

Look-out requirements for all vessels

Position Statement (PS 04)

February 2024

Inadequate look-out is a significant cause of maritime incidents that can involve the loss of life. New Zealand is a party to the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Convention). The Convention has been implemented into our domestic legislation in the Maritime Transport Act 1994 (MTA) and Maritime Rules Part 22: Collision Prevention (Part 22).

Part 22 rule 22.5 (MR 22.5), states that:

Every vessel must at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, so as to make a full appraisal of the situation and the risk of collision.

As MR 22.5 and the Convention that underpins it could be interpreted in a number of different ways, this statement sets out our position on how the law applies to keeping a watch at anchor and while underway, and how we will interpret the law for compliance and enforcement purposes.

This position is informed by the Convention, Part 22, the international application of watchkeeping law, and consideration of operational practices and risks.

Operators of all vessels, including recreational vessels, must meet the requirements set out below

Our position is that all vessel operators must keep proper continuous look-out while underway, including while drifting.

A proper look-out is *not required at all times* at anchor. However, at times a proper lookout *will be required at anchor*, such as when the prevailing circumstances and conditions indicate a risk to vessels or people.

Generally accepted standards of seamanship will always apply, even if a continuous watch is not required. The master is responsible for ensuring an adequate watch is kept that is appropriate for the conditions, such as intermittent checks and the use of anchor alarms.

Key terms

Adequate watch means to maintain a level of vigilance appropriate to the conditions as determined by the master. In determining the level of appropriate vigilance and how to ensure an effective watch

is maintained the master exercises discretion based on generally accepted standards of seamanship. Refer to Section 65 of the MTA and Maritime Rules Part 31.

Generally accepted standards of seamanship means having and applying the relevant skills and knowledge in operating a recreational vessel, or the required qualifications and a working knowledge of the relevant maritime legislation to undertake the privileges and responsibilities of a master of a commercial vessel.

Master means any person (except a pilot) having command or charge of any ship.

Operator means is the person or business in charge of a vessel that causes the vessel to sail or uses a vessel, or causes or permits the vessel to sail or be used, or be in any place, whether or not the person is present with the vessel.

Proper look-out means to maintain a continuous state of vigilance using sight, hearing and all means available and appropriate for the circumstances and conditions.

Underway means a vessel not at anchor, or made fast to the shore, or aground.

Where can I find further information

You can find further information on Maritime New Zealand's website, including:

- the Maritime Rules Part 22: Collision Prevention (Part 22);
- guidance for fishing operators and crew; and
- our regulatory approach to enforcing look-out and watchkeeping requirements on commercial vessels.

Information on the Convention can be found on the International Maritime Organization's website and the MTA can be found on Legislation New Zealand.

Information for recreational vessel owners and masters can be found on the Safer Boating website.

