



THE SHIPPING (AVATAPU) RULES 1994

RULES MADE BY THE COOK ISLANDS MARINE BOARD

At Avarua, Rarotonga, this 8th day of April

1994

Present:

Henry T Puna	--	Chairman
Donald H Silk	-	Member
Joseph Caffery	-	Member
Stuart Davies	-	Member

PURSUANT to Sections 27 and 48 of the Cook Islands Shipping Ordinance 1963 the Cook Islands Marine Board hereby prescribes the following rules for the vessel "AVATAPU":-

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RULES

1. Title - These rules may be cited as the Shipping ("AVATAPU") Rules 1993.
2. Interpretation - In these rules, unless the context otherwise requires:

"Board" means the Cook Islands Marine Board appointed pursuant to the provisions of the Cook Island Shipping Ordinance 1963;

"Chairman" mean the Chairman of the Cook Island Marine Board and includes any person delegated by him to be acting on his behalf;

"EPIRB" means an Emergency Position Indicating Radio Beacon;

"Harbourmaster" means the Harbourmaster appointed pursuant to the provisions of the Waterfront Industry Act 1973-74.

"Manning" means the composition of the personnel involved in crewing the vessel.

"Master" shall mean the master of the "AVATAPU";

"Ordinance" means the Cook Islands Shipping Ordinance 1963;

"Owner" means any person owning or operating the vessel;

"Passenger" shall have the same meaning as defined in the Cook Islands Shipping Ordinance 1963;

"Vessel" means the motor vessel "AVATAPU".

3. Manning of Vessel - The following shall be carried on any voyage -
- (a) A master holding a certificate of competency issued by the Board;
 - (b) A minimum crew consisting of -
 - (i) An engineer holding a Certificate of Competency issued by the Board;
 - (ii) A second engineer or engineer assistant being a person who can operate the engines of the vessel;
 - (iii) A mate or boatswain;
 - (iv) A person capable of keeping a watch;
 - (v) At least one other deck crew;
 - (vi) A cook steward

4. One Member of crew to be trained in the rudiments of navigation and radio operation - It shall be obligatory on the part of the owners to ensure that at least one member of the crew is taught the rudiments of navigation and radio on ship operation so that in the incapacity of the master during any voyage the vessel can be navigated in safety to the nearest port or island.

5. Crew to be aware of emergency stations and duties - (1) The owners shall be responsible for ensuring that there is prepared for the vessel a chart showing the emergency stations and duties of all crew members.

(2) The master of the vessel must ensure that each crew member is aware of his station and duties required of him should an emergency arise.

6. Deck watch during hours of darkness - (1) Where the vessel is manually steered there shall be, during the hours of darkness, a deck watch kept by another member of the crew.

(2) Where the vessel is steered under automatic pilot there shall be, during the hours of darkness, a deck watch kept.

7. Crew not to operate winches unless experienced - No member of the crew shall be permitted to operate any winch unless he is experienced in the operation thereof.

8. Telecommunication schedule to be kept - (1) The master of the vessel while at sea or within the Cook Islands waters or at any harbour or any anchorage and any outer islands shall maintain a minimum of two telecommunication calls each day with Telecom Cook Islands Coast Station, ZKR, of Rarotonga.

(2) The Chairman or Harbourmaster or Telecom Cook Islands Limited may at any time he deems necessary direct that the master of the vessel increase his number of telecommunication calls each day.

(3) It shall be sufficient requirement under this clause that the Chairman or Harbourmaster or Telecom Cook Islands Limited may direct -

- (i) The owner of the vessel in writing; or
- (ii) The master of the vessel by voice contact; or
- (iii) By telegram sent to the master;

to increase the number of telecommunication calls each day.

9. Crews' and Cabin passengers' quarters - The quarters for the crew and passengers shall be kept in a clean and hygienic condition.

10. Access of passengers to crews' quarters - Except during storm conditions no passengers shall be permitted to have access nor shall be permitted to occupy such while the vessel is on any voyage.

11. Limitation on the number of passengers - No person shall be carried in variance with the GSC at any time without the prior approval of the Board in writing.

12. Carriage of deck passengers when cargo is carried on top of hatch - Where deck cargo is carried on top of the hatch on any voyage the number of deck passengers the vessel is permitted to carry shall be reduced by one for each 1800 millimetres by 600 millimetres of space occupied by that deck cargo.

13. Carriage of deck passengers when aviation gasoline or motor spirit (red benzine) or white spirit (white benzine) is carried - No deck passengers shall be carried on any voyage when any aviation gasoline or motor spirit or white spirit or a combination of all giving 40 drums or more is carried in the hold.

14. Covering for deck passengers - On each voyage that deck passengers are carried the owners shall supply a waterproof awning/s that shall ensure that all deck passengers are protected from the weather.

15. Lighting for deck passengers - Sufficient lighting shall be provided during the hours of darkness for deck passengers to enable them to move from the hatch to the toilets.

16. Method of embarkation and disembarkation of passengers - (1) When in the port of Avatiu, the owners of the vessel shall provide for the embarkation or disembarkation of passengers a gangway of such type as may be approved by the harbourmaster for their use.

(2) When at any other island of the Cook Islands the owners shall provide for the embarkation or disembarkation of passengers rope ladders or such other type of ladder or method of embarkation or disembarkation as may be approved by the Harbourmaster.

17. Number of passengers to be entered in the logbook - For any voyage, the master shall on departure from each port or island enter in the logbook the number of passengers who embarked or disembarked.

18. Toilets and washrooms for passengers and crew - Proper and hygienic toilets and washroom with an ample supply of fresh water shall be made available for all passengers and crew.

19. Defective conveniences - The owners shall not permit or suffer any water closet, urinal, bath/shower, lavatory basin, sink or any other sanitary fittings to be in such state or defective condition as to render such conveniences incapable of proper and hygienic use.

20. Dangerous goods not to be carried as deck cargo - No dangerous goods as defined in the Cook Islands Shipping Ordinance 1963, section 2, shall be carried as deck cargo when there are deck passengers on the same.

21. Carriage of Explosives - Gelignite, detonators or explosives shall not be carried on any voyage without the written permission of either the Chairman or the Harbourmaster, who may, in the interest of safety impose such conditions as they consider necessary.

22. Limitation on deck cargo - The maximum amount of deck cargo that may be carried on any one voyage shall not exceed the weight so as the vessel's ability to right herself when heeled over from any outside cause is hampered.

23. Loadline not to be submerged - The vessel shall not proceed to sea from any island in the Cook Islands if the loadline for the vessel is submerged.

24. First aid kit to be carried - There shall be carried on the vessel, under the control of the master a first aid kit containing such equipment, medicine and the like as the Secretary General of Health shall direct.

25. Fire fighting equipment to be inspected - (1)(a) Each hose and portable fire extinguisher/s on the vessel shall be inspected monthly to ensure that -

- (i) They are in their designated places;
- (ii) They have not been actuated or tampered with;
- (iii) The operating instructions are clear;
- (iv) There is no obvious physical damage, corrosion or other impediments.

(b) Every equipment showing any deficiency as specified in this clause shall be either repaired or replaced immediately;

(c) Every inspection under this clause shall be recorded by the master in the logbook.

(2) Each portable fire extinguisher carried on the vessel shall be examined annually by a competent serviceman and a certificate as to its serviceability is obtained.

26. Life saving appliances - The following life saving appliances shall be carried on each voyage irrespective of the number of passengers and/or crew carried:

- (i) Sufficient life jackets for use by all on board;
- (ii) Sufficient inflatable life rafts and life boats with certification to carry all persons on board;
- (iii) Each inflatable life raft and life boat shall carry functional EPIRB type communication device for use during time of emergency.

27. Storage of life jackets - Life jackets shall be stored as follows:

- (a) For crew members in their accommodation;
- (b) For cabin passengers in their accommodation; and
- (c) For deck passengers in a container, marked in English and Cook Islands Maori words denoting the contents, in an accessible place on deck.

28. Types of life jackets - All life jackets carried on the vessel shall be of the type approved by a reputable or recognised authority/association.
29. Watertight doors to cabin accommodation - (1) There shall be watertight door/s at any entry into the cabin passengers' and crews' accommodation.
30. Spare gear and tools - The owner shall ensure that on the vessel is a sufficient quantity of spare gear to enable repairs which are essential to the safety of the vessel and of persons on board and which can be effected while the vessel is at sea and such tools as are necessary for fitting that spare gear.
31. Dead animals - The master shall dispose of at sea any animal that died on board the vessel.
32. Compliance with Cook Islands Shipping Ordinance 1963 and Radio (Shipping) Regulations 1993 - The owners of the vessel shall ensure that the provisions of Part III of the Cook Islands Shipping Ordinance 1963, Radio (Shipping) Regulations 1993 and these rules are complied with; and if not, it shall be compulsory for the master not to proceed to sea until such time as the vessel complies with the requirements of the aforesaid mentioned Ordinance, Regulations and these Rules or obtains the written permission of the Board.
33. Delegation of power - The Board may delegate to the Chairman and one other member of the Board or the Harbourmaster and one other member of the Board the power to exempt the vessel from the provisions in these Rules.
34. Offences and Penalties - The owner or skipper who fails to comply with any part of these rules for which no other penalty is provided, commits an offence and shall be liable on conviction to a fine not exceeding One Thousand Dollars (\$1000).
35. Copy of rules to be carried - A copy of these rules shall be carried on the vessel.
36. Revocation - These rules made by the Board as hereunder are hereby revoked:
- No 1979/06 The Shipping ("Dolly Varden") Rules 1979
 - No 1979/06 The Shipping ("Manuvai") Rules 1979
 - No 1979/06 The Shipping ("Mataora") Rules 1979
 - No 1979/06 The Shipping ("Torea") Rules 1979

These rules are administered by the Cook Islands Marine Board

BY AUTHORITY:
RAROTONGA, COOK ISLANDS: Printed by the Cook Islands Government - 1994