

# **Maritime Rules**

## **Part 21 - Safe Ship Management Systems**

Page extract to give reference to Part 21: Amendment 2010

## **Section 2: Ships which do not proceed beyond restricted limits, fishing ships, and ships of less than 45 metres in length which are not required to comply with section 1**

### **21.9 Application of section 2**

- (1) Subject to rule 21.9(3), section 2 applies to every New Zealand ship which is –
  - (a) a commercial ship required to be registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996; or
  - (b) a commercial ship, other than a fishing ship, which does not proceed beyond restricted limits; or
  - (c) a commercial ship of less than 45 metres in length that proceeds beyond restricted limits, other than:
    - (i) a fishing ship;
    - (ii) a passenger ship engaged on an international voyage;
    - (iii) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage; or
  - (d) a barge which carries any persons on board during the course of a voyage.
- (2) Section 2 applies to every foreign ship which is –
  - (a) a non-passenger ship of less than 500 tons gross tonnage which the owner intends to operate on the New Zealand coast; or
  - (b) a fishing ship which is registered under section 57 of the Fisheries Act 1983 or section 103 of the Fisheries Act 1996;and which has certificates recognised by the Director under section 41 of the Maritime Transport Act 1994.
- (3) Section 2 does not apply to any New Zealand ship –
  - (a) which complies with any applicable maritime rules requiring the implementation and audit of a safe operational plan for that ship; or
  - (b) for which a certificate as an amusement device is required under the Machinery Act 1950.
- (4) For the purposes of this Part, a ship that is normally carried aboard a larger

ship that operates within communication range of the larger ship -

- (a) may be considered to be part of the larger ship's equipment; and
- (b) may have its safe operation covered by the larger ship's documented operating procedures; and
- (c) need not otherwise comply with section 2

## 21.10 Compliance with section 2

- (1) Every New Zealand ship to which section 2 applies must comply with this section by 1 February 1998.
- (2) Every foreign ship to which section 2 applies must comply with this section within 24 months of the date of recognition of the ship's certificates by the Director under section 41 of the Maritime Transport Act 1994.

## 21.11 Definitions relating to section 2

In section 2:

"**Accident**" has the same meaning as in section 2 of the Maritime Transport Act 1994:

"**Approved safe ship management system**" means a safe ship management system that has a Certificate of Approval or Interim Certificate of Approval issued in respect of it by the Director:

"**Audit**" means a systematic and independent examination to determine whether the safe ship management system activities and related results comply with the *New Zealand Safe Ship Management Code* and whether these arrangements are implemented effectively and are suitable to achieve the safe ship management system's objectives:

"**Authorised person**" means a person employed by the organisation to whose approved safe ship management system the ship in question belongs who has delegated powers from the Director to issue and or suspend certain maritime documents under Part V of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

"**Certificate of Approval**" means the maritime document issued under Section 41 of the Maritime Transport Act 1994 and deemed by rule 21.11A(1) or in accordance with rule 21.12(1) to be issued in accordance with this Part:

**"Certificate of survey"** means –

- (a) a certificate of survey issued under section 219 of the Shipping and Seamen Act 1952 and deemed to be issued or recognised as a maritime document under Part V of the Act pursuant to section 468(5) of the Act; or
- (b) a certificate of survey issued under section 143 of the Maritime Transport Act 1994 and saved under section 468(8) of the Act.

**"Corrective action"** means the action taken to correct an identified non-compliance:

**"Discharge"** has the same meaning as in section 225 of the Maritime Transport Act 1994:

**"Hazardous occurrence"** means an occurrence other than an accident which could affect the safety of the ship or persons, and includes a "pollution incident" as defined in section 225 of the Maritime Transport Act 1994:

**"Interim Certificate of Approval"** means the maritime document issued under Section 41 of the Maritime Transport Act 1994 in accordance with rule 21.12(2):

**"Inspection"** when referred to in rule 21.13(10) means an examination of the ship and its equipment to ensure that it is being maintained in accordance with the approved maintenance plan required by rule 21.13(5) and is in accordance with the applicable maritime rules and marine protection rules:

**"Major alteration"** and **"major repair"** mean the repair or alteration of a ship, or the replacement or removal or addition of any part of a ship, that is likely –

- (a) to significantly affect the structural integrity, tonnage, freeboard, cargo or passenger capacity, crew or passenger accommodation, conditions of assignment of load line, watertight subdivision, stability, structural fire protection, or safety equipment of the ship; or
- (b) to result in significant changes to the propulsion machinery, auxiliary machinery, or method of propulsion of the ship:

**"New Zealand Safe Ship Management Certificate"** means the maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rule 21.13(7) or rule 21.13(11):

**"New Zealand Safe Ship Management Code"** means the New Zealand Safe

Ship Management Code set out in Appendix 6:

**"Non-conformity"** means an identifiable deviation from the stated practices and conditions of the organisation's documented approved safe ship management system, which poses a risk to personnel or ship safety or to the marine environment, and requires corrective action; and includes lack of effective and systematic implementation of a requirement of the New Zealand Safe Ship Management Code:

**"Operate on the New Zealand coast"** means to undertake a voyage as a commercial ship from one New Zealand port or offshore terminal to another New Zealand port or offshore terminal or back to the same New Zealand port or offshore terminal:

**"Organisation"** means a partnership, a corporation sole, a body of persons whether corporate or unincorporate, or any other entity that is managing a safe ship management system, and that represents any party and the shipowners belonging to that safe ship management system, or solely the shipowners belonging to that system:

**"Recognised accreditation body"** means a quality system certification body recognised by the Director:

**"Safe ship management system"** means a structured and documented system enabling ship and shore based personnel to implement the owner's safety and pollution prevention policy in accordance with the New Zealand Safe Ship Management Code:

**"Safety Management Manual"** means the document describing an organisation's safe ship management system and serving as a permanent reference in the implementation and maintenance of that system:

**"Survey limits"** means the limits assigned to a ship under the Shipping and Seamen Act 1952 or the Maritime Transport Act 1994, as recorded on the ship's certificate of survey:

**"Surveyor"** means any suitably qualified person who has been –

- (a) recognised by the Director under rule 46.29 as a surveyor entitled to undertake the particular functions referred to in Part 21 section 2; and
- (b) holds a valid maritime document as a surveyor issued under section 41 of the Maritime Transport Act 1994.

### 21.11A Transitional provisions and savings provision

- (1) An approval that—
  - (a) was validly issued in accordance with Section 2 of Part 21 before 1 October 2010; and
  - (b) was in force immediately before 1 October 2010;is deemed to be a certificate of approval issued in accordance with this Part.
- (2) A certificate of approval deemed to be issued in accordance with this Part in subrule (1) is valid until the expiry date noted on the approval.

### 21.12 Safe Ship Management System

- (1) If an organisation applies in writing under Section 35 of the Maritime Transport Act 1994 to the Director for approval of that organisation's safe ship management system, and the Director is satisfied that—
  - (a) the organisation possesses a valid certificate issued by a recognised accreditation body indicating that the organisation has implemented a quality assurance system which has been approved by that body and is subject to continuing audit; and
  - (b) the scope and field of application of the quality assurance system is for the safe management of ships in accordance with the New Zealand Safe Ship Management Code; and
  - (c) the organisation has been granted quality assured supplier status in terms of:
    - (i) AS/NZS ISO 9001:1994 as amended from time to time, for organisations which are not the owners of the ships which are in their safe ship management system; or
    - (ii) AS/NZS ISO 9002:1994 as amended from time to time, for organisations operating a safe ship management system for ships of which they are the owners; and
  - (d) all other requirements of section 41 Maritime Transport Act 1994 are met,then the Director must grant a Certificate of Approval for that organisation's safe ship management system.
- (2) For the purpose of approving a safe ship management system, the Director may issue an interim certificate of approval to permit an organisation to operate a safe ship management system for a specified period and maximum

number of ships prior to the organisation's system obtaining the approval in writing referred to in rule 21.12(1).

(a) An interim certificate of approval shall only be issued under Section 41 where –

(i) an organisation has applied under Section 35 of the Maritime Transport Act 1994 to the Director for a certificate of approval; and

(ii) the organisation meets all prescribed requirements other than the requirement to possess a certificate issued by a recognised accreditation body under rule 21.12(1)(a).

(3) An organisation operating an approved safe ship management system must maintain a record of audits, inspections, accidents, discharges in contravention of a marine protection rule, hazardous occurrences, major non-conformities, and corrective actions for all ships within the safe ship management system.

(4) An organisation operating an approved safe ship management system must provide the Director with such information from the records maintained in accordance with rule 21.12(3), as the Director may from time to time reasonably require.

(5) An organisation operating an approved safe ship management system must notify the Director as soon as possible of –

(a) the name and the owner of each ship entering the organisation's approved safe ship management system; and

(b) any change of owner of any ship in the organisation's approved safe ship management system; and

(c) the suspension of the New Zealand Safe Ship Management Certificate of any ship in the organisation's approved safe ship management system; and

(d) the details of any ship that leaves the organisation's approved safe ship management system.

(6) It shall be a condition of every Certificate of Approval issued by the Director by the Director that –

(a) the organisation continues to have a valid certificate issued by a recognised accreditation body indicating that the organisation has implemented a quality assurance system which has been approved

by that body and is subject to continuing audit; **UbX**

- (b) the scope and field of application of the organisation's quality assurance system continues to be for the safe management of ships in accordance with the New Zealand Safe Ship Management Code; **UbX**
- (c) the organisation continues to have quality assured supplier status as referred to in rule 21.12(1)(c); **UbX**
- (d) the organisation continues to meet the requirements of subrules 21.12(3), 21.12(4), 21.12(5), 21.13(6), 21.13(8) and 21.13(10).

### **21.13 Entry to and conditions to be met in order for ship to remain in Safe Ship Management System**

- (1) The owner of a ship to which this section applies must ensure that—
  - (a) the ship belongs to an organisation's approved safe ship management system; and
  - (b) a New Zealand Safe Ship Management Certificate issued by the Director or by an authorised person is for the time being in force in respect of the ship; and
  - (c) the ship complies with the conditions and limitations stated in—
    - (i) the certificate issued by the surveyor under rule 21.13(2)(a), or the certificate of survey referred to in rule 21.13(2)(b), or the certificate referred to in rule 21.13(2)(c), and in addition, where applicable, the statement from a surveyor made under rule 21.13(4); and
    - (ii) the ship's New Zealand Safe Ship Management Certificate.
- (2) No ship to which this section applies may enter or remain in an organisation's approved safe ship management system unless —
  - (a) the owner is in possession of a certificate issued by a surveyor dated