

DISALLOWABLE INSTRUMENT



Maritime Transport Act 1994

Maritime Rules

Maritime Rules Various Amendments 2016

Pursuant to section 36 of the Maritime Transport Act 1994 I, Craig Foss, Associate Minister of Transport, having had regard to the criteria in section 39(2) of the Maritime Transport Act 1994, hereby make the following Maritime Rules.

Signed at Wellington

This *20th* day of *September* 2016

By Hon Craig Foss



Associate Minister of Transport

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Objective

The objective of the Maritime Rules Various Amendments 2016 is to correct minor errors contained in the Maritime Rules Parts 23, 24C, 31, 32, 40A, 40B, 40C, 40D, 40E, 40F, 40G, 41, 42B, 45, 46, 47, 50, 51, 53, 90, and 91.

Maritime Rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Extent of consultation

In July 2016, Maritime New Zealand consulted, via its website, with the public on drafts of the proposed amendments to the Maritime Rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 30 June 2016. The deadline for making a submission was 29 July 2016. No submissions were received.

Entry into force

These rules enter into force on 1 November 2016.

Part 23: Operating Procedures and Training

1 Rule 23.10(2): Training and on-board instruction

- (a) In footnote 9, referenced in rule 23.10(2), replace “section 6 of the ISM and SSM Codes and will be” with “the ISM Code and applicable Maritime Transport Operator Plans and”; and
- (b) In footnote 9, referenced in rule 23.10(2), replace words in brackets “Minimum Personnel” with “Crewing”.

Part 24C: Carriage of Cargoes – Specific Cargoes

2 Part 24C.2: Definitions

In rule 24C.2, in the definition of “internal waters of New Zealand”, replace “Territorial Sea and Exclusive Economic Zone Act 1977” with “Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977”.

Part 31: Crewing and Watchkeeping

3 Table 8: Crewing for fishing vessels – Offshore limits

In Table 8 of Part 31, referred in rule 31.64(2)(b), replace each of the three instances of “is 750kW” with “is 750kW or more”.

Part 32: Seafarer Certification

4 Rule 32.04: Director’s determination in respect of training for national award

In rule 32.04(1), replace “determing” with “determining”.

5 Rule 32.121: Privileges of Marine engineer class 3

In rule 32.121(a), delete “manned engineering watch in a”.

6 Part 32: Schedule – Ancillary Proficiencies

In the Schedule in Part 32, in row (a) column 3, replace “26522” with “26552”.

Parts 20, 31, 32, 34 and 35: Consequential Amendments made 27 January 2014

7 Amendment 18: Rule 40C.6: Condition under which restricted limit or coastal limit ships are permitted to make voyages in coastal or offshore limits

In amendment 18 of the amendment rules titled “Parts 20, 31, 32, 34 and 35: Consequential Amendments” made on 27 January 2014, replace “coastal imits” with “coastal limits”.

Part 35: Approval of Training for Purposes of Part 32, Assessments and Examinations, and Industry Specific Certificates

8 Rule 35.10: Purpose

In rule 35.10, replace the second occurrence of subrule reference “(b)” with “(c)”.

Part 40A, Part 40C, Part 40D, Part 40E, Part 40F, and Part 42A: Amendment 2014

9 Amendment 1: Rule 40A.2: Definitions

In amendment 1 of the amendment rules titled “Part 40A, Part 40C, Part 40D, Part 40E, Part 40F, and Part 42A: Amendment 2014” made on 1 January 2014, insert, after “omitting and

substituting”, the following:
“, or if it is a new definition, inserting.”.

Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships

10 Rule 40A.3: Application

- (a) In rule 40A.3(2), replace “rules” with “rule”.
- (b) In rule 40A.3(2), delete “and 46.28,”.

11 Rule 40A.9: Construction

*In rule 40A.9(2)(a), replace “DNV GL AS” with:
“DNV GL AS, DNV GL, DNV, or GL”.*

12 Rule 40A.11: Definitions relating to section 1

- (a) In rule 40A.11, delete the definition of “watertight”.
- (b) In rule 40A.11, delete the definition of “weathertight”.
- (c) In rule 40A.11, at the end of the definition of “water taxi” replace the colon “:” with a fullstop “.”.

13 Rule 40A.23: Watertight integrity

In footnote 13, referenced in rule 40A.23(2), replace “rule 47.41” with “Part 47”.

14 Rule 40A.24: Weathertight integrity

- (a) In rule 40A.24(1)(b), replace the reference to “Table 40A.3A” with “Table 40A.4A”.
- (b) In rule 40A.24(2)(a), replace the reference to “Table 40A.4A” with “Table 40A.4B”.

15 Rule 40A.28: Bilge pumps

In rule 40A.28, replace subrule (5) with:

- “(5) A pre-27 May 2004 ship is not required to comply with subrule (1) or (2) if—
- (a) it was surveyed and issued with either—
 - (i) a certificate of survey under section 219 of the Shipping and Seamen Act 1952 or section 143 of the Maritime Transport Act 1994; or
 - (ii) a New Zealand Safe Ship Management Certificate issued prior to the date of the coming into force of this Part; and
 - (b) since the issue of the applicable certificate referred to in subrule (a)—
 - (i) the ship has not undergone major alteration; and
 - (ii) the ship’s operating limits have not been changed to permit the ship to proceed beyond the limits previously assigned.”.

16 Rule 40A.35: Inlets, discharges and sea water piping

In footnote 22, referenced in rule 40A.35(1)(b), replace “rule 47.41” with “Part 47”.

17 Rule 40A.56: Life saving appliances

- (a) In rule 40A.56(1), replace “Subject to rule 40A56(5), the” with “The”.
- (b) In rule 40A.56, delete subrule (5).

18 Part 40A: Appendix 7 – Anchors and cables

In Appendix 7 in Part 40A, in Table 2C, remove—

- (a) at the juncture of column “3.5” and row “21”, the underline under “100”; and
- (b) at the juncture of column “2.5” and row “24”, the underline under “100”.

19 Part 40A: Appendix 8 - Code of practice for the safety of boats of 6 metres or less engaged in recreational diving operations

In Appendix 8 in Part 40A, in clause 2.2(b), replace “ANZS 2272” with “AS/NZS 2272”.

Maritime Rules Various IMO-related Amendments 2015

20 Amendment 14: Rule 40B.2 Definitions

In amendment 14(c)(a) of the amendment rules titled “Maritime Rules Various IMO-related Amendments 2015” made on 11 January 2015, replace “3.7 ∇ 0.1667” with “3.7 ∇ ^{0.1667}m/s”.

Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships

21 Rule 40C.9: Construction

*In rule 40C.9(2)(a), replace “DNV GL AS” with:
“DNV GL AS, DNV GL, DNV, or GL”.*

22 Rule 40C.18: Watertight integrity

In footnote 10, referenced in rule 40C.18(2), replace “rule 47.41” with “Part 47”.

23 Rule 40C.32: Inlets, discharges and sea water piping

In footnote 20, referenced in rule 40C.32(1)(b), replace “rule 47.41” with “Part 47”.

24 Rule 40C.76: Air pipes

In rule 40C.76(2)(a), replace “rule 47.44” with “Part 47”.

25 Appendix 2.3: Restricted coastal and restricted limit ships

- (a) In Appendix 2.3 of Part 40C, in the row headed “Fire pumps”, in the “Requirement” column, in paragraph (6)(a), insert footnote reference “^{39A}” after “power operated”.
- (b) In Appendix 2.3 of Part 40C, in footnote 39, replace “³⁹” with “^{39 and 39A}”.

Part 40D: Design, Construction and Equipment – Fishing Ships

26 Rule 40D.9: Ships of 12 metres or more in length

*In rule 40D.9(2)(a)(iii), replace “DNV GL AS” with:
“DNV GL AS, DNV GL, DNV, or GL”.*

27 Rule 40D.33: Ships of 24 metres or more in length

In rule 40D.33(4)(b)(vi)(cc), replace “50%” with “5%”.

28 Appendix 2.1: Ships 60 m or more in length that proceed beyond restricted limits

- (a) In Appendix 2.1 of Part 40D, in the row headed “International shore connection”, in the “Requirement” column, replace “complying” with “complying”.

- (b) In Appendix 2.1 of Part 40D, in the row headed “Machinery spaces containing oil-fired boilers – Fixed fire-extinguishing systems, portable air-foam equipment, portable fire extinguishers, foam-type extinguisher and sand receptacle”, in the “Requirement” column, replace the numbering “(i)”, “(ii)”, “(iii)”, and “(iv)” with “(a)”, “(b)”, “(c)”, and “(d)” respectively.

29 Appendix 2.2: Ships of 45 metres or more in length but less than 60 metres in length that operate in any operating limits; Ships of 24 metres or more in length but less than 45 metres in length that proceed beyond the coastal limit

- (a) In Appendix 2.2 of Part 40D, under the heading, replace the numbering “(i)” and “(ii)” with “(a)” and “(b)” respectively.
- (b) In Appendix 2.2 of Part 40D, in the row headed “Fire extinguishing appliances in machinery spaces – fixed fire extinguishing systems, foam extinguisher, portable fire extinguishers”, in the “Requirement” column, replace the numbering “(i)”, “(ii)”, and “(iii)” with “(a)”, “(b)”, and “(c)” respectively.

30 Appendix 2.3: Ships of less than 24 metres in length that operate in any operating limits; Ships of 24 metres or more in length but less than 45 metres in length that do not proceed beyond coastal limits

In Appendix 2.3 of Part 40D, under the heading, replace the numbering “(i)” and “(ii)” with “(a)” and “(b)” respectively.

31 Appendix 3.1: Ships that do not proceed beyond a VHF Coverage Area

In Appendix 3.1 of Part 40D, in the row headed “Documents”, in the “Requirement” column, replace paragraph (a) with “(a) Radio handbook for coastal vessels: a guide to maritime communications in New Zealand; and”.

32 Appendix 3.2: Ships that proceed beyond a VHF coverage area but not beyond offshore limits

In Appendix 3.2 of Part 40D, in the row headed “Documents”, in the “Requirement” column, replace paragraph (a) with “(a) Radio handbook for coastal vessels: a guide to maritime communications in New Zealand; and”.

33 Appendix 3.3: Ships that proceed beyond offshore limits

In Appendix 3.3 of Part 40D, in the row headed “Documentation”, in the “Requirement” column, replace paragraph (a) with “(a) Radio handbook for coastal vessels: a guide to maritime communications in New Zealand; and”.

34 Appendix 4: Anchors and cables

In Table 2(A) of Appendix 4 of Part 40D, in the row for ships of 13 metres in length—

- (a) replace “46.5” with “40”; and
- (b) replace “53.5” with “46.5”; and
- (c) replace “62” with “53.5”; and
- (d) replace “70” with “62”; and
- (e) replace “80.5” with “70”; and
- (f) replace “90” with “80.5”; and
- (g) replace “99.5” with “90”; and
- (h) replace “110” with “99.5”; and
- (i) replace “121” with “110”; and

(j) insert in the penultimate column "121".

Part 40E: Design, Construction and Equipment – Sailing Ships

35 Rule 40E.2: Definitions

In rule 40E.2, in the definition of "classification society", replace "DNV GL AS" with:
"DNV GL AS, DNV GL, DNV, or GL".

36 Rule 40E.7: Certification of construction standards

In rule 40E.7(1)(a), replace the fullstop "." at the end of that subrule with "; or".

37 Rule 40E.48: Heating and cooking installations

In rule 40E.48(3)(c), replace "NZS 5428:2005" with "NZS 5428".

38 Rule 40E.59: General

In rule 40E.59, delete the rule reference number "(1)".

Part 40F: Design, Construction and Equipment – Hovercraft

39 Part 40F.2: Definitions

In rule 40F.2, in the definition of "fire-restricting material", replace "MSC.45(65)" with
"MSC.40(64)".

40 Part 40F.8: Safe operational plans

(a) In rule 40F.8(3), replace "surveyor" with "person".

(b) In rule 40F.8(4)(b), replace "Maritime Safety Authority" with "Maritime New Zealand".

41 Part 40F.11: Recognition of authorised person

In rule 40F.11(2)(b)(i), replace ", and" with "; and".

42 Part 40F.12: Design, construction and equipment

In rule 40F.12(b)(ii), replace "DNV GL AS" with:
"DNV GL AS, DNV GL, DNV, or GL".

43 Part 40F.17: Recognition of authorised surveyor

In rule 40F.17(2)(b)(i), replace each subrule reference "(A)", "(B)", and "(C)" with "(aa)", "(bb)",
and "(cc)" respectively.

Part 40G: Design, construction and equipment – novel ships

44 Part 40G: Part objective

In Part 40G, in the second paragraph of the "Part objective", replace "Certificate of Survey" with
"certificate of fitness".

Part 43: Radio

45 Rule 43.4: Radio watch

(a) In footnote 3, referenced in rule 43.4(2)(b), replace "DSC" with "VHF DSC Channel 70".

(b) In rule 43.4(2)(d)(i), insert footnote reference "^{3A}" after "2187.5 kHz".

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- (c) In Part 43, insert below footnote 3, the footnote ^{3A} Note that New Zealand shore stations do not support the 2187.5 kHz DSC frequency”.

46 Rule 43.12: VHF radio (voice communication only)

In rule 43.12(1)(b), delete “2010”.

47 Rule 43.14: MF/HF radio (voice communication only)

In rule 43.14(c), delete “2010”.

Part 46: Surveys, Certification and Maintenance

48 Rule 46.22: Definitions relating to section 3

In rule 46.22, replace the definition of “surveyor” with the following definition:

“**surveyor** means the holder of a Certificate of Surveyor Recognition issued under rule 44.22.”

Part 47: Load Lines

49 Rule 47.7: Definitions

In rule 47.7—

- (a) at the end of the definition of “pleasure yacht”, replace the full-stop “.” with a colon “:”; and
- (b) insert, after the definition of “pleasure yacht” the following definition:
“**surveyor** means the holder of a Certificate of Surveyor Recognition issued under rule 44.22.”.

50 47.9: Administration

In rule 47.9—

- (a) in subrule (1), after “assigning authority”, insert “or a surveyor”; and
- (b) in subrule (2), after “assigning authority”, insert “or a surveyor”.

51 47.62A: (New rule)

Immediately after rule 47.62, insert the following rule 47.62A:

“(1) The Director or a surveyor—

- (a) may assign freeboard to a New Zealand ship in accordance with this Section; and
- (b) must determine—
- (i) the particulars of the freeboard to be assigned; and
- (ii) which load lines are to be marked on the sides of the ship; and
- (iii) the position where the load lines and deck line are to be marked; and
- (c) complete and keep a record of particulars relating to the conditions of assignment.
- (2) The Director or a surveyor may survey, inspect, or mark any ship in accordance with this Section.”.

52 Rule 47.70: Definitions relating to section 3

In rule 47.70—

- (a) at the end of the definition of “New Zealand Load Line Certificate”, replace the full-stop “.” with a colon “:”; and

- (b) insert, after the definition of “New Zealand Load Line Certificate” the following definition: “**surveyor** means the holder of a Certificate of Surveyor Recognition issued under rule 44.22.”.

53 47.70A: (New rule)

Immediately after rule 47.70, insert the following rule 47.70A:

- “(1) The Director or a surveyor—
- (a) may assign freeboard to a New Zealand ship in accordance with this Section; and
 - (b) must determine—
 - (i) the particulars of the freeboard to be assigned; and
 - (ii) which load lines are to be marked on the sides of the ship; and
 - (iii) the position where the load lines and deck line are to be marked; and
 - (c) complete and keep a record of particulars relating to the conditions of assignment.
- (2) The Director or a surveyor may survey, inspect or mark any ship in accordance with this Section.”.

Part 50: Medical Stores

54 Part 50.2: Definitions

In rule 50.2, in the definition of “advisory circular”, replace “Maritime Safety Authority” with “Maritime New Zealand”.

55 Part 50.7: Medical stores – scale 3

In the heading above rule 50.7, after “coastal limits”, delete “**other than ships to which rule 50.6 applies**”.

Part 51: MLC Amendments 2015

56 Amendment Rule 2 (Amending Rule 51.1 Entry into force)

In amendment rule 2.1 of “Part 51: MLC Amendments 2015”, in rule 51.1(3)(b), replace “(2)(a)” with “(2)”.

57 Amendment Rule 7 (Inserting New Subparts B and C)

In amendment rule 7.1 of “Part 51: MLC Amendments 2015”—

- (a) in rule 51.93(4)(b), replace “2” with “3”; and
- (b) in rule 51.93(4)(c), replace “2” with “4”.

Part 52: Maritime Labour Convention

58 Part 52.21: Foreign ships over 500 gross tonnage registered in member State

In rule 52.21—

- (a) in the heading, replace “**over 500 gross tonnage**” with “**500 gross tonnage or over**”; and
- (b) in subrule (1), replace, “over 500 gross tonnage” with “500 gross tonnage or over”; and
- (c) subrule (3) replace, “over 500 gross tonnage” with “500 gross tonnage or over”.

Part 53: Pilot Transfer Arrangements and Ship-Helicopter Pilot Transfers

59 Part 53.5: Approval of equivalent pilot transfer arrangement and ship-helicopter transfer

In rule 53.5(2), delete “the Australian Code of Practice for Ship-Helicopter Transfers and”.

Part 90: Pilotage

60 Part 90.24: Dispensation from requirement to carry a pilot

In footnote 12, referenced in rule 90.24(b), replace with:

“¹² [reserved]”.

61 Part 90.112: Conduct of examinations for issue of pilot licence

In rule 90.112(1), replace “Parts” with “rules”.

62 Part 90.113: Conduct of examinations for issue of a PEC

In rule 90.113(1), replace “or Part” with “of Part”.

Part 91: Navigation Safety Rules

63 Part 91.2: Definitions

In rule 91.2, in the definition of “internal waters”, replace “Territorial Sea and Exclusive Economic Zone Act 1977” with “Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977”.

Summary of Submissions

These proposed Maritime Rules Various Amendments 2016 were consulted on in conjunction with Marine Protection Rules Various Amendments 2016, as one package of rule amendments, between 30 June and 29 July 2016.

No submissions were received in relation to the proposed rules.