Article 22 of the Constitution of the ILO

Report for the period 2 May 2005 to 30 April 2010
made by the Government of New Zealand on the

Certification of Able Seamen Convention 1946 (No. 74)
(ratification registered on 5 December 1961)

Section I-II:
Part 32 – Ships’ Personnel Qualifications and Part 35 – Audits and Examinations
of the maritime rules made under the Maritime Transport Act 1994 provides for
New Zealand compliance with the terms of the Convention. There have been no
changes since the previous report.

Section III:
Application of the legislation is the responsibility of Maritime New Zealand

Section IV:
No decisions of this nature have been given.

Section V:
179 certificates of competency as Able Seamen have been issued during the
period 2/5/05 to 27/3/10. There have been no practical difficulties in the
application of this Convention.

Section VI:
Copies of this report have been forwarded to the following representative
organisations of employers and workers:

Business New Zealand
The New Zealand Council of Trade Unions
Response to the Direct Request of the Committee of Experts on the
Application of Conventions and Recommendations (CEACR) on Convention

CEACR request

The Committee notes the observations made by the New Zealand Council of Trade Unions (NZCTU) and the Government's reply to these observations. It also notes the revised syllabus for the AB Certificate and the statistical information supplied by the Government.

Article 2, paragraph 4, of the Convention. Minimum period of service at sea.

NZCTU observations. The union expresses concerns as to the conformity of the national standard for minimum qualifying time at sea with the requirements of the Convention. The NZCTU indicates that the possible downgrading of experience requirements by Maritime New Zealand results in periods of service of 24 months plus credit being applied in New Zealand as relevant experience. Despite Maritime New Zealand's indication that the certification of applicants is not automatic and is based on individual assessment, the union believes that the application of lesser periods of experience is at variance with the Convention.

Government response. The Government refers to satisfactory discussions held between Maritime New Zealand and the Maritime Union of New Zealand. The issue was not the reduction of total sea-time required, since 36 months was still the primary standard under national legislation, but rather the nature of the relevant experience that may be accepted as equivalent to one component of the total prescribed sea-service time. The Government believes that the issue of acceptance of equivalent experience is at the discretion of Maritime New Zealand.

The Committee recalls that, according to Article 2, paragraph 4, the prescribed minimum period of service at sea shall, in principle, be not less than 36 months. The competent authority may, however, under certain circumstances, regard shorter periods as equivalent to the prescribed minimum period of service. The Committee asks the Government to confirm that the acceptance of shorter periods as equivalent experience by Maritime New Zealand is restricted to the following cases provided for in the Convention:

(a) period of actual service at sea of not less than 24 months plus successfully passed training course in an approved training school; or (b) 18 months of service on approved seagoing training ships.

Government response

Maritime Rule 32.7 states:
(1) A candidate for the issue of an AB certificate must —
(a) be at least 18 years of age; and
(b) provide evidence that he or she has completed 36 months sea service as a deck rating on commercial ships, including 12 months in the last ten years, except that where a candidate has attended a fulltime preemployment training course acceptable to the Director, the total length of the sea service may be reduced by the period spent at the course, subject to a maximum reduction of six months; and
(c) provide evidence of having completed nine months of the sea service required by rule 32.7(1)(b) on non-fishing vessels of 100 tons gross tonnage or more; and
(d) provide evidence of having satisfactorily —
   (i) completed the syllabus required by the Director; and*
   (ii) passed an oral and a practical examination that test knowledge of a syllabus approved for this qualification by the Director; and
(e) provide evidence of being the holder of a proficiency in survival craft and rescue boats (other than fast rescue boats) certificate that is acceptable to the Director; and
(f) provide evidence that she or he complies with any medical fitness requirements of Part 34 applicable to this qualification.

Therefore the rule requirement is considered to align with the requirements of article 2, paragraph 4.