflect the amendment in subrule (a).
- (c) In rule 32.67(1), replace "a temporary" with "an".
- (d) In rule 32.67(1), replace "as an interim measure where there is an adequate seasonal or operational need" with "for the purpose of conducting a specified activity".
- (e) In rules 32.67(1) and (2), after each occurrence of the words "Skipper restricted limits" insert "or a ring-fenced certificate".
- (f) In rule 32.67(2), replace "temporary seasonal" with "specified activity".
- (g) In rule 32.67(3), delete "on a ship of less than 24 metres length".
- (h) Replace rule 32.67(4) with the following:

- (4) Each specified activity endorsement is subject to the condition that the privileges under the endorsement are only exercised—
- (a) with a minimum of two crew at all times; and
  - (b) with at least one crew member who holds a current MEC 6 or equivalent or higher certificate; and
  - (c) for the purpose of the specified activity to which the endorsement applies; and
  - (d) on a ship of less than 24 metres length.”.
- (i) In rule 32.67(5), in the first sentence—
- (i) replace “temporary seasonal” with “specified activity”; and
  - (ii) replace “endorsement if the Director” with “endorsement, for a period not exceeding 5 years, if the Director”.
- (j) In rule 32.67(5)(b), delete “or seasonal”.
- (k) In rule 32.67(5), after the words “Skipper restricted limits certificate of competency” insert “or a ring-fenced certificate”.

## **Part 32 subpart F**

### **25 Subpart F heading**

- (a) In the heading of subpart F, replace “ **and transition**” with “, **ring-fencing, and transitional**”.
- (b) Amend the “Contents” in Part 32 to reflect the amendment in subrule (a).

### **26 32.202 Application of this subpart**

- (a) In rule 32.202, after the words “This subpart applies to”, replace the em-dash (“—”) with “the following:”.
- (b) In rule 32.202(a), replace “; and” with a colon “:”.
- (c) In rule 32.202(b), replace each “; and” with a colon “:”.
- (d) In rule 32.202(b)(ii)—
- (i) replace the reference to “section 478” with “subsections (5), (6), (7), and (8) of section 468”; and
  - (ii) before the word “current”, insert “, subject to rule 32.206(8),”.
- (e) In rule 32.202—
- (i) at the end of subrule (v), replace the fullstop “.” with a colon “:”; and
  - (ii) after subrule (v), insert the following new subrule:
    - “(vi) any specified certificate, or miscellaneous certificate or endorsement to which rule 32.206D applies, for the purposes of ring-fencing under rule 32.206A or transitioning under rule 32.206B or 32.206C.”.

### **27 32.202A New rule**

After rule 32.202, insert (and amend the “Contents” in Part 32 to reflect this amendment)—

#### **“32.202A Definitions**

In this subpart F, unless the context otherwise requires—

**SeaCert system** means the New Zealand framework for seafarer certificates and operational limits for National, STCW, and STCW-F aligned certificates established under Part 32 that came into force on 1 April 2014:

**specified certificate Type-A** is a certificate, including any endorsements forming part of the certificate, that may be ring-fenced under rule 32.206A and means a certificate (or any variation of name of this certificate)—

- (a) specified in Column 1 of Table 45; and
- (b) that is valid; and
- (c) that was issued prior to 1999 or was issued under Part 32 between 1999 and 2014, that is—
  - (i) not deemed to be another certificate under rule 32.205; and
  - (ii) not carried over under Part 32 rule 32.204 into the SeaCert system:

**specified certificate Type-B** is a certificate, including any endorsements forming part of the certificate, that may transition under rule 32.206B to a new National or STCW-F certificate, and means a certificate (or any variation of name of this certificate)—

- (a) specified in Column 2 of Table 45; and
- (b) that is valid; and
- (c) that was issued prior to 1999 or was issued under Part 32 between 1999 and 2014, that is—
  - (i) not deemed to be another certificate under rule 32.205; and
  - (ii) not carried over under rule 32.204 into the SeaCert system:

**specified certificate Type-C** is a certificate, including any endorsements forming part of the certificate, that may transition under rule 32.206C to an STCW certificate, an STCW-F certificate, or both an STCW certificate and an STCW-F certificate, and means a certificate (or any variation of name of this certificate)—

- (a) specified in Column 3 of Table 45; and
- (b) that is valid; and
- (c) that was issued prior to 1999 or was issued under Part 32 between 1999 and 2014, that is—
  - (i) not deemed to be another certificate under rule 32.205; and
  - (ii) not carried over under rule 32.204 into the SeaCert system:

## **28 32.203 Foreign equivalents**

Replace rule 32.203 with:

### **32.203 Foreign equivalents**

This subpart also applies with any necessary modifications to foreign equivalents that the Director continues to recognise under section 41 of the Act as equivalent to a certificate or endorsement—

- (a) issued under former Part 32; or
- (b) that is ring-fenced.

## **29 32.205 Former Part 32 certificates and endorsements deemed to be new Part 32 certificates**

In rule 32.205, in subrule (2), replace the first word in the rule, “The”, with: “Except as provided in rule 32.14A, the”.

**30 Transition path for other certificates and endorsements**

Above rule 32.206, replace the heading “*Transition path for other certificates and endorsements*” with “*Ring-fence and transition paths for other certificates and endorsements*”

**31 Table 45 becomes Table 48**

**Table 45 Certificates etc subject to transition and corresponding certificates to which they can transition**

- (a) Move Table 45 to place it directly after rule 32.209.
- (b) In Table 45, replace both the footnote references “<sup>1</sup>” with “<sup>4</sup>”.
- (c) In Table 45, replace the heading with:  
**“Table 48: Certificates relating to pending applications under rule 32.209”.**

**32 Replacing rules 32.206 to 32.208**

**Rules 32.206 to 32.208**

Under the heading “*Ring-fence and transition paths for other certificates and endorsements*”, insert new Table 45 and replace rules 32.206, 32.207, and 32.208 and footnotes and insert new Tables 46 and 47 (and amend the “Contents” in Part 32 to reflect these amendments) with the following:

**Table 45: List of specified certificates Type-A, Type-B, and Type-C**

Column 1	Column 2	Column 3
Specified certificate Type-A	Specified certificate Type-B	Specified certificate Type-C
1. Chief Tug Engineer:	1. Chief Tug Engineer:	1. Master River Ship:
2. Commercial Launchmaster:	2. Commercial Launchmaster:	2. Master Small Home Trade Ship (that is not transitioning under rule 32.206B):
3. Engineer Local Motor Ship:	3. Engineer Local Motor Ship:	3. NZ Coastal Master:
4. Engineer Local Ship:	4. Engineer Local Ship:	4. NZ Offshore Master (NZOM):
5. Engineer Restricted Limits Motor Ship:	5. Engineer Restricted Limits Motor Ship:	5. NZ Offshore Watchkeeper (NZOW) (without ILM endorsement):
6. First Class Coastal Motor Engineer:	6. First Class Coastal Motor Engineer:	6. Skipper of a Coastal Fishing.
7. First Class Diesel Trawler Engineer:	7. First Class Diesel Trawler Engineer:	
8. Inshore Fishing Skipper:	8. Inshore Fishing Skipper:	
9. Inshore Launchmaster (ILM):	9. Inshore Launchmaster (ILM):	
10. Local Launch Operator (LLO):	10. Local Launch Operator (LLO):	
11. Local Launchman’s Licence:	11. Local Launchman’s:	
	12. Marine Engineer	

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12. Marine Engineer Watchkeeper:	Watchkeeper:	
13. Marine Engineer Class 3 (issued before September 1999):	13. Marine Engineer Class 3 (issued before September 1999):	
14. Master of a Foreign Going Fishing Boat:	14. Master of a Foreign Going Fishing Boat:	
15. Master of a Restricted Limit Launch:	15. Master of a Restricted Limit Launch:	
16. Master River Ship (holding an engineering qualification):	16. Master River Ship (holding an engineering qualification):	
17. Master River Ship:	17. Master Small Home Trade Ship (that is not transitioning under rule 32.206C):	
18. Master Small Home Trade Ship:	18. Mate Home Trade:	
19. Mate Home Trade:	19. Mate of a Deep Sea Fishing Boat:	
20. Mate of a Deep Sea Fishing Boat:	20. NZ Offshore Watchkeeper (NZOW) (with ILM endorsement):	
21. NZ Coastal Master (NZCM):	21. Powered Vessels other than Steam (PVOS):	
22. NZ Offshore Master (NZOM) (without STCW endorsements):	22. Qualified Fishing Deck Hand:	
23. NZ Offshore Watchkeeper (NZOW) (with ILM endorsement):	23. River Engineer:	
24. NZ Offshore Watchkeeper (NZOW):	24. Second Class Coastal Motor Engineer:	
25. Powered Vessels other than Steam (PVOS):	25. Second Class Diesel Trawler Engineer:	
26. Qualified Fishing Deck Hand:	26. Skipper of a Deep Sea Fishing Boat:	
27. River Engineer:	27. Third Class Engineer:	
28. Second Class Coastal Motor Engineer:	28. Third Class Steam and Motor Engineer:	
29. Second Class Diesel Trawler Engineer:	29. Third Class Steam Engineer.	
30. Skipper of a Coastal Fishing Boat:		
31. Skipper of a Deep Sea Fishing Boat:		
32. Third Class Engineer:		
33. Third Class Steam and Motor Engineer:		
34. Third Class Steam Engineer.		



**32.206 Validity of certificates, when certificates cease to be valid, and extensions**

- (1) For the purposes of this subpart F a specified certificate is valid if—
  - (a) the certificate has been issued in accordance with the Maritime Rules, the Act, and any other relevant New Zealand legislation; and
  - (b) it has not ceased to be valid by operation of—
    - (i) Part 5 of the Act; or
    - (ii) subrules (3), (4), or (5).
- (2) For the purposes of this subpart F, an endorsement on a specified certificate is valid if—
  - (a) the certificate has been endorsed in accordance with the Maritime Rules, the Act, and any other relevant New Zealand legislation; and
  - (b) the specified certificate is valid in accordance with subrule (1); and
  - (c) the endorsement is not suspended or revoked or has not otherwise ceased to be valid by operation of Part 5 of the Act.
- (3) A specified certificate will cease to be valid on 2 September 2017, subject to any extension granted by the Director under subrule (10) in respect of a particular certificate, unless the holder of the certificate has—
  - (a) by no later than 1 September 2017, notified the Director of their preference of one or more options as follows:
    - (i) to ring-fence their certificate under rule 32.206A:
    - (ii) to transition their certificate under rule 32.206B to a National or an STCW-F certificate:
    - (iii) to transition their certificate under rule 32.206C to an STCW certificate or both an STCW certificate and an STCW-F certificate or an STCW-F certificate;
  - or
  - (b) prior to this rule coming into force, already registered their preference with the Director.
- (4) A specified certificate Type-B, that is not also ring-fenced in accordance with rule 32.206A and, that the holder has notified to transition under rule 32.206B to a National or STCW-F certificate will cease to be valid when whichever of the following occurs first:
  - (a) the holder is issued with a National or STCW-F certificate under rule 32.208:
  - (b) the later of—
    - (i) the application date in accordance with 32.206B(2); or
    - (ii) if an application is made in accordance with 32.206B(2), the date of determination by the Director of the application.
- (5) A specified certificate Type-C, that is not also ring-fenced in accordance with rule 32.206A and, that the holder has notified to transition under rule 32.206C to an STCW certificate, an STCW-F certificate, or both an STCW certificate and an STCW-F certificate will cease to be valid when whichever of the following occurs first:
  - (a) the holder is issued with an STCW certificate, an STCW-F certificate, or both an STCW certificate and an STCW-F certificate under rule 32.208:
  - (b) the later of—
    - (i) the application date in accordance with 32.206C(2); or
    - (ii) if an application is made in accordance with 32.206C(2), the date of determination by the Director of the application.

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- (6) The holder of a specified certificate that has ceased to be valid under subrule (1) may apply for a new certificate under rule 32.11, in which case rule 32.12(3) may apply.
- (7) Each certificate and endorsement referred in column 1 of Table 46 ceases to be valid when whichever of the following occurs first:
  - (a) the holder is issued with a STCW certificate under rule 32.208:
  - (b) 31 December 2016.
- (8) A specified certificate, or a miscellaneous certificate or endorsement to which rule 32.206D applies (other than a temporary seasonal endorsement or specified activity endorsement issued under rule 32.67), is deemed to be a certificate or endorsement that has not expired<sup>1</sup> and, for the avoidance of doubt—
  - (a) if it has expired prior to this rule entering into force, it is deemed not to have expired; and
  - (b) if it will expire after this rule enters into force, it is deemed not to expire.
- (9) The holder of a specified certificate who has not notified under rule 32.206(3) by 1 September 2017, may apply to the Director for an extension of time to give notice, setting out the reasons in writing—
  - (a) to ring-fence or transition their certificate under rule 32.206A or 32.206B, no later than 31 December 2019; or
  - (b) to transition their certificate under rule 32.206C, no later than 1 April 2018.
- (10) Upon receipt of an application under subrule (9) for an extension of time to give notice, the Director may grant an extension of time to the applicant—
  - (a) if, in the particular circumstances relating to the extension applied for, the Director is satisfied that the circumstances were such that it would be unreasonable to expect that—
    - (i) the applicant should have been aware of the applicable deadline; or
    - (ii) if the applicant was, or should have been, aware of the deadline, the applicant was in a position to act upon it; and
  - (b) for such length of time that the Director considers reasonable in the circumstances.
- (11) The Director may, for the purpose of providing an efficient and orderly transition, specify a different application date from that specified in rule 32.206B(2)(a) or 32.206C(2)(a) by when a holder of a specified certificate must apply to the Director.
- (12) For the purposes of subrule (3), if the holder of a specified certificate has provided notice in accordance with subrule (3) but wishes to change their preference after 1 September 2017—
  - (a) the holder may change their preference after 1 September 2017 by notifying the Director of their new preference; and
  - (b) the original notice is deemed to be provided in accordance with subrule (3) in respect of the new preference; and
  - (c) where the holder's new preference is to transition under rule 32.206B or 32.206C, the holder must comply with all applicable requirements under this subpart in relation to the new preference, including complying with any applicable dates for applying to the Director to transition under rule 32.206B or 32.206C; and

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<sup>1</sup> The certificate must be valid however, refer definition of specified certificates Types A, B, and C

- (d) where the holder's new preference is to ring-fence their specified certificate, the holder must notify the Director of that preference under subrule (a) prior to a new certificate being issued to the holder under rule 32.206B or 32.206C and no later than—
  - (i) 30 June 2018, if the holder's original preference was to transition under rule 32.206C; or
  - (ii) 30 June 2020, if the holder's original preference was to transition under rule 32.206B.

**32.206A Ring-fencing specified certificates Type-A, or Type B or Type C that are also Type A**

- (1) The holder of a specified certificate Type-A may have their certificate, including any endorsements (other than a temporary seasonal endorsement or specified activity endorsement issued under rule 32.67) forming part of that certificate, ring-fenced under this rule 32.206A.
- (2) The notice to the Director required under rule 32.206(3) that the holder of a certificate wishes to ring-fence their certificate must—
  - (a) be provided in a manner and form required by the Director; and
  - (b) contain such relevant particulars and supporting information relating to the holder that the Director may require in the form required under subrule (a).
- (3) Provided the Director is satisfied the applicant holds a specified certificate Type-A, upon receipt of a notice under subrule (2), the Director must confirm, in an appropriate form, to the holder of the certificate—
  - (a) that the certificate is ring-fenced; and
  - (b) the privileges of the holder under the ring-fenced certificate.
- (4) A certificate is ring-fenced when the Director confirms to the holder under subrule (3) that the certificate is ring-fenced.
- (5) In the confirmation under subrule (3)—
  - (a) the Director may not reduce the privileges that were authorised for the certificate immediately prior to the certificate being ring-fenced; and
  - (b) the Director may amend or add privileges such that the overall privileges authorised for the ring-fenced certificate are consistent with those associated with certificates of that name; and
  - (c) for the purposes of subrule (7)(c), the Director may determine the privileges of the holder.
- (6) The holder of a ring-fenced certificate may only exercise those privileges under the ring-fenced certificate that are set out in the confirmation under subrule (3).
- (7) A specified certificate that has been ring-fenced under this rule 32.206A—
  - (a) is valid for the lifetime of the holder subject to the powers of the Director under Part 5 of the Act, including the power to amend, impose conditions, suspend, or revoke the certificate; and
  - (b) is not a certificate that is carried over or deemed to be a new certificate under Part 32 and remains the certificate it was immediately before it is ring-fenced as confirmed by the Director under subrule (3); and
  - (c) that contains a limitation to a specific ship, ship length, or area—
    - (i) is no longer subject to that limitation; and

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- (ii) where the certificate is an LLO Certificate of Service, regardless of subrule (c)(i), will only allow privileges to be exercised on a ship of length 6m or less; and
  - (d) remains subject to any relevant and applicable requirements in the Maritime Rules and the Act; and
  - (e) for the avoidance of doubt, continues to be a maritime document as defined in section 2 of the Act; and
  - (f) other than through a specified activity endorsement in accordance with rule 32.67, may not be amended by further endorsement; and
  - (g) authorises the holder to exercise privileges of the certificate as set out in the confirmation under subrule (3), provided that the holder meets the medical fitness requirements in accordance with rule 34.20(2); and
  - (h) where the certificate is an NZOM, NZOW, or NZCM certificate specified in column 1 of Table 45, does not authorise the holder to exercise any privileges beyond New Zealand marine waters; and
  - (i) where the certificate is an NZOM, NZOW, or NZCM certificate specified in column 1 of Table 45, does not authorise the holder to exercise any privileges unless the holder satisfies currency requirements in subrule (8).
- (8) For the purposes of subrule (7)(i), “satisfies currency requirements” means that, at intervals no longer than 5 years, the holder continues to demonstrate to the Director appropriate sea service or equivalent continued competence, acceptable to the Director.
- (9) For the avoidance of doubt, where a new certificate has been issued as a transition from a specified certificate, and that specified certificate has also been ring-fenced, the holder may exercise privileges authorised for each certificate in accordance with rule 32.10.

### **32.206B Transitioning specified certificate Type-B to new National or STCW-F certificate**

- (1) The notice to the Director required under rule 32.206(3) that the holder of a certificate wishes to transition to a new National or STCW-F certificate must—
  - (a) be provided in a manner and form required by the Director; and
  - (b) contain such relevant particulars and supporting information relating to the holder that the Director may require in the form required under subrule (a).
- (2) The holder of a specified certificate Type-B who is transitioning to a National or STCW-F certificate, including any endorsements forming part of that certificate, must make an application to the Director under rule 32.207 no later than—
  - (a) 30 June 2020; or
  - (b) if applicable, the date specified by the Director under rule 32.206(11).

### **32.206C Transitioning specified certificate Type-C to new STCW certificate or STCW certificate and STCW-F certificate or an STCW-F certificate**

- (1) The notice to the Director required under rule 32.206(3) that the holder of a certificate wishes to transition to an STCW certificate, or an STCW-F certificate, or both an STCW certificate and an STCW-F certificate must—
  - (a) be provided in a manner and form required by the Director; and
  - (b) contain such relevant particulars and supporting information relating to the holder that the Director may require in the form required under subrule (a).

- (2) The holder of a specified certificate Type-C who is transitioning to an STCW certificate, an STCW-F certificate, or both an STCW certificate and an STCW-F certificate, including any endorsements forming part of that certificate, must make an application to the Director under rule 32.207 no later than—
- (a) 30 June 2018; or
  - (b) if applicable, the date specified by the Director under rule 32.206(11).

**32.206D Miscellaneous certificates**

Where a certificate meets all the following conditions:

- (a) it is valid;
- (b) it is not a specified certificate;
- (c) it is not required to transition under rule 32.207(1);
- (d) it was issued prior to 1999 or was issued under Part 32 between 1999 and 2014 and is—
  - (i) not deemed to be another certificate under rule 32.205; and
  - (ii) not carried over under rule 32.204 into the SeaCert system—

the holder may apply to the Director under rule 32.207(3) to—

- (e) ring-fence their certificate, including any endorsements (other than a temporary seasonal endorsement or specified activity endorsement issued under rule 32.67) forming part of that certificate, and thereby to proceed in accordance with rule 32.206A as if the certificate was a specified certificate Type-A; or
- (f) transition their certificate, including any endorsements forming part of that certificate, to a National certificate or an STCW certificate or an STCW-F certificate or any combination of those, and thereby to proceed in accordance with rule 32.206B or 32.206C as if the certificate was a specified certificate Type-B or specified certificate Type-C, as applicable.

**32.207 Applications to transition to new certificates or endorsements**

- (1) If an application relates to a certificate or endorsement referred to in column 1 of Table 46 the applicant must—
- (a) hold a certificate or endorsement listed in column 1 of Table 46; and
  - (b) make an application for a corresponding certificate or prescribed endorsement listed in column 2 of Table 46 (together with any applicable endorsements)—
    - (i) in accordance with section 35 of the Act; and
    - (ii) in a form required by the Director; and
  - (c) make the application by 31 December 2016; and
  - (d) include such further relevant particulars and supporting information relating to the applicant that the Director may require; and
  - (e) submit the application to the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.
- (2) If an application relates to a transition under rule 32.206B or 32.206C, the applicant must—
- (a) hold a specified certificate Type-B or specified certificate Type-C as applicable; and
  - (b) if the application relates to a transition under rule 32.206B, have given notice in accordance with 32.206B(1); and

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- (c) if the application relates to a transition under rule 32.206C, have given notice in accordance with 32.206C(1); and
  - (d) make an application for a corresponding certificate or prescribed endorsement listed in column 2 of Table 47 (together with any applicable endorsements)—
    - (i) in accordance with section 35 of the Act; and
    - (ii) in a form required by the Director; and
    - (iii) subject to any extension given under rule 32.206 (11), by the date specified in rule 32.206B(2) or 32.206C(2), as applicable; and
  - (e) include such further relevant particulars and supporting information relating to the applicant that the Director may require; and
  - (f) submit the application to the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.
- (3) If an application is made under rule 32.206D, the applicant must, before 2 September 2017—
- (a) if the application relates to transition under rule 32.206D(f), make an application for a certificate or prescribed endorsement listed in column 2 of Table 46 or Table 47 (together with any applicable endorsements)—
    - (i) that provides privileges that correspond with the privileges provided by the certificate held that the applicant is transitioning from; and
    - (ii) in accordance with section 35 of the Act; and
    - (ii) in a form required by the Director; and
  - (b) include such further relevant particulars and supporting information relating to the applicant that the Director may require; and
  - (c) submit the application to the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.
- (4) If the Director is satisfied that a certificate that is subject to an application referred in subrule (3) meets the requirements of rule 32.206D, the Director may—
- (a) determine that the certificate, including any endorsements forming part of that certificate, is able to—
    - (i) be ring-fenced under rule 32.206A as if the certificate was a specified certificate Type-A; or
    - (ii) transition under rule 32.206B or 32.206C as if the certificate was a specified certificate Type-B or specified certificate Type-C, as applicable; and
  - (b) impose such conditions and limitations on the certificate as the Director considers necessary in the interests of maritime safety, including any conditions or limitations on the scope of the certificate regarding its applicability to crewing requirements in rule 31.100.

### **32.208 Issue of new certificate or endorsement**

- (1) The Director must issue a certificate or prescribed endorsement that corresponds to a certificate or endorsement listed in column 2 of Table 46 or Table 47, as applicable, if satisfied that the applicant—
- (a) meets the medical fitness and eyesight standards relevant to the certificate or endorsement under this Part; and
  - (b) demonstrates any ancillary proficiencies that are required for the certificate or endorsement in accordance with rule 32.16; and

- (c) meets the competency and training standard for the new certificate or prescribed endorsement by reason of prior training of any type and sea service that the Director determines is appropriate and adequate for the standard.
- (2) In determining if sea service is appropriate and adequate, the Director must apply the criteria set out in rule 32.174 but must also give appropriate weight to the principle that instruction and practice in the course of sea service and relevant experience is an alternative route by which the relevant competency and training standard for the certificate may have been achieved or maintained.
- (3) The Director may, subject to any particular sea service requirements stated in this subpart, consider sea service served over the seafarer's entire career but must attribute particular value to the applicant's sea service and experience in the last 10 years.
- (4) Subject to subrule (5), the Director must not approve a transition to an STCW certificate or endorsement if the applicant does not meet the requirements for the certificate or endorsement as set out in this Part.
- (5) The Director may—
  - (a) issue a restricted certificate under rule 32.13 where, in the opinion of the Director, any failure to meet the relevant competency and training standard for the new certificate can be adequately addressed by restricting the privileges that may be exercised under the certificate; or
  - (b) where an applicant for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages does not meet all the requirements of regulation II/3 of the Annex to the STCW Convention and section A-II/3 of the STCW Code, issue the certificate if the Director is satisfied that—
    - (i) the ship's size, or the size of ships of that class of ships, and the conditions of its voyage will be such as to render the application of the full requirements of regulation II/3 of the Annex to the STCW Convention and section A-II/3 of the STCW Code unreasonable or impracticable; and
    - (ii) the safety of other ships operating in the same waters will not be adversely affected if the applicant is issued the certificate without having met those requirements; or
  - (c) where an applicant will not be undertaking duties onboard a passenger ship of more than 500 gross tonnage engaged on an international voyage or onboard a tanker and does not meet all the requirements of section A-VI/1 of the STCW Code, issue the certificate if the Director is satisfied that—
    - (i) the ship's size, or the size of ships of that class of ships, and the length or character of its voyage will be such as to render the application of the full requirements of section A-VI/1 of the STCW Code unreasonable or impracticable; and
    - (ii) maritime safety and the marine environment will not be adversely affected if the applicant is issued the certificate without having met those requirements.
- (6) Where more than 1 certificate or prescribed endorsement in column 2 of Table 46 or Table 47 corresponds to a certificate or endorsement listed in column 1, and the applicant has not specified in his or her application which certificate or endorsement the applicant seeks to transition to, the Director may issue the certificate that the Director considers most appropriate.

**Table 46: Certificates etc subject to transition to STCW certificate**

Column 1 Legacy certificates subject to transition	Column 2 New certificate or prescribed endorsement	Column 3 Category and transition date
AB or AB Certificate (ILO) (optional, as these are valid for life – refer rule 32.14A)	AB Deck	STCW Transition by 2016
Mate foreign-going	Chief mate	STCW Transition by 2016
Class 2 deck officer		
Master foreign-going	Master	STCW Transition by 2016
Class 1 deck officer		
Second mate foreign-going	Watchkeeper Deck	STCW Transition by 2016
Chief engineer	MEC 1	STCW Transition by 2016
First class engineer		
Second class engineer	MEC 2	STCW Transition by 2016
Second Class Motor Engineer		
Second Class Steam and Motor Engineer		
Second Class Steam Engineer		
Any certificate issued in New Zealand prior to the commencement of this rule that corresponds to a certificate under STCW as in force at any time prior to 1 February 2012.	A certificate of service stating that the person is qualified to serve in a relevant capacity in accordance with the provisions of STCW as amended in 1995 for the purpose of any requirements of any foreign jurisdiction.	STCW



Any other valid certificate, endorsement, or document conferring an entitlement to which this subpart applies that is not listed in this rule.	A certificate or prescribed endorsement provided for in this Part that in the opinion of the Director is most closely equivalent to the certificate or entitlement.	STCW
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**Table 47: Transitions from specified certificate Type-B or Type-C**

<b>Column 1 Former Part 32 certificate</b>	<b>Column 2 New certificate or prescribed endorsement</b>	<b>Column 3 Category</b>
NZ Offshore Watchkeeper (NZOW) with ILM endorsement	SRL endorsed to 24 m	National
	SRL endorsed 24m-500GT	National
	SCO	National
Inshore Launchmaster (ILM)	SRL endorsed to 24m with or without one or more National certificate endorsements	National
NZ Offshore Master (NZOM)	Master <500GT (near-coastal) restricted to coastal limits	STCW
	SFV limited	National (STCW-F)
NZ Offshore Watchkeeper (NZOW)	MFV	STCW-F
	Watchkeeper Deck <500GT NC	STCW
<b>Legacy certificates subject to transition</b>		
Qualified Fishing Deck Hand	ADH-F	STCW-F
Mate of a Deep Sea Fishing Boat	MFV-U	STCW-F
Mate Home Trade		
Skipper of a Deep Sea Fishing Boat	SFV-U	STCW-F
Master of a Foreign Going Fishing Boat		
Second Class Diesel Trawler Engineer	MEC 6	National
Engineer Restricted Limits Motor Ship		

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PVOS		
Second Class Coastal Motor Engineer	MEC 5	National
Marine Engineer Watchkeeper		
Marine Engineer Class 3 (issued before September 1999)		
River Engineer		
Engineer Local Ship		
Engineer Local Motor Ship		
Third Class Steam Engineer		
Third Class Steam and Motor Engineer		
Third Class Engineer		
First Class Coastal Motor Engineer		
First Class Diesel Trawler Engineer		
Chief Tug Engineer		
Master River Ship (holding an engineering qualification)	SRL endorsed to 24m	National
	SRL endorsed to 24m and 500GT	National
	SCO	National
Local Launchman's Licence	SRL endorsed to 24m with or without one or more National certificate endorsements (passenger, 500GT)	National
Master of Restricted-Limit Launch		
Commercial Launchmaster <sup>2</sup>		
Inshore Fishing Skipper	SRL with or without one or more National certificate endorsements (passenger, 24m, 500GT)	National
Local Launch Operator (LLO)	SRL with or without one or more endorsements	National

Skipper of a Coastal Fishing Boat	Master <500GT limited to 100 nm from the coast	STCW
	SFV limited to 100 nm from the coast	STCW-F
NZ Coastal Master	Master <500GT limited to 100 nm from the coast	STCW
	SFV limited to 100 nm from the coast	STCW-F
Master Small Home Trade Ship	Master <500GT limited to 100 nm from the coast	STCW
	SFV limited to 100 nm from the coast	STCW-F
Master River Ship	MFV (STCW-F)	STCW-F
	Watchkeeper Deck <500GT NC	STCW
Miscellaneous certificates	A certificate or prescribed endorsement provided for in this Part that in the opinion of the Director is most closely equivalent to the certificate or entitlement.	National, STCW, or STCW-F

<sup>2</sup> Holders of a Commercial Launch Master certificate, who can provide evidence of sea service within extreme limits, will transition to a Skipper Coastal/Offshore certificate limited to their existing extreme limit

**33 32.209 Pending applications**

- (a) In rule 32.209, replace the heading with “**Pending applications**”<sup>3</sup> (and amend the “Contents” in Part 32 to reflect this amendment).
- (b) In the footnote section, on the same page as rule 32.209 heading, insert footnote “<sup>3</sup>” as follows:
  - “<sup>3</sup> This refers to applications made at the time the rules in Part 32 commenced on 1 April 2014”.
- (c) In rule 32.209(1), replace each reference to “Table 44 or 45” and “Tables 44 or 45” with “Table 44 or Table 48”.
- (d) In rule 32.209(2), replace each reference to “Table 44 or 45” and “Tables 44 or 45” with “Table 44 or Table 48”.

**34 32.210 Transition of confirmed holders of Master of ship less than 500 GT near-coastal to Master on ships less than 500 GT (restricted)**

- (a) In rule 32.210, in the title of the rule, replace “of ship” with “on ship” (and amend the “Contents” in Part 32 to reflect this amendment).
- (b) In rule 32.210(2), replace the reference to “rule 32.206” with “rule 32.207”.

**35 32.212A New rule**

- (a) After rule 32.212, insert (and amend the “Contents” in Part 32 to reflect this amendment)—

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### **“32.212A Transition provision relating to ABs and AB certificate (ILO)<sup>5</sup>”**

The holder of an AB certificate or an AB certificate (ILO) may transition to an STCW certificate under rule 32.207(1) as a certificate or endorsement referred in column 1 of Table 46.”

- (b) In the footnote section, on the same page as rule 32.212A heading, insert footnote “<sup>5</sup>” as follows:

<sup>5</sup> Refer rule 32.14A, which provides that a certificate of proficiency is valid for life, so this rule 32.212A merely provides the holder of an AB or AB (ILO) the alternative of transitioning to an STCW certificate”.

### **36 32.215 No requirement for training record book approved under this Part where sea service or training commenced prior to the commencement of this Part**

- (a) In rule 32.215(1)(a), replace the reference to “Table 46” with “Table 49”.
- (b) In rule 32.215(2), replace the reference to “Table 46” with “Table 49”.

### **37 Table 46 Certificates to which rule 32.215 applies and corresponding certificates under former Part 32**

In the heading of Table 46, replace “**Table 46:**” with “**Table 49:**”.

## Part 32 Schedule

### **38 Part 32 Schedule Ancillary Proficiencies**

In the Schedule in Part 32, in row (e)—

- (a) in column 5, replace “as for STCW basic” with “No”; and
- (b) in column 6, delete “As for STCW basic”.

## Amendments to Part 34

### Part 34

#### 39 34.2 Part objective

In the Part objective of Part 34, in the second paragraph, at the end of the first sentence after “under Part 32”, insert “and also applies to holders of a ring-fenced certificate”.

#### 40 34.2 Definitions

In rule 34.2, before the definition of “seafarer”, insert the following new definition:

“**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.”.

#### 41 34.20 Application

In rule 34.20—

(a) Replace subrule (2) with:

“(2) The following holders must meet the requirements of rules 34.22, 34.23, 34.31 and 34.32:

(a) the holder of an STCW, STCW-F, or national certificate issued by the Director under Part 32:

(b) the holder of a ring-fenced certificate, except that this subrule (b) will not apply to that holder and that holder is not required to meet the requirements of rules 34.22, 34.23, 34.31, and 34.32, until 24 months after the date the certificate is confirmed to be ring-fenced by the Director under rule 32.206A(3).”

(b) In subrule (3), in the first sentence, replace “who is not referred to in subrule (2)” with “to whom subrule (2) does not apply and who is”.

#### 42 34.21 Role of registered medical practitioners and approved medical practitioners

In rule 34.21(1), after “holding a”, insert “ring-fenced certificate or”.

#### 43 34.22 Requirement for certificate of medical fitness

In rule 34.22(1), in the first sentence, replace “described in rule 34.20” with “to whom rule 34.20 applies”.

## Summary of Submissions:

### Maritime Rules Parts 31, 32, and 34 SeaCert Amendments 2016

The following tables summarise submissions on the proposed amendments, together with Maritime NZ's responses.

During consultation seafarers were given an option of completing a SeaCert submission form, which asked a series of yes/no questions as well as giving them the opportunity to provide comments. The form was used by the majority of submitters and many provided additional comments. The final table provides a tally of yes/no responses.

Proposal: Allow specific old/legacy certificates to be ring-fenced (refer to Appendix 1).	
Submitter's Comments	MNZ Response
<p>There was wide-spread support for this proposal from submitters and also strong support expressed by attendees at the public meetings and the separate meetings with maritime operators.</p> <p>In the form submissions 97% of submitters were in favour of ring-fencing the identified certificates.</p> <p>Comments from submitters included:</p> <ul style="list-style-type: none"> <li>• Ring fencing is fair, practical, minimal cost and makes business sense (as holders of these certificates are often people who can step in and relieve).</li> <li>• Not ring-fencing would mean a huge loss of experience as many of these seafarers would choose to retire rather than go back to "school" (maritime training courses). It is better if these people are lost to the industry more slowly over time as they retire.</li> <li>• Many holders have no intention to seek an upgraded certificate in the foreseeable future, therefore ring-fencing is a good option for more senior seafarers who have a limited time left in industry. Further training is unnecessary given experience gained on water.</li> <li>• Many holders of these certificates see transition into SeaCert as time-consuming, onerous and expensive, given their current circumstances, and would provide no significant benefit.</li> <li>• Holding an existing certificate and associated privileges allows seafarers to do everything they need to do in the industry.</li> <li>• Some operators wanted seafarers they employ to transition into SeaCert as they feel that SeaCert is a vehicle for helping ensure that their staff are qualified, maintaining currency of knowledge, and fit for their role.</li> <li>• One operator appreciated the ease and efficiency of ring-fencing but did not support the concept because it believed it would to some extent result in degradation of competency standards in the long-term. This is because holders would not have to do five-yearly refresher courses.</li> <li>• A number of holders of the NZCM, NZOM, NZOW, and LLO certificates expressed a strong desire to be able to ring-fence these tickets (see discussion below).</li> </ul>	<p>The proposal as consulted on was that a holder ring-fencing their old/legacy certificates:</p> <ul style="list-style-type: none"> <li>• would not have to transition into SeaCert, they</li> <li>• would not have to undertake any new or extra training, and</li> <li>• could continue to work on vessels with the same privileges they have now.</li> </ul> <p>Ring-fencing an old/legacy certificate means that the holder would be able to continue to exercise their privileges under their existing certificate.</p> <p>It is also proposed that these certificates would not expire and that there would be no charge for ring-fencing. Holders would be required to have an up-to-date medical certificate.</p> <p>Maritime NZ believes there is no disadvantage to allowing certain old/legacy certificates to be ring-fenced and the integrity of SeaCert will be retained.</p> <p>Also ring-fencing one of these certificates will not prevent a seafarer progressing to a higher level SeaCert certificate at a later date.</p> <p>MNZ has estimated that between 5,000 and 8,000 certificates will be able to be ring-fenced, if the holders choose to do so. This is out of an estimated total of at least 11,000 old/legacy tickets that currently have to transition into SeaCert or they will expire.</p> <p>Given the very strong support for this proposal MNZ recommends that the option to be able to ring-fence certain old or legacy certificates be implemented.</p>

Proposal: That holders of one of the NZ Coastal Master (NZCM), NZ Offshore Master (NZOM), NZ Offshore Watch-keeper (NZOW), and Local Launch Operator (LLO) certificates have an option to ring-fence their ticket (this issue was raised during the consultation process).	
Submitter's Comments	MNZ Response
<p>A key issue, both in the public meetings and the written submissions, has been requests to ring-fence other certificates. Specifically, the NZCM, NZOM, NZOW, which are tickets that under the current rules need to transition by 31 December 2016 or before they expire, and the LLO.</p> <p>Seafarers holding the NZCM, NZOM, and NZOW certificates have stated that they typically work domestically and do not see any benefit to having to transition to an international certificate, particularly given the time and cost of potential training, plus a 5-year renewal, which entails various ancillary refreshers.</p> <p>These tickets currently give holders a lot of flexibility to carry passengers, undertake fishing and home trade, or operate ferries or charter vessels. Transitioning to international tickets will mean in some cases having to hold both an STCW and STCW-F ticket to undertake the same range of functions.</p> <p>In the submission forms MNZ asked if the holders of a NZCM, NZOM and NZOW only wanted to retain fishing privileges, should they be offered the opportunity to ring-fence the certificate with such limited entitlements. In response 87% of submitters were in favour of such an opportunity. This could be interpreted as an indication of the level of support for allowing these certificates to be ring-fenced.</p> <p>LLO holders, especially those operating in enclosed waters, similarly see the transition into SeaCert as unnecessary, and consider that transition will result in holding a ticket (an SRL) with privileges in excess of what most require for their current operation. Also, the time and cost for people wanting to gain an SRL so they can operate on inland waters on a seasonal basis is proving a barrier to employment. Commercial operators in the lakes of Bay of Plenty, Taupo and other inland fishing and tramping destinations are finding it difficult to get appropriately qualified skippers. They have requested that MNZ reintroduce an LLO type ticket for enclosed waters, or allow the LLO certificate to be ring-fenced.</p>	<p>MNZ recommends that</p> <ul style="list-style-type: none"> <li>• Holders of the LLO, the basic NZCM, NZOM and NZOW and holders of NZOW with ILM endorsement may ring-fence these certificates.</li> <li>• In order to provide for alignment with STCW, holders of a ring-fenced NZCM/OM/OW will need to maintain currency by demonstrating appropriate seetime or continued competence acceptable to the Director on a five-yearly basis.</li> <li>• A ring-fenced NZCM/OM/OW is restricted to New Zealand's Exclusive Economic Zone.</li> </ul> <p>The Local Launchman's License is to be ring-fenced and the LLO certificate is very similar. The new proposal provides for parity of treatment of these two certificates.</p> <p>Ring-fencing NZCM, NZOM and NZOW certificates enables holders of these certificates to continue doing what they are doing with minimal additional charges.</p> <p>Five-yearly competence checks provide for alignment with STCW for seafarers working on large ships in domestic waters.</p> <p>However, basic NZCM/OM/OW certificates are not designed for use overseas, hence the restriction to NZ's Exclusive Economic Zone.</p>

Proposal: That holders of specific old/legacy certificates register with MNZ by 31 May 2017 to ring-fence their certificate or grand-parent transition.	
Submitter's Comments	MNZ Response
<p>All comments from submitters supported registration. However, about 68% were in favour of certificates being automatically ring-fenced.</p> <p>Comments from individual submitters included:</p> <ul style="list-style-type: none"> <li>• That many seafarers will be unaware of the option to ring-fence and not register in time.</li> <li>• Automatic registration is the least coast option for the same outcome as active registration.</li> <li>• Seafarers should only need to register if and when a person wants to exercise the privileges of their certificate.</li> <li>• Not applying any time limit on registering as there are many NZ certificate holders working and living overseas, and they may have no idea of the changes transpiring and they should not be disadvantaged. MNZ should continue to encourage seafarers to transition but not penalise those who don't.</li> <li>• Noting that there is a peripheral benefit of registration through establishing a contacts database.</li> </ul>	<p>MNZ is of the view that despite submitters favouring automatic ring-fencing there is significant benefit in proceeding with the proposal that requires holders of specific old/legacy tickets to register with MNZ. Reasons for this are that:</p> <ul style="list-style-type: none"> <li>• MNZ needs an up-to-date register of old/legacy ticket holders.</li> <li>• MNZ is offering a choice to ring-fence and/or transition old/legacy certificates so seafarers will need to register to state preference.</li> <li>• Registration will be free and require minimal time from seafarers.</li> <li>• This will help manage future transition workloads as MNZ will know the nature and extent of seafarers wanting to move into SeaCert from an old/legacy certificate.</li> <li>• Also, there are already over 2000 holders of old/legacy certificates that have already voluntarily registered (see below), which indicates that this process poses a very low regulatory burden on certificate holders.</li> </ul> <p>The deadline for registration will be 1 September 2017. Registration enables MNZ to determine how many certified seafarers are in the system, provides a basis for monitoring the status of these seafarers and better enables MNZ to undertake broad or targeted communication with the seafarers. Without a deadline for registration and an expiry date after registration, there is little incentive for seafarers to register. MNZ recommends therefore that there continue to be an active registration process for seafarers.</p> <p>However, MNZ proposes that for a finite period after the registration deadline (until the end of December 2019), the Director have a power to allow expired certificates to be ring-fenced in meritorious cases.</p> <p><b>Voluntary registration</b></p> <p>On October 23 2015 a notice went on the Maritime NZ website asking people who hold old/legacy certificates to register their details with MNZ. This was originally set up to get data about such certificate holders to support our policy work on potential rule changes. We have continued to invite holders to register with MNZ given the proposal to ring-fence such tickets and that we can use this database for the purposes of meeting a potential ring-fencing rule. As at 29 August 2016, 2228 seafarers and 3031 certificates have been registered with MNZ. Of these seafarers, 2158 said they plan to use their certificates in the future.</p>



<b>Proposal: Certificate holders that have already transitioned their old/legacy certificate/s can go back and ring-fence their old/legacy certificate.</b>	
<b>Submitter's Comments</b>	<b>MNZ Response</b>
<p>Submitters were strongly in favour (84% based on the form submission) of this proposal.</p> <p>Specific comments from individual submitters included:</p> <ul style="list-style-type: none"> <li>• Concern from one seafarer that they feel penalized now they have transitioned and paid the time and cost of training and now face a five-year renewal.</li> <li>• Requesting a full refund having transitioned before the ring-fence option becomes available</li> <li>• Noting the benefits of having transitioned but could have the option of ring-fencing their old certificate and not renewing their current SeaCert certificate.</li> </ul>	<p>This option is preferred because holders who have transitioned have probably seen a benefit/value in doing so. These would include the benefit of holding a modern certificate, possibly with new and/or better privileges, having a clear career progression path within SeaCert, and gaining new skills through training.</p> <p>While there was some comment about not receiving compensation, this is offset by the benefit/value mentioned above, and certificate holders would have the opportunity to ring-fence their old certificate. They can then make a decision whether or not to retain their new certificate as the five-year renewal anniversary approaches. As at June 2016, 115 old/legacy tickets, that could be ring-fenced, have transitioned into SeaCert.</p> <p>MNZ recommends that this option be implemented.</p>

<b>Proposal: Should seafarers with expired certificates be able to have those certificates revived and ring-fenced? (This was a question asked during the consultation process).</b>	
<b>Submitter's Comments</b>	<b>MNZ Response</b>
<p>Submitters were in favour (67% based on the form submission) of this proposal.</p> <p>However, comments from individual submitters were mixed and included:</p> <ul style="list-style-type: none"> <li>• Not being in favour as the SeaCert process is an attempt to go forward not backwards.</li> <li>• Agreeing with proposals but only with some relevant training. A person's circumstances can change, and they should not be able to use the qualification until it is re-issued.</li> <li>• Giving a six-month deadline to apply, depending on circumstances as MNZ may need to look at an individual basis and assess if appropriate.</li> </ul>	<p>In the past, some certificate holders were issued perpetual certificates while other certificates in the same category were given expiry dates.</p> <p>Not reviving expired tickets would be unfair on those issued with time-limited certificates when other seafarers have the same certificate and the same circumstances but no expiry date.</p> <p>Therefore, seafarers with expired old/legacy certificates may have those certificates revived and ring-fenced.</p>

<p><b>Proposal: The only ongoing requirement to use a ring-fenced certificate is that the holder must have an up-to-date medical certificate and be a fit and proper person.</b></p>	
<p><b>Submitter's Comments</b></p>	<p><b>MNZ Response</b></p>
<p>The majority of submitters (79%) did not favour any other requirements beyond holding an up-to-date medical certificate (renewed every two years).</p> <p>A number of submitters suggested other requirements, these included:</p> <ul style="list-style-type: none"> <li>• Variations on the medical requirement, e.g. five yearly medicals for seafarers aged 20-45 years.</li> <li>• Having a current First Aid certificate updated every two years.</li> <li>• Proof of sea-time in last five years.</li> <li>• Random drug and alcohol testing.</li> <li>• Consistency with SeaCert requirements, such as requiring a five-year renewal, which could include the basic STCW ancillaries every five-years (e.g. fire-fighting).</li> <li>• Expiring obsolete certificates for those no longer operating.</li> </ul> <p>Some operators believe that MNZ and industry need to take an active part in ensuring safety in all practical ways and noted that on-going regulated competency requirements is a key requirement in other industries such as aviation.</p> <p>Another operator was of the view that competency can never be replaced with short refresher courses or remotely controlled by the regulator once the qualification has been issued, and attempting to do so is only advantageous to educational institutions. It is the Operators that ensure competency, and this is supported by MOSS.</p>	<p>MNZ notes the strong support for no other requirements other than having an up-to-date medical in order to be able to use a ring-fenced certificate. The initial assessment when developing this proposal was that holders of these old/legacy certificates currently had no requirement to revalidate their ticket or renew their training. Their tickets had typically been issued in perpetuity. The only ongoing requirement was to continue to be a fit and proper person and maintain medical fitness (for the majority of certificates).</p> <p>The aim of ring-fencing was to allow them to hold on to their existing certificate, without the need to enter SeaCert, and keep doing what they are doing at no further cost. Maintaining the existing requirements was assessed by MNZ as sufficient to maintain the current levels of safety among the holders of these old/legacy certificates.</p> <p>There was a range of suggestions for other or amended medical requirements. However, given the strong support for no other requirements by submitters and based on our initial assessment MNZ recommends that this proposal should be implemented as consulted upon.</p> <p>In response to some of the suggestions, MNZ notes that by 2017, it will be mandatory for all commercial maritime operators to have drug and alcohol management plans, which must include random testing.</p> <p>Also, as part of the process to confirm seafarer's ring-fenced certificates, MNZ will be informing seafarers and operators of their obligations under the Maritime Transport Act and Maritime Rules in regards to the safety of the vessel and navigational safety and the Health and Safety at Work legislation in regards to the health and safety of the people on board. This includes commercial operators ensuring a minimum level of competency to operate safely. The new Health and Safety at Work legislation also has specific requirements; for example, operators must ensure an adequate number of workers are trained to administer first aid at the workplace.</p> <p>We will also suggest to holders of ring-fenced certificates that, given their own circumstances and what they are currently doing, they consider the:</p> <ul style="list-style-type: none"> <li>• value of seeking additional training to bring their skills and knowledge up-to-date, particularly in regards to new technology, and</li> <li>• benefit of refreshing basic competencies such as personal survival and fire-fighting.</li> </ul>

Proposal: That there is a phased transition process for holders of old/legacy certificates that want to grand-parent transition to a new SeaCert certificate.	
Submitter's Comments	MNZ Response
<p>There was good support for having a phased transition process for certificates that must or are moving into SeaCert. In total 63% were in favour of a process that gives differing deadlines based on surname initial.</p> <p>A few responders could see the merits in this idea administratively but said that any deadlines need to be communicated with seafarers very effectively. MNZ would need a data base by which to communicate.<sup>2</sup></p> <p>Others suggested making it simple: make one date for everyone.</p>	<p>MNZ proposed a phased transition process for two groups of certificates;</p> <ul style="list-style-type: none"> <li>specified certificates Type-B, which can transition to a new National STCW-F aligned certificate, and</li> <li>specified certificates Type-C, which can transition to a new STCW certificate or both an STCW and STCW-F certificate or an STCW-F certificate.</li> </ul> <p>The proposal set different, non-overlapping time transition periods for each type of specified certificate with phasing (time of application for holders to transition their certificate) based on surname initial.</p> <p>The phased transition proposal was essentially an administrative mechanism for MNZ to use to be able to tie in with international deadlines, and manage the flow and work-load of transitions, which were estimated to be significant. This would also avoid unhelpful delays due to increased demand on MNZ and training providers, an issue that became apparent during consultation with seafarers unable to get on training courses in time to meet deadlines.</p> <p>Given the overwhelming support for the option to ring-fence old/legacy certificates and the recommendation to allow four other certificates to also be ring-fenced, MNZ has reconsidered the need to have a phased transition process.</p> <p>The rule change will not require a phased transition, but will provide the Director with discretion to extend the date when the certificate ceases to be valid. This process provides MNZ with flexibility to manage a large influx of certificate applications, without the potential complexity of a phased process.</p>

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<sup>2</sup> There was a view expressed elsewhere that seafarers have been overloaded by MNZ communication via email and that they were not paying attention to emails as a result. That could be an issue if the alert of the deadline to register was sent out by email.

<p><b>Proposal: Creating an extended transition process for three national certificates (NZCM, NZOM, and NZOW), but if the certificate holder does not apply within the time requested then their certificates will expire 6 months later.</b></p>	
<p><b>Submitter's Comments</b></p>	<p><b>MNZ Response</b></p>
<p>Submitters were in very strong support of the proposal to extend the transition process, with 93% in favour.</p> <p>All responders who commented on this question agreed with extending the deadline.</p> <p>Detailed comment from one submitter summarised a common view in that they agreed with extending the deadline for moving NZOM, NZCM and NZOW into SeaCert but believed that it seemed to be only a temporary "patch" that did not address the fundamental problems, namely that the transition process is too onerous, time-consuming and expensive. They noted that the holders of these tickets need to be immediately able to have a valid ticket and continue working. Also that the NZOM in particular is difficult, expensive and time-consuming to obtain in the first place, and having completed the requirements and obtained the ticket, in their view, the holders should, like Commercial Pilots, have lifetime tickets, subject to the meeting of medical fitness and some (easily achievable) currency requirements.</p> <p>In regards to the expiry of certificates if the holder misses their deadline for moving into SeaCert, submitters were not in favour of certificates expiring immediately (92% were against), but were in favour of a six-month period before the certificate expired (89% supported).</p>	<p>MNZ notes that that an extension to the timeframe is still warranted. Holders of a NZCM, NZOM, or NZOW have been told to wait until final decisions have been made regarding the proposed amendments to the SeaCert rules, unless they had made a definite decision to transition or were in the process of transitioning. This direction to wait is likely to have created uncertainty amongst certificate holders and they are now holding off until their choices, and the pros and cons for each choice, are made clear.</p> <p>Although MNZ now recommends that holders of basic NZCM, NZOM, NZOW and NZOW with an ILM may ring-fence these certificates, the holders also have the option of transitioning to SeaCert.</p> <p>MNZ recommends extending the deadline for moving NZCM, NZOM and NZOW into SeaCert from December 2016 to 30 June 2018. This allows holders of these certificates more time to decide whether to transition.</p>

<b>Proposal: Removing the need for Able Seaman (AB) and other ratings certificates to transition or renew.</b>	
<b>Submitter's Comments</b>	<b>MNZ Response</b>
<p>Submitters were strongly in favour (75%) of this proposal for AB and other ratings certificates.</p> <p>Issues raised were about:</p> <ul style="list-style-type: none"> <li>• whether someone working internationally would need to move into SeaCert and gain the STCW AB Deck certificate.</li> <li>• concern about perhaps jeopardizing alignment with Australia.</li> <li>• requiring AB and QFDH tickets to be kept up-to-date with STCW Basic at least.</li> </ul>	<p>MNZ notes that seafarers who choose not to transition will still be able to work in Australia under the Trans-Tasman Mutual Recognition Agreement (TTMRA) - or anywhere else where the administration chooses to recognize or accept their certificate. In addition, ILO ABs would have the option of transitioning to an STCW AB Deck certificate if they think this will benefit them working internationally.</p> <p>MNZ notes that there is no safety driver in requiring transition, as existing holders are already required to meet on-going competency requirements (via ancillary certificates or equivalent drill participation) to continue to exercise the privileges of their certificates. They are also required to undergo medical examinations on a two yearly basis</p> <p>MNZ recommends that the rule changes to achieve this proposal proceed.</p>

<b>Proposal: Creating a more flexible exemption policy for STCW certificates.</b>	
<b>Submitter's Comments</b>	<b>MNZ Response</b>
<p>No comments either written or verbal were received on this proposal.</p>	<p>MNZ recommends that the rule changes to achieve this proposal proceed.</p>

<b>Proposal: Amending the temporary seasonal endorsement for holders of a Skippers Restricted Limits (SRL) certificate so that it allows holders, for a specific purpose, unbounded use of it during the year, and to go out to 100 nm from the New Zealand coast. The endorsement will be valid for five years.</b>	
<b>Submitter's Comments</b>	<b>MNZ Response</b>
<p>There were few written comments on this proposal but they were all in support. Verbal comments made during the public meetings expressed support for this proposal as a practical and common-sense solution to an existing problem, especially as it relates to seasonal tuna fishing.</p>	<p>MNZ recommends that the rule changes to achieve this proposal proceeds.</p>

**Maritime Rules**

**Proposal: Increasing the passenger privilege of the Skipper Restricted Limits (SRL) certificate to be able to carry up to 19 passengers and removing the requirement for qualifying sea service to have been gained whilst holding the basic SRL.**

**Submitter's Comments**

There were a small number of written comments on this proposal. These were in support, as were verbal comments made during the public meetings.

One operator stated that the current rule has caused cost and inconvenience as their business plan worked around 19 passengers. The process to get exemptions has proved time consuming and expensive. They therefore supported the increase to 19.

Another operator wanted an increase beyond 19 to 28, which was the number of seats on his boat.

**MNZ Response**

MNZ notes that the increase back to 19 passengers reinstates the previous limit that was available for the entry level skipper's tickets that preceded the SRL certificate.

MNZ recommends that the rule changes to achieve these proposals proceed.

**Annex 1: Submission form and tally**

Questions on submission form	Yes	No
1. Do you agree with the suggestion to ring-fence the certificates in Table 1? Ring-fencing would mean the certificate holder could continue to use their certificate, however would need to register with Maritime New Zealand (MNZ).	304 96.8%	10 3.2%
2. Do you agree seafarers should be offered the choice either to have their certificates ring-fenced or move (grand parented transition) into SeaCert?	274 98.2%	5 1.8%
3. Should the certificates in Table 1 be automatically ring-fenced without having to register with MNZ?	180 67.7%	86 22.3%
4. Should there be other requirements if a certificate is ring-fenced? If your answer is yes to this question, it would be helpful to give us your views on what additional requirements these should be. See “any further comments” box below	58 21.3%	214 78.7%
5. Do you think it is a good idea to let those who have already transitioned revert back to a ring-fenced certificate?	230 84.2%	43 15.8%
6. For certificates that must move into SeaCert, is it a good idea to give seafarers differing deadlines based on surname initial? (For example: surnames starting with A-C must move into SeaCert ahead of those starting with D-E)	162 62.5%	97 37.5%
7. Should certificates expire immediately if the holder misses their deadline to move into SeaCert? <u>Or</u>	20 7.6%	244 92.4%
7a Should a certificate holder have 6 months after their SeaCert deadline before their certificate expires?	231 89.2%	28 10.8%
8. Do you agree with the idea to extend the deadline for moving NZOM, MNZCM, NZOW into SeaCert?	237 92.6%	19 7.4%
9. If the holder of an NZOM, NZCM or NZOW only wanted to retain fishing privileges, should they be offered the opportunity to ringfence the certificate with such limited entitlements?	215 87.0%	32 13.0%
10. Do you agree with the idea to remove the need for ABs or Ratings certificates to move into SeaCert or renew every 5 years?	162 75.3%	53 24.7%
11. Should seafarers with expired certificates be able to have those certificates revived and ring-fenced?	172 66.9%	85 33.1%