



**THE FISHING BOAT ENGINEERING PERSONNEL  
(EXAMINATION) REGULATIONS 1993**

CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 15th day of March 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to sections 19 and 504 of the Shipping and Seamen Act 1952, Her Excellency the Governor-General, acting on the recommendation of the Minister of Transport made after consultation by the Minister with organisations which appeared to the Minister to be representative of owners and seafarers, and by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**ANALYSIS**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Grades of certificate</li> </ol> <p style="text-align: center;"><i>General Requirements</i></p> <ol style="list-style-type: none"> <li>4. Proof of age and identity</li> <li>5. Testimonials</li> <li>6. Knowledge of English</li> <li>7. Medical fitness</li> <li>8. Application for certificate</li> <li>9. Fees</li> <li>10. Calculation of sea service</li> </ol> | <ol style="list-style-type: none"> <li>11. Proof of service</li> <li>12. Service found to be insufficient after examination</li> </ol> <p style="text-align: center;"><i>Prerequisites for Examination</i></p> <ol style="list-style-type: none"> <li>13. Second-class diesel trawler engineer</li> <li>14. First-class diesel trawler engineer</li> </ol> <p style="text-align: center;"><i>Course and Examination Audit Procedures</i></p> <ol style="list-style-type: none"> <li>15. Audits</li> <li>16. Audit fee</li> <li>17. Non-conformance with requirements</li> </ol> |
|---|---|

- Examinations*
18. Syllabuses
  19. Places and times
  20. Second-class diesel trawler engineer examination
  21. First-class diesel trawler engineer course and examination
  22. Conduct of examinations
  23. Written examinations

24. Penalties for failure
25. Examination results
26. Passes, partial passes, and failures

- Miscellaneous Provisions*
27. Surrender of certificate where higher certificate obtained
  28. Revocations

## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fishing Boat Engineering Personnel (Examination) Regulations 1993.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Shipping and Seamen Act 1952:

“Approved” means approved by the Secretary for the relevant purpose:

“Audit” means a systematic and independent examination to determine whether—

(a) The process of maritime training complies with planned arrangements; and

(b) Planned arrangements are implemented effectively and are suitable to achieve objectives:

“Candidate” means a person who applies to take an examination, or part of an examination, for any certificate of a kind or grade specified in regulation 3 of these regulations:

“Certificate” means a certificate of competency as a first-class diesel trawler engineer or a second-class diesel trawler engineer, as the case may be:

“Chief Examiner” means the person who is appointed by the Secretary under section 19 (1) of the Act for the purposes of granting certificates in accordance with these regulations; and, if more than one such person is appointed, the term means the one who is in overall charge of the conduct of the examinations and includes that person’s deputy:

“Commercial vessel” means any ship that is required (or would, if it were a New Zealand ship, be required) to have a certificate of survey under the Act:

“Examiner” means a person appointed by the Secretary under section 19 (1) of the Act to examine engineers for certificates of competency:

“Ministry” means the Ministry of Transport:

“Prescribed form” means a form approved by the Minister under section 502 of the Act:

“Secretary” means the Secretary for Transport.

**3. Grades of certificate**—Certificates of competency shall be granted under these regulations for each of the following grades:

- (a) First-class diesel trawler engineer:

- (b) Second-class diesel trawler engineer.

*General Requirements*

**4. Proof of age and identity**—Every candidate shall, before examination, produce a birth certificate, passport, or other satisfactory proof of age and identity.

**5. Testimonials**—(1) Every candidate shall, before examination, produce—

- (a) A satisfactory testimonial as to the candidate's experience, conduct, sobriety, and ability on board ship during the period of at least 12 months' service preceding the examination (or the whole of the period of sea service, where that is less than 12 months); and  
(b) A satisfactory testimonial as to the candidate's character during the period of at least 12 months preceding the examination.

(2) In the case of the candidate who—

- (a) Has been a suspended person within the meaning of section 40A (2) of the Act; or  
(b) Has failed to join his or her ship after signing the agreement, or has deserted ship,—

the testimonial shall relate to a 12-month period subsequent to the period of suspension under section 40A (2) of the Act or detention or imprisonment in respect of the matters referred to in paragraph (b) of this subclause.

(3) If the authenticity of any testimonial is in doubt, the candidate shall not be accepted for examination until the Chief Examiner is satisfied of the authenticity of the testimonial.

**6. Knowledge of English**—Every candidate for a certificate must satisfy the examiner of his or her ability to converse and write in the English language sufficiently well to perform the duties required of the holder of that certificate.

**7. Medical fitness**—(1) Where an examiner is of the opinion that a candidate for a certificate has some physical or mental disability that is likely to prevent that candidate from performing the duties required of a holder of that certificate the examiner is to report his or her opinion to the Chief Examiner.

(2) Where the Chief Examiner is of the same opinion, the Chief Examiner shall obtain such medical and other reports considered necessary and report to the Secretary as to whether or not a certificate should be issued to the candidate.

(3) Where the possibility of such a physical or mental disability is discovered during an examination the candidate shall be advised that the examination may continue but that the certificate may be withheld even if the candidate is successful.

**8. Application for certificate**—(1) Every application for a certificate under these regulations shall be made on the prescribed form.

(2) The prescribed form is obtainable from any mercantile marine office and every completed application form shall be sent by post to the office of the Maritime Transport Division, Ministry of Transport, Auckland so as to arrive—

- (a) Before the first day of the course; or
- (b) In the case of a candidate who is not required to attend a course, at least 21 days before the scheduled examination date.
- (3) The Chief Examiner shall not permit an applicant to attend an examination until the requirements of subclause (2) of this regulation have been complied with. The issue of form M 5105 by the Ministry is deemed to be confirmation that the applicant is eligible to sit the examination.

**9. Fees**—(1) An administration fee, which is prescribed in the Shipping (Fees) Regulations 1990\*, is payable for each certificate application.

**10. Calculation of sea service**—(1) Except as provided in subclause (2) of this regulation, sea service shall be calculated on a monthly basis, with odd days being added together and counted at 30 to the month.

(2) Where sea service has been served on a part-time basis, the hours of sea service shall be computed at the rate of 1500 hours to 1 year's sea service, accumulated over a period of not less than 12 months, but not more than 8 hours in any 24-hour period shall be counted.

(3) For the purposes of these regulations, time spent on fishing vessel engineering training courses conducted by the Fishing Industry Training Board shall be counted in full as sea service.

**11. Proof of service**—Proof of service shall be made as follows:

- (a) By statement of service from an employer, owner, master, or skipper stating the dates of employment, the nature of the duties performed, and, in the case of sea service, the names, powers, and types of engines of the vessels on which the candidate has served:
- (b) In the case of a self-employed person, by a statutory declaration made under the Oaths and Declarations Act 1957, setting out the details specified in paragraph (a) of this regulation:
- (c) In relation to attendance at fishing vessel training courses, by a letter from the Principal of the training establishment stating the dates of attendance and that the course has been satisfactorily completed by the candidate.

**12. Service found to be insufficient after examination**—If after a candidate has passed an examination for a certificate, it is discovered that his or her workshop service or sea service did not entitle him or her to be a candidate for that certificate, the certificate shall not be granted, but a certificate may be granted to that person without further examination once the appropriate period of workshop service or sea service has been completed.

#### *Prerequisites for Examination*

**13. Second-class diesel trawler engineer**—(1) A candidate for a certificate as a second-class diesel trawler engineer—

- (a) Must have attained the age of 18 years; and
- (b) Must submit proof of the following service as required by regulation 11 of these regulations:

(i) Two years' sea service working on engines of commercial vessels, of which not less than 1 year must have been spent working on diesel engines:

(ii) Service as an apprentice fitter, automotive engineer, or automotive engineer (heavy equipment), and a minimum of 3 months' sea service working on diesel engines of commercial vessels, with total service being not less than 2 years.

(2) At least 1 year of the 2 years' sea service specified in subclause (1)

(b) (i) of this regulation must have been completed within 10 years of the examination date.

(3) The sea service specified in subclause (1) (b) (ii) of this regulation must have been completed within 5 years of the examination date.

**14. First-class diesel trawler engineer**—(1) A candidate for a certificate as a first-class diesel trawler engineer—

(a) Must have attained the age of 20 years; and

(b) Must—

(i) While holding a certificate of competency as a second-class diesel trawler engineer or a similar qualification obtained outside New Zealand, have completed 2 years' sea service in charge of diesel engines of 100kW or more on commercial vessels plying beyond inshore fishing limits, including at least 6 months of such service on fishing boats; or

(ii) Have completed an apprenticeship as a fitter, automotive engineer, or automotive engineer (heavy equipment) and have completed 1 years' service working on diesel engines of 100kW or more on commercial vessels plying beyond inshore fishing limits, including at least 6 months of such service on fishing boats; and

(c) Must be the holder of an approved ship firefighting certificate; and

(d) Must be the holder of a certificate of attendance at an approved survival course; and

(e) Must complete an approved first-class diesel trawler engineer course; and

(f) Must submit proof of sea service specified in this regulation in the manner required by regulation 11 of these regulations.

(2) At least 1 year of the sea service specified in subclause (1) (b) (i) of this regulation and all the sea service specified in subclause (1) (b) (ii) of this regulation must have been completed within 10 years of the examination date.

#### *Course and Examination Audit Procedures*

**15. Audits**—(1) The quality of the system of training and certification of personnel shall be verified by audit inspections based on the ISO 9000 series.

(2) The Secretary, in consultation with the New Zealand Qualifications Authority, shall determine the particular standard of the ISO 9000 series to be applied.

**16. Audit fee**—Where the Ministry is involved in an audit inspection, the fee payable for each audit inspection shall be as prescribed in the Shipping (Fees) Regulations 1990\*.

**17. Non-conformance with requirements**—Where the findings of the auditor indicate that there is non-conformance with the applicable standard, the Secretary may refuse to issue certificates of competency.

*Examinations*

**18. Syllabuses**—The Secretary, after consultation with representatives of the industry, shall prescribe examination syllabuses for the purposes of these regulations.

**19. Places and times**—The Chief Examiner shall be given 14 days notice of the date and place of examination.

**20. Second-class diesel trawler engineer examination**—The examination shall be conducted orally and the pass mark shall be 60 percent.

**21. First-class diesel trawler engineer course and examination**—  
(1) The course and examinations shall consist of the following:

Part	Subject	Assessment
Part A	Practical Mathematics	Course work is 40 percent of total marks available and final examination is 60 percent of total marks available (2½ hour paper)
Part B Examination	Engineering Knowledge (motor)	Final examination (2½ hour paper)
Examination	Engineering Knowledge (fishing boats)	Final examination (2½ hour paper)
Oral		

(2) A pass in the subject of practical mathematics shall be granted if an aggregate of 60 percent of both course work and final examination marks are attained and at least 50 percent of the marks from course work and 50 percent of the marks from final examination are attained.

(3) A candidate who is granted a pass in the subject of practical mathematics shall not be required to resit that subject at any subsequent examination.

(4) The pass mark for each subject in Part B shall be 60 percent.

(5) A candidate who obtains a pass in the subject of engineering knowledge (motor) or engineering knowledge (fishing boats) shall be granted a partial pass.

(6) A partial pass shall remain valid for a period not exceeding 24 months.

(7) A candidate shall only attempt the oral examination after obtaining a pass in the written examinations.

**22. Conduct of examinations**—(1) A copy of the rules to be observed shall be made available to every candidate.

(2) A candidate who breaches any of the rules shall be failed and may be excluded from further examination for such period not exceeding 12 months as the Secretary may decide.

**23. Written examinations**—(1) The standard of the written papers shall be verified by moderation.

(2) The moderation process shall verify that the examination papers contain only questions that are within the prescribed syllabus and that each question is allocated the appropriate marks and that the model answers are accurate.

(3) Moderation shall take place as directed by the Chief Examiner who will allocate the examination papers to the appropriate examination centre.

(4) Marks shall be awarded against an absolute standard and no scaling shall be allowed.

**24. Penalties for failure**—(1) A candidate who fails to obtain sufficient marks for course work shall repeat the course.

(2) A candidate for any grade of certificate who fails any paper in the written part of the examination at the first attempt may be re-examined not less than 3 weeks after the first attempt.

(3) In the event of a second failure in a single paper, the candidate may not be re-examined until the next scheduled examination.

(4) A candidate who fails under subclause (2) or subclause (3) of this regulation shall be credited with any course work marks previously obtained in the relevant subject.

(5) A candidate who fails more than one paper in a re-examination may be required to repeat part or the whole of the course.

(6) In the case of a failure in an oral examination,—

(a) A candidate may be re-examined not less than 3 weeks after the first attempt at the examination:

(b) Where the Examiner is satisfied that the extent of the candidate's failure indicates a lack of knowledge of matters that relate to safety of life or ships at sea, the candidate shall not be accepted for re-examination until completion of such further period of qualifying service, not exceeding 6 months, as the Examiner may require.

(7) A candidate who fails to attend at the appointed time and place for an examination, shall be regarded as having failed unless the candidate produces a medical certificate or other evidence of the candidate's inability to attend.

**25. Examination results**—(1) Every candidate shall be advised in writing of the results of his or her examination as soon as possible after the examination.

(2) Confirmation of the satisfactory completion of the course, course work marks, examination marks and results shall be sent in writing to the Chief Examiner as soon as possible after the examination.

**26. Passes, partial passes, and failures**—(1) A candidate who passes all parts of the required examination within the time allowed and who complies with all the examination requirements shall be granted the relevant certificate.

(2) A “Chief Examiners Authority” may be issued to candidates referred to in subclause (1) of this regulation who are leaving New Zealand or returning to sea before the certificate has been prepared.

(3) A candidate who passes part only of the examination shall be notified of the result in writing. The partial pass gained shall be valid from the date of notification.

(4) A candidate who fails the examination and gains a penalty shall be notified of the penalty in writing.

*Miscellaneous Provisions*

**27. Surrender of certificate where higher certificate obtained—**

Every person who holds a certificate of competency as a second-class diesel trawler engineer and who is issued with a certificate of competency as a first-class diesel trawler engineer shall forthwith forward his or her certificate of competency as a second-class diesel trawler engineer to the office of the Maritime Transport Division, Ministry of Transport, at Auckland or Wellington.

**28. Revocations—**The following regulations are hereby revoked:

- (a) The Fishing Boat Personnel (Engineering) Examination Regulations 1984 (S.R. 1984/60);
- (b) The Fishing Boat Personnel (Engineering) Examination Regulations 1984, Amendment No. 1 (S.R. 1990/28).

MARIE SHROFF,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, revoke and replace the Fishing Boat Personnel (Engineering) Regulations 1984 (S.R. 1984/60).

In particular, the regulations include new provisions relating to the auditing of courses.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 18 March 1993.  
These regulations are administered in the Ministry of Transport.