



**THE FISHING BOAT PERSONNEL (ENGINEERING)
EXAMINATION REGULATIONS 1984**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 12th day
of March 1984

Present:

THE RIGHT HON. SIR ROBERT MULDOON PRESIDING IN COUNCIL

PURSUANT to sections 20 (4) and (5), 24 (4), 501, and 504 of the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fishing Boat Personnel (Engineering) Examination Regulations 1984.

(2) These regulations shall come into force on the 1st day of April 1985.

2. Interpretation—In these regulations, unless the context otherwise requires,—

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

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

3. Classes of certificates—The following certificates may be granted under these regulations:

- (a) First-class diesel trawler engineer:
- (b) Second-class diesel trawler engineer.

General Requirements

4. Proof of date of birth—Every candidate for a certificate shall produce proof of his date of birth.

5. Knowledge of English—Every candidate for a certificate must satisfy the Examiner that he is able to converse and write in the English language sufficiently well to perform the duties required of a holder of that certificate.

6. 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 him from performing the duties required of a holder of that certificate he shall report his opinion to the Chief Examiner.

(2) Where the Chief Examiner is of the same opinion, he shall obtain such medical and other reports as he considers 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 he may continue with the examination, but that even if he is successful his certificate may be withheld.

7. Application for examination—(1) Every candidate for a certificate shall complete the application form supplied by the Marine Division of the Ministry of Transport.

(2) Every candidate for a certificate shall ensure that the application form, all supporting documents, and the appropriate examination fee are submitted to the office of the Marine Division of the Ministry of Transport at either Auckland or Wellington at least 21 days before the date on which the candidate wishes to sit the examination.

8. Fees—(1) The fees for—

- (a) Any examination for a certificate; and
- (b) A copy of any certificate—

shall be the appropriate fees prescribed in the current Shipping (Fees) Regulations.

(2) Where any applicant is found to be ineligible to be a candidate for the certificate for which he has applied to be examined, the examination fee shall be returned to him.

9. 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, 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.

10. Proof of service—Proof of service shall be made as follows:

- (a) By a 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.

11. Service found to be insufficient after examination—If, after a candidate has passed an examination for a certificate, it is discovered that his workshop service or sea service did not entitle him to be a candidate for that certificate, the certificate shall not be granted to him, 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

12. 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—
 - (i) Have completed 2 years' sea service working on engines of commercial vessels, of which not less than 1 year must have been spent working on diesel engines; or
 - (ii) Have served as an apprentice fitter, automotive engineer, or automotive engineer (heavy equipment), and have a minimum of 3 months' sea service working on diesel engines of commercial vessels, with total service being not less than 2 years; and
- (c) Must submit a satisfactory character reference covering at least the period of 12 months prior to the examination; and
- (d) Must submit proof of the service referred to in this regulation in the manner required by regulation 10 of these regulations.

(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.

13. 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 100 kW 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 year's sea service working on diesel engines of 100 kW or more on commercial vessels plying beyond inshore fishing limits, including at least 6 months of such service on fishing boats; and

(c) Must have attended a fire-fighting course conducted by or under the authority of the Fire Services Commission and recognised by the Chief Examiner for the purposes of these regulations; and

(d) Must be a certified lifeboatman within the meaning of the Shipping Lifesaving Appliance Rules 1968*; and

(e) Must submit a satisfactory character reference covering at least the period of 12 months prior to the examination; and

(f) Must submit proof of the sea service specified in this regulation in the manner required by regulation 10 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.

Examinations

14. Second-class diesel trawler engineer examination—The examination shall be conducted orally and the questions shall be based on the syllabus obtainable from the Marine Engineers Examination Section of the Marine Division of the Ministry of Transport at Wellington or Auckland.

15. First-class diesel trawler engineer examination—(1) The examination shall be based on the syllabus obtainable from the Marine Engineers Examination Section of the Marine Division of the Ministry of Transport at Wellington or Auckland and shall consist of 2 Parts as specified in subclauses (2) and (3) of this regulation.

(2) Part A of the examination shall consist of an examination in practical mathematics and the pass mark shall be 50 percent.

(3) Part B of the examination shall consist of examinations in engineering knowledge (motor), engineering knowledge (fishing boats), and an oral examination, and the pass mark for each of the 3 sections shall be 60 percent.

(4) The first and any subsequent examination attempts must include both Parts unless a pass has already been granted in respect of one Part.

(5) A pass granted for Part A or Part B only shall remain valid for a period not exceeding 5 years from the date of the examination.

(6) In any case of failure in any section of Part B, all sections must be attempted at any subsequent re-examination.

16. Examination results—The result form sent to candidates for the first-class diesel trawler engineer's examination shall indicate the marks obtained only in the case of any failed subject; and a successful subject shall be shown as "pass".

17. Failure indicating lack of knowledge relating to safety matters—Where the Chief Examiner is satisfied that the extent of the failure of a candidate to pass the examination indicates a lack of knowledge of matters that relate to the safety of life or ships at sea, he may direct that the candidate may not sit the examination within 2 months of the date on which he last sat the examination.

Miscellaneous

18. 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 certificate of competency as a second-class diesel trawler engineer to the office of the Marine Division of the Ministry of Transport at either Auckland or Wellington.

19. Consequential amendments and revocations—(1) Regulation 9 (3) of the Marine Engineers Examination Regulations 1966* (as substituted by regulation 4 (1) of the Marine Engineers Examination Regulations 1966, Amendment No. 2†) is hereby amended by omitting the words "second-class diesel trawler engineer".

(2) Regulation 20 (1) of the Marine Engineers Examination Regulations 1966* is hereby amended by omitting the words "or the examination for first-class diesel trawler engineer".

(3) Regulations 3 (b) (13) and (14), 22 (2) (f) and (2A) (a), and 60 to 63 of the Marine Engineers Examination Regulations 1966* are hereby consequentially revoked.

(4) Regulations 10 (1) and (2), and 16 of the Marine Engineers Examination Regulations 1966, Amendment No. 2† are hereby consequentially revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations, which come into force on 1 April 1985, replace those provisions of the Marine Engineers Examination Regulations 1966 that relate to first-class and second-class diesel trawler engineer certificates.

Changes have been made to the qualifications and service needed before a person may sit an examination, and to the matters that may be examined.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 March 1984.

These regulations are administered in the Ministry of Transport.