

# Maritime Rules

## Part 21: Safe Ship Management Systems

*For operators operating under a deemed Maritime Transport Operator Certificate (MTOC) from 1 July 2014*

MNZ Consolidation

1 April 2015

ISBN 978-0-478-44779-8

Published by

Maritime New Zealand, PO Box 25620, Wellington 6146, New Zealand

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## **Part objective**

Part 21 requires certain New Zealand commercial ships to establish safe ship management procedures which are consistent with the duties of participants in the maritime system stated in section 17(4)(a) of the Maritime Transport Act 1994.

Section 1 applies to those foreign-going ships which are subject to the requirements of the International Convention for the Safety of Life at Sea, 1974, (SOLAS), and to other large ships, other than fishing ships, which proceed beyond restricted limits. This section incorporates the requirements of SOLAS Chapter IX - *Management for the Safe Operation of Ships*.

Chapter IX was added to SOLAS with other amendments adopted in 1994 and comes into force for different types of ship on varying dates between 1998 and 2002. At the Conference of Contracting Governments at which these amendments were adopted a resolution was also adopted strongly urging governments to implement as far as practicable safe management requirements for cargo ships entitled to fly their flags of 150 tons gross tonnage or more but less than 500 tons gross tonnage. For consistency with existing regulations the SOLAS provisions apply to those New Zealand ships of 45 metres or more in length that proceed beyond restricted limits, but are not SOLAS ships, because of their size or because they do not engage in foreign voyages. Thus the application of section 1 to such ships.

The provisions of section 1 require the ship owner to implement a shore based and shipboard safe management system in compliance with the International Safety Management Code adopted by the International Maritime Organization Assembly Resolution A.741(18) and given mandatory effect by chapter IX of SOLAS. The International Safety Management Code provides an international standard for the safe management and operation of ships and for pollution prevention.

Foreign ships, which are SOLAS ships, are required by section 1 to meet the port state control provisions of that Convention in respect of Chapter IX.

The basis for Part 21 is found in sections 17(4)(a), 34, and 36(j) of the Maritime Transport Act 1994.

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.

### **Disclaimer:**

This document is the current consolidated version of Maritime Rules Part 21 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website.

[www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)

## History of Part 21

Part 21 first came into force on 1 February 1998 and now incorporates the following amendments:

<b>Amendment</b>	<b>Effective date</b>
Amendment 1	4 September 2008
Amendment 2	30 July 2009
Amendment 3	1 December 2010
Amendment 4	1 April 2011
Amendment 5	1 April 2014
Amendment 6	1 April 2014
Amendment 7	1 July 2014
Amendment 8	1 January 2015
Amendment 9	1 April 2015
Amendment 10	1 April 2015

### Summary of amendments

#### **Amendment 1**

Maritime (Various Amendments) Rules Part 20-91 21.5, 21.7(2)(d), 21.7(5)(c), 21.7(13), 21.7(14), 21.9(4)

#### **Amendment 2**

Maritime (Various Amendments) Rules 2009 Parts 21-80 21.7(2)(a), 21.75(5)(a), 21.7(9)(a), 21.7(12)(a), Appendices 1, 2, 3 and 4 revoked

#### **Amendment 3**

Part 21: Amendment 2010 21.11, 21.11A, 21.12(1), 21.12(2), 21.12(2A), 21.12(6)

#### **Amendment 4**

Maritime Rules Various Amendments 2011 21.12(1A) & (2A), Appendix 6 – Clause 11

#### **Amendment 5**

~~Part 19: Maritime Transport Operator – Certification and Responsibilities~~ ~~Revoked Section 2, Appendix 5 and Appendix 6~~

#### **Amendment 6**

Parts 20, 31, 42, 34 and 35: Consequential Amendments 21.2

#### **Amendment 7**

Parts 19 and 44: Consequential Amendments Part Objective, 21.2

#### **Amendment 8**

Maritime Rules Various Amendments 2014 Part Objective, 21.5

#### **Amendment 9**

Maritime Rules Various Amendments 2015 Part Objective, 21.2

#### **Amendment 10**

Maritime Rules Various IMO-related Amendments 2015 21.5, 21.7

All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part21-maritime-rule.asp>

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## General

### 21.1 Entry into force

- (1) Except as provided in rule 21.1(2), Part 21 shall come into force on 1 February 1998.
- (2) Rules 21.2 to 21.12 inclusive shall come into force on a date to be appointed by the Minister by notice in the *Gazette*; and one or more notices may be given bringing different rules into force on different dates.

### 21.2 Definitions

In Part 21:

**Act** means the Maritime Transport Act 1994:

**barge** means any barge, lighter, or like vessel that does not have any means of self-propulsion:

**coastal limits** has the same meaning as in Part 20:

**commercial ship** means a ship that is not—

- (a) a pleasure craft; or
- (b) solely powered manually; or
- (c) solely powered by sail:

**Director** means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

**enclosed water limits** has the same meaning as in Part 20:

**fishing ship** means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

**foreign ship** means any ship that is not a New Zealand ship:

**inshore limits** has the same meaning as in Part 20:

**international voyage** means a voyage from New Zealand to a port outside New Zealand or conversely:

**length** means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured is to be parallel to the designed waterline:

**New Zealand inland waters** means all rivers and other inland waters of New Zealand, which are navigable:

**New Zealand ship** means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

**non-passenger ship** means any ship that is not a passenger ship or a fishing ship:

**operating limits** means the limits defined in rule 20.2:

**owner,—**

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:

- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible:
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:
- (f) for the purposes of the SOLAS certificates shown in Appendices 1 to 4 inclusive of Part 21, means the company to which the document relates:

**Part** means a group of rules made under the Maritime Transport Act 1994:

**passenger** means any person carried on a ship, other than—

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship:
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled:
- (c) a child under the age of 1 year:

**passenger ship** means a ship which carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

**restricted limits** has the same meaning as in Part 20:

**rules** includes maritime rules and marine protection rules:

**SOLAS ship** means any ship to which the International Convention for the Safety of Life at Sea 1974 applies; namely—

- (a) a passenger ship engaged on an international voyage: or
- (b) a non-passenger ship of 500 tons gross tonnage or more engaged on an international voyage:

## **Section 1: SOLAS ships and ships of 45 metres or more in length that proceed beyond restricted limits**

### **21.3 Application of section 1**

- (1) Rules 21.4 to 21.7 inclusive apply to a New Zealand ship that is a commercial ship and that is—
  - (a) a SOLAS ship; or
  - (b) a passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
  - (c) a non-passenger ship of 45 metres or more in length that proceeds beyond restricted limits; or
  - (d) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more.
- (2) Rules 21.4 to 21.6 inclusive also apply, and rule 21.8 applies to a foreign ship that is—
  - (a) a non-passenger ship of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal; or
  - (b) a passenger ship which is at a New Zealand port or offshore terminal; or



- (c) a self-propelled mobile offshore drilling unit of 500 tons gross tonnage or more which is at a New Zealand port or offshore terminal or is operating in New Zealand continental waters.

- (3) Section 1 does not apply to pleasure craft, fishing ships or barges.

#### **21.4 Compliance with section 1**

- (1) For passenger ships (including passenger high-speed craft) compliance with section 1 is required by 1 July 1998.
- (2) Compliance with section 1 is required by 1 July 1998 in respect of the following ships—
  - (a) oil tankers; and
  - (b) chemical tankers; and
  - (c) gas carriers; and
  - (d) bulk carriers; and
  - (e) non-passenger high-speed craft.
- (3) Compliance with section 1 is required by 1 July 2002 in respect of the following ships—
  - (a) non-passenger ships to which rule 21.4(2) does not apply; and
  - (b) mobile offshore drilling units.

#### **21.5 Definitions relating only to section 1**

In section 1:

**anniversary date**, in relation to a document or certificate, means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate:

**authorised person** means a person employed by a recognised organisation who has delegated powers from the Director to issue and suspend or to issue or to 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:

**bulk carrier** means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk; and includes such types as ore carriers and combination carriers:

**chemical tanker** means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code:

**Document of Compliance** means—

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(1) and 21.7(2);
- (b) in relation to an owner of a foreign ship, the document of compliance or equivalent referred to under rule 21.8:

**gas carrier** means a non-passenger ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code:

**high speed craft** means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the International Code of Safety for High Speed Craft adopted by Resolution MSC 36(63) of the International Maritime Organization's Maritime Safety Committee dated June 1994, as amended by that committee from time to time:

**Interim Document of Compliance** means—

- (a) in relation to an owner of a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(8) and 21.7(9);

- (b) in relation to an owner of a foreign ship, the interim document of compliance referred to in rule 21.8:

**Interim Safety Management Certificate** means—

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(11) and 21.7(12);
- (b) in relation to a foreign ship, the interim safety management certificate or equivalent referred to in rule 21.8:

**International Bulk Chemical Code** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by the Marine Environment Protection Committee of the International Maritime Organization by Resolution MEPC.19(22), as amended by that organisation from time to time:

**International Safety Management Code** or **ISM Code** means the *International Management Code for the Safe Operation of Ships and for Pollution Prevention* adopted by the International Maritime Organisation by Resolution A.741(18), as amended by that organisation from time to time:

**major non-conformity** means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the marine environment, and requires immediate corrective action; and includes a lack of effective and systematic implementation of a requirement of the International Safety Management Code:

**mobile offshore drilling unit** means a ship capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur, or salt:

**offshore terminal** means any place in the sea where cargo is loaded or unloaded:

**oil tanker** means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any "chemical tanker" as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

**recognised organisation** means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization Code for Recognized Organizations (RO Code), whereby that organisation may verify compliance with and the proper functioning of ship owners' and ships' safety management systems in accordance with the ISM Code:

**Safety Management Certificate** means—

- (a) in relation to a New Zealand ship, a maritime document issued under Part V of the Maritime Transport Act 1994 in accordance with rules 21.7(4) and 21.7(5);
- (b) in relation to a foreign ship, the safety management certificate or equivalent referred to in rule 21.8:

**safety 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 ISM Code:

**verification** means an investigation and confirmation that an activity or operation is in accordance with specified requirements, such as inspections, tests, operational checks, and audits.

## **21.6 Safety management requirements**

- (1) The owner of a ship to which this rule applies must—
  - (a) implement a safety management system complying with the International Safety Management Code; and
  - (b) maintain a safety management system complying with the International Safety Management Code.

- (2) The owner of a ship to which this rule applies must hold either—
  - (a) a valid Interim Document of Compliance; or
  - (b) a valid Document of Compliance.
- (3) The owner and the master of a ship to which this rule applies must ensure that either—
  - (a) a valid Interim Safety Management Certificate; or
  - (b) a valid Safety Management Certificate;is for the time being in force in respect of the ship.
- (4) The master of a ship to which this rule applies must ensure that a copy of the valid Interim Document of Compliance or a copy of the valid Document of Compliance issued to the owner of the ship—
  - (a) is kept on board the ship at all times; and
  - (b) is produced when requested by the Director.
- (5) The master of a ship to which this rule applies must ensure that the original of the valid Interim Safety Management Certificate or the original of the valid Safety Management Certificate in respect of the ship—
  - (a) is kept on board the ship at all times; and
  - (b) is produced when requested by the Director.

#### **21.7 Certification**

- (1) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Document of Compliance, and the Director or authorised person to whom application is made is satisfied that the owner has implemented a safety management system complying with the requirements of the International Safety Management Code, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act a Document of Compliance.
- (2) A Document of Compliance—
  - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
  - (b) must indicate the types of ship for which it is valid; and
  - (c) is valid for the period specified in it, which period must not exceed 5 years; and
  - (d) is subject to annual verifications by the Director or recognised organisation within 3 months before or after the anniversary date of the Document of Compliance which confirm the continuing compliance of the safety management system with the requirements of the International Safety Management Code.
- (3) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake an annual verification may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.
- (4) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for a Safety Management Certificate in respect of the ship, and the Director or authorised person to whom application is made is satisfied that—
  - (a) the owner holds a valid Document of Compliance in respect of that type of ship; and
  - (b) the shipboard management is operating in accordance with the approved safety management system,—the Director or authorised person to whom application is made must issue under section 41 of the Act a Safety Management Certificate in respect of the ship.
- (5) A Safety Management Certificate—
  - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
  - (b) is valid for the period specified in it, which period must not exceed 5 years; and

- (c) is subject to the condition that at least one intermediate verification by the Director or a recognised organisation takes place which confirm the effective functioning of the safe management system, and that any modifications carried out since the previous audit comply with the requirements of the International Safety Management Code. Provided that where there is only one intermediate verification it must take place between the second and third anniversary dates of issue of the Safety Management Certificate.
- (6) It is a condition of every Safety Management Certificate that a valid Document of Compliance is in force for that ship type at all times.
- (7) Evidence of a major non-conformity with the International Safety Management Code or failure to undertake intermediate verifications may result in the suspension under section 43 of the Act, or the revocation under section 44 of the Act, of the relevant maritime document.
- (8) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Document of Compliance, (the purpose of which document is to facilitate initial implementation of the International Safety Management Code or implementation where the owner's operation is newly established or where new ship types are added to an existing Document of Compliance), and the Director or authorised person to whom application is made is satisfied that the owner has a safety management system that meets the objectives of section 1.2.3 of the *International Safety Management Code*, the Director or authorised person to whom application is made must issue to that owner under section 41 of the Act an Interim Document of Compliance.
- (9) An Interim Document of Compliance—
  - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
  - (b) is valid for the period specified in it, which period must not exceed 12 months.
- (10) Within the period of validity of an Interim Document of Compliance, the owner must demonstrate to the Director or to the authorised person to whom application for the document was made, as and when required by the Director or the authorised person, plans to implement a safety management system meeting the full requirements of the International Safety Management Code.
- (11) If the owner of a ship to which this rule applies makes an application under section 35 of the Act for an Interim Safety Management Certificate in respect of a new ship on delivery or where the owner is taking on responsibility for the management of a ship that is new to that owner, and the Director or authorised person to whom application is made is satisfied that—
  - (a) the owner holds a valid Interim Document of Compliance or a valid Document of Compliance in respect of that type of ship; and
  - (b) the safe management system provided by the owner for the ship includes key elements of the ISM Code, and the master and senior officers of the ship are familiar with the safe ship management system and planned arrangements for its implementation;the Director or authorised person to whom application is made must issue under section 41 of the Act an Interim Safety Management Certificate in respect of the ship.
- (12) An Interim Safety Management Certificate—
  - (a) must be in the relevant form shown in the Appendix to the ISM Code; and
  - (b) is valid for the period specified in it, which period must not exceed 6 months; and
  - (c) may be extended by the Director or authorised person to whom application is made for one further period not exceeding 6 months if the Director or authorised person considers that—
    - (i) the initial period of validity of up to 6 months is insufficient time to evaluate whether the requirements of rule 21.7(4) have been met; or
    - (ii) given the circumstances it is impracticable to assess the application for a Safety Management Certificate for that ship.

- (13) The owner of a ship—
- (a) for which the keel was laid, or which was at a similar stage of construction, on or after 1 July 2005; and
  - (b) to which this section applies;

must ensure all plans, manuals, and other documents required on board the ship are marked with the ships' IMO identification number in a clearly legible manner.

- (14) Plans, manuals, and other documents referred to in subrule (13) must be marked by their originator before submission for approval by the Director.

### **21.8 Port State Control**

The owner and the master of a foreign ship to which this rule applies must ensure that there is carried on board the ship either—

- (a) (i) a copy of the valid Interim Document of Compliance or valid Document of Compliance; and
- (ii) a valid Interim Safety Management Certificate or valid Safety Management Certificate;

issued by or on behalf of the flag state in accordance with Chapter IX of the International Convention for the Safety of Life at Sea 1974; or

- (b) equivalent documents and certificates to those referred to in rule 21.8(a) which are recognised by the Director under section 41 of the Act.

## **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 the Director has issued a Certificate of Approval or an Interim Certificate of Approval in respect of:

**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 Act that is—

- (a) deemed by rule 21.11A(1) to be issued in accordance with this Part; or
- (b) issued under rule 21.12(1):

**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:

**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:

**interim certificate of approval** means the maritime document issued under section 41 of the Act in accordance with rule 21.12(2):

**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 December 2010; and
  - (b) was in force immediately before 1 December 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 under 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 Act 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 of the Act are met,

then the Director must grant a Certificate of Approval for that organisation's safe ship management system.

- (1A) A Certificate of Approval is valid for a period specified by the Director up to a maximum period of 5 years from the date of issue.
- (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 a maximum number of ships prior to the organisation's system obtaining the Certificate of Approval referred to in rule 21.12(1).
- (2A) An Interim Certificate of Approval may only be issued by the Director under section 41 if—
- (a) an organisation has applied under section 35 of the Act for a Certificate of Approval; and
  - (b) 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).
- (2A) An Interim Certificate of Approval is valid for a period specified by the Director up to a maximum period of 18 months from the date of issue.
- (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 is a condition of every Certificate of Approval issued 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; and
  - (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; and
  - (c) the organisation continues to have quality assured supplier status as referred to in rule 21.12(1)(c); and
  - (d) the organisation continues to meet the requirements of rules 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 not more than 12 months prior to the date the ship entered the approved safe ship management system, which states:
    - (i) the particulars of the ship; and
    - (ii) the permitted operating limits assigned to that ship under rule 20.5(1); and
    - (iii) the maximum number of passengers that may be carried; and
    - (iv) that the ship is fit for its intended service and intended operating limits; and
    - (v) any minimum freeboards assigned under Part 47; and
    - (vi) any limitations on the use of the ship, including any restrictions on the carriage of cargo; and
- that the ship complies with the applicable maritime rules and marine protection rules; or
- (b) the ship has a certificate of survey which has not expired at the date of the ship's entry into the approved safe ship management system; or
  - (c) the ship has a new certificate issued by a surveyor in accordance with the requirements of rule 21.13(19)(a).
- (3) The owner of a ship to which this section applies must retain the document required by rule 21.13(2) as evidence of the ship's eligibility to enter and remain in the organisation's approved safe ship management system.
- (4) Any ship to which rule 21.13(2)(b) is applicable may maintain the survey limits shown on its certificate of survey at the time it enters an approved safe ship management system until 1 February 2000. After this date the owner of the ship must be in possession of a written

statement from a surveyor as to the permitted operating limits assigned to that ship under rule 20.5(1).

- (5) The owner of a ship to which this section applies must ensure that the ship has a maintenance plan—
  - (a) which includes any inspection and test requirements of Part 46; and
  - (b) approved by the organisation if the ship enters and remains in an approved safe ship management system operated by an organisation which is not the owner of the ship.
- (6) Upon entry of a ship into an organisation's approved safe ship management system in compliance with rule 21.13(2), the organisation must carry out an initial audit of the safety management of the ship to ensure compliance with the New Zealand Safe Ship Management Code.
- (7) If the owner of a ship to which this section applies makes an application under section 35 of the Act for an initial New Zealand Safe Ship Management Certificate in respect of the ship, and the Director or authorised person to whom application is made is satisfied that a satisfactory initial audit of the ship under rule 21.13(6) has occurred, then the Director or authorised person to whom application is made must issue under section 41 of the Act a New Zealand Safe Ship Management Certificate in respect of the ship stating that the safety management of the ship complies with the requirements of the New Zealand Safe Ship Management Code.
- (8) The organisation must carry out subsequent audits of the safety management of each ship in that organisation's approved safe ship management system to ensure compliance with the New Zealand Safe Ship Management Code. These subsequent audits are to be undertaken when the ship is operational, and in its normal service.
- (9) Audits must be conducted by persons nominated by the organisation and named in the document used to describe and implement the organisation's approved safe ship management system. The person undertaking the audit must not be the master or a member of the crew of the ship undergoing the audit.
- (10) The organisation must carry out inspections of each ship from time to time to ensure that the ship and its equipment are being maintained in accordance with the approved maintenance plan and remain fit for their intended purpose. These inspections are to include the inspections required by rule 46.17, and such inspections are to be independent of any audit required by rule 21.13(8).
- (11) If the owner of a ship to which this section applies makes an application under section 35 of the Act for a subsequent New Zealand Safe Ship Management Certificate in respect of the ship, not required to be issued under rule 21.13(7) pursuant to an initial audit under rule 21.13(6), and the Director or authorised person to whom application is made has received confirmation—
  - (a) from a surveyor that the ship and its equipment—
    - (i) have been maintained in accordance with the approved maintenance plan required by rule 21.13(5); and
    - (ii) remain fit for their intended purpose; and
  - (b) from the organisation to whose system the ship belongs, that the audits of the safety management of the ship, referred to in rule 21.13(8), have been undertaken to the satisfaction of that organisation;

then the Director or authorised person to whom application is made must issue under section 41 of the Act a New Zealand Safe Ship Management Certificate in respect of the ship stating that the safety management of the ship complies with the requirements of the New Zealand Safe Ship Management Code.

- (12) The provisions of rules 21.13(13) to 21.13(19) inclusive apply to every initial and every subsequent New Zealand Safe Ship Management Certificate.

- (13) No New Zealand Safe Ship Management Certificate is to be issued by the Director, or by an authorised person for a period exceeding the maintenance plan period required by rule 46.18.
- (14) Every New Zealand Safe Ship Management Certificate issued by the Director, or by an authorised person must be in the form shown in Appendix 5. However, an authorised person may add additional information to a certificate provided that the additions are kept to a minimum and do not detract from or conflict with the content of the form as shown in Appendix 5.
- (15) The owner of a ship to which a New Zealand Safe Ship Management Certificate has been issued must ensure that a copy of the certificate is displayed in a prominent position on the ship at all times.
- (16) It is a condition of every New Zealand Ship Safety Management Certificate that the ship undergoes the subsequent audits and inspections referred to in rule 21.13(8) and rule 21.13(10) respectively, as required by the organisation to whose system the ship belongs.
- (17) Where—
- (a) following an audit of a ship in an approved safe ship management system, or for any other reason, a corrective action is not undertaken by the owner of the ship in respect of a non-conformity; or
  - (b) following any inspection, or otherwise, the organisation considers that a ship belonging to that organisation's approved safe ship management system, or its equipment is not being maintained in accordance with the approved maintenance plan; or
  - (c) the organisation considers that a ship belonging to that organisation's approved safe ship management system is no longer fit for its intended purpose; or
  - (d) a ship is operated in breach of rule 21.13 or any other applicable maritime rule or marine protection rule; or
  - (e) the owner of a ship breaches any other conditions or rules of the organisation to whose approved safe ship management system the owner's ship belongs;
- the Director or an authorised person may suspend, in accordance with section 43 of the Act, the ship's New Zealand Safe Ship Management Certificate issued under rule 21.13(7) or rule 21.13(11).
- (18) Where any of the circumstances referred to in rule 21.13(17) occur or the owner of a ship to which this section applies removes the ship from an organisation's approved safe ship management system the Director may revoke that ship's New Zealand Safe Ship Management Certificate in accordance with Part V of the Act.
- (19) The owner of a ship to which this section applies must ensure that if the ship undergoes major modification, major repair, changes its operating limits temporarily or permanently, or increases its passenger carrying capacity the ship is not operated until the owner has obtained—
- (a) a new certificate issued by a surveyor stating the particulars referred to in rule 21.13(2)(a)(i) to (vii) inclusive; and
  - (b) a new New Zealand Safe Ship Management Certificate issued under rule 21.13(11) stating that the safety management of that ship complies with the requirements of the New Zealand Safe Ship Management Code.

***Maritime Rules***

**Appendices 1-4**

*Revoked by Maritime (Various Amendments) Rules 2009 Part 21-80, on the 30 July 2009.*

**Appendix 5: NEW ZEALAND SAFE SHIP MANAGEMENT CERTIFICATE**

Issued under the provisions of rule 21.13(7) or 21.13(11) of Part 21 of the Maritime Rules

by .....  
(organisation managing an approved safe ship management system)

Name of ship: ..... Port of registry: .....

MSA Number: ..... Gross tonnage: .....

Name and address of owner:.....  
.....

The above ship must not proceed beyond the following operating limits:

.....  
.....  
.....

The above ship must not carry more than the following number of passengers:

.....  
.....  
.....

Lifesaving appliances are provided for a total number of.....persons.

THIS IS TO CERTIFY THAT the Safe Ship Management System of the ship has been audited and that it complies with the requirements of the New Zealand Safe Ship Management Code and that the ship and its equipment remain fit for their intended purpose.

This certificate is valid until....., subject to periodical audit/inspection of the ship.

Date of issue .....

.....  
(signature of authorised person)

## **Appendix 6: NEW ZEALAND SAFE SHIP MANAGEMENT CODE**

### **Contents**

#### Preamble

1. General
- 1.1 Definitions
- 1.2 Objectives
- 1.3 Functional Requirements for a Safe Ship Management System
2. Safety and Environmental Protection Policy
3. Owner Responsibilities and Authority
4. Designated Person
5. Master's Responsibility and Authority
6. Resources and Personnel
7. Development of Plans for Shipboard Operations
8. Emergency Preparedness
9. Reports and Analysis of Non-Conformities, Accidents and Hazardous Occurrences
10. Maintenance of the Ship and Equipment
11. Documentation
12. Owner Verification, Review and Evaluation
13. Certification, Verification and Control

### **PREAMBLE**

1. The Maritime Transport Act 1994 marks a move away from the tradition of Government setting standards and then inspecting participants in the industry to ensure that the standards are met. The Act places much greater responsibility upon the operator for conforming with those standards. It also provides for organisations to have more flexibility to enable them to develop their own internal means of compliance.
2. The purpose of this Code is to provide a standard for the safe management and operation of New Zealand's domestic shipping and for pollution prevention.
3. Recognising that no two shipping companies or shipowners are the same, and that ships operate a wide range of services under different conditions, the Code is based on general principles and objectives. These general principles and objectives are as applicable to a single small ship organisation as to a shipowner with a fleet of large ships.
4. The Code is expressed in broad terms so that it can have a widespread application. Clearly, different levels of management, whether shore based or at sea, will require varying levels of knowledge and awareness of the items outlined.
5. The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of all individuals at each level that determines the end result.

## **1. GENERAL**

### **1.1 Definitions**

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

**New Zealand Marine Waters** means—

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

### **1.2 Objectives**

The objectives of the New Zealand Safe Ship Management Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment, and to property.

Safety management objectives of the owner should, inter alia:

- .1 provide for safe practices in ship operation and a safe working environment;
- .2 establish safeguards against all identified risks; and
- .3 continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related to both safety and environmental protection.

The safe ship management system should ensure:

- .1 compliance with mandatory rules and regulations; and
- .2 that applicable codes and standards prescribed or recommended by the Maritime Safety Authority are taken into account.

### **1.3 Functional requirements for a Safe Ship Management System**

Every owner should develop, implement and maintain a Safe Ship Management System which includes the following functional requirements:

- .1 a safety and environmental protection policy;
- .2 instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant New Zealand legislation;
- .3 defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- .4 procedures for reporting accidents and non-conformities within the provisions of this Code;
- .5 procedures to prepare for and respond to emergency situations; and
- .6 procedures for internal audits and management reviews.

## **2 SAFETY AND ENVIRONMENTAL PROTECTION POLICY**

2.1 The owner should establish a safety and environmental protection policy which describes how the objectives given in paragraph 1.2. will be achieved.

2.2 The owner should ensure that the policy is implemented and maintained at all levels of the organisation, both ship based as well as shore based.

## **3 OWNER RESPONSIBILITIES AND AUTHORITY**

3.1 The owner should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

3.2 The owner is responsible for ensuring that adequate resources and shore based support are provided to enable the designated person or persons to carry out their functions.

#### **4 DESIGNATED PERSON**

To ensure the safe operation of each ship and to provide a link between the owner and those on board, every owner, as appropriate, should designate a person ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution protection aspects of the operation of each ship and to ensure that adequate resources and shore based support are applied, as required.

#### **5 MASTER'S RESPONSIBILITY AND AUTHORITY**

5.1 The owner should clearly define and document the master's responsibility with regard to:

- .1 implementing the safety and environmental protection policy of the owner;
- .2 motivating the crew in the observation of the policy;
- .3 issuing appropriate orders and instructions in a clear and simple manner;
- .4 verifying that specified requirements are observed; and
- .5 reviewing the Safe Ship Management System and reporting its deficiencies to the shore based management.

5.2 The owner should ensure that the Safe Ship Management System operating on board the ship contains a clear statement emphasising the master's authority.

The owner should establish in the Safe Ship Management System that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the owner's assistance as may be necessary.

#### **6 RESOURCES AND PERSONNEL**

6.1 The owner should ensure that the master is:

- .1 properly qualified for command;
- .2 is fully conversant with the owner's Safe Ship Management System; and
- .3 given the necessary support so that the master's duties can be safely performed.

6.2 The owner should ensure that the ship is crewed, as appropriate, with qualified, certificated and medically fit seafarers in accordance with any relevant mandatory rules and regulations.

6.3 The owner should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarisation with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and given.

6.4 The owner should ensure that all personnel involved in the owner's Safe Ship Management System have an adequate understanding of relevant mandatory rules and regulations.

6.5 The owner should establish and maintain procedures for identifying any training which may be required in support of the Safe Ship Management System and ensure that such training is provided for all personnel concerned.

6.6 The owner should establish procedures by which the ship's personnel receive relevant and easily understood information on the Safe Ship Management System.

#### **7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS**

The owner should establish procedures for the preparation of plans and instructions for key shipboard operations concerning the safety of the ship. The various tasks involved should be defined and assigned to appropriately qualified personnel.

#### **8 EMERGENCY PREPAREDNESS**

The owner should establish procedures to identify, describe and respond to potential emergency shipboard situations. The owner should also establish programmes for drills and exercises to prepare for emergency actions. The Safe Ship Management System should



provide for measures ensuring that the owner can respond at any time to hazards, accidents and emergency situations involving the owner's ship.

## **9 REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURRENCES**

The safe ship management system should include procedures ensuring that non-conformities, accidents and hazardous occurrences are reported to the owner, investigated and are analysed with the objective of improving safety and pollution prevention. Procedures should be established for the implementation of corrective action.

## **10 MAINTENANCE OF THE SHIP AND ITS EQUIPMENT**

10.1 The owner should establish procedures to ensure that the ship is maintained in conformity with the provisions of relevant mandatory rules and regulations and with any additional requirements established by the owner.

10.2 In meeting these requirements the owner should ensure that:

- .1 inspections are held at appropriate intervals;
- .2 any non-conformity is reported with its possible cause, if known;
- .3 appropriate corrective action is taken;
- .4 records of these activities are maintained; and
- .5 for each ship an appropriate maintenance plan is maintained.

10.3 The owner should establish procedures in the Safe Ship Management System to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The Safe Ship Management System should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

10.4 The inspections mentioned in 10.2 as well as the measures referred to in 10.3 should be integrated in the ship's operational maintenance routine.

## **11 DOCUMENTATION**

11.1 The owner should establish and maintain procedures to control all documents and data which are relevant to the Safe Management System.

11.2 The owner should ensure that:

- .1 valid documents are available at all relevant locations;
- .2 changes to documents are reviewed and approved by authorised personnel;
- .3 obsolete documents are promptly removed; and
- .4 for each ship an appropriate logbook is maintained.

11.3 The document used to describe and implement the Safe Ship Management System may be referred to as the "Safety Management Manual". Documentation should be kept in a form that the owner considers most effective. Each ship should carry on board all documentation relevant to that ship.

## **12 OWNER VERIFICATION, REVIEW AND EVALUATION**

12.1 The owner should carry out internal audits to verify whether safety and pollution prevention activities comply with the Safe Ship Management System.

12.2 The owner should periodically evaluate the efficiency and, when needed, review the Safe Ship Management System in accordance with procedures established by the owner.

12.3 The audits and possible corrective actions should be carried out in accordance with documented procedures.

## **Maritime Rules**

- 12.4 Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and nature of the owner operation.
- 12.5 The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.
- 12.6 The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

### **13 CERTIFICATION, VERIFICATION AND CONTROL**

- 13.1 The owner should hold in respect of the ship a New Zealand Safe Ship Management Certificate. This maritime document should be accepted as evidence that the owner is capable of complying with the requirements of the Code and that the owner and its shipboard management operate in accordance with the approved Safe Ship Management System.
- 13.2 The maritime document should be issued and displayed in accordance with the provisions of rule 21.13 of the maritime rules made under the Maritime Transport Act 1994 and should be in a form prescribed by the rules.
- 13.3 The proper functioning of the Safe Ship Management System for the ship should be periodically verified as may be prescribed in rule 21.13 of the maritime rules made under the Maritime Transport Act 1994.