



Maritime Transport Act 1994

Maritime (Various Amendments) Rules

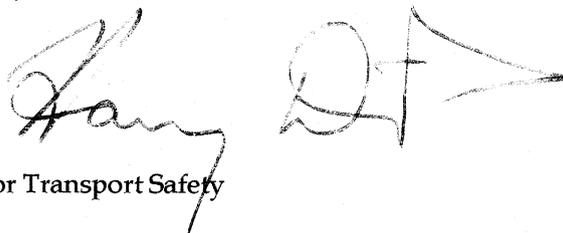
PART 20-91

Pursuant to sections 34 and 36 of the Maritime Transport Act 1994
I, Harry James Duynhoven, Minister for Transport Safety, hereby make the
following maritime rules.

Signed at Wellington

this *7th* day of *August* 2008

by HARRY JAMES DUYNHOVEN



Minister for Transport Safety

Contents

Part Objective		Part 24B (Carriage of Cargoes - Stowage and Securing)
Extent of Consultation		10 Roll-on/Roll-off Ships
	General	
1	Title	
2	Commencement	
3	Principle rules amended	
	Part 20 (Operating Limits)	
4	New rule 20.6 substituted	
	20.6 Requirement to operate with assigned limits	
	Part 21 (Safe Ship Management Systems)	
5	Definitions	
6	Certification	
7	Application of Section 2	
	Part 24A (Carriage of Cargoes - Dangerous Goods)	
8	Definitions	
9	Appendix 1 of part 24A amended	
		Part 24C (Carriage of Cargoes - Specific Cargoes)
		11 Definitions relating to section 1
		Part 25 (Nautical Charts and Publications)
		12 Nautical Charts
		Part 34 (Medical Standards)
		13 Validity of a certificate of medical fitness
		Part 40A (Design, Construction and Equipment - Passenger Ship which are not SOLAS ships)
		14 Definitions
		15 New rule 40A substituted
		40A Maritime New Zealand number
		16 Construction
		17 Egress

18	Weathertight integrity		40D.33 Ships of 24m or more in length
19	Guard rails and bulwarks		
20	Petrol inboard and outboard engines	53	New rule 40D.34 Substituted 40D.34 Ships of less than 24m in length
21	Marking and documentation		
22	Navigation lights	54	Freeboard
23	Lighting protection	55	Appendix 2 of Part 40D amended
24	Definitions		
25	New ships of 12 metres or more but less than 24 metres and new ships of 24 metres or more that do not proceed beyond enclosed waters	56	Appendix 3 of Part 40D amended
		57	Appendix 5 of Part 40D amended
26	Heating and cooking installations		Part 40F (Design, Construction and Equipment - Hovercraft)
27	Radiocommunication equipment	58	New Rule 40F.4 substituted 40F.4 Maritime New Zealand number
28	Definitions relating to Section 3	59	Appendix 1 of Part 40F amended
29	New Appendix 1 of Part 40A substituted		Part 41 (Anchors and Chain Cables)
30	Appendix 4 of Part 40A amended	60	Testing Establishment
31	Appendix 8 of Part 40A amended		Part 42A (Safety Equipment - Life-Saving Appliances, Performance, Maintenance and Servicing)
	Part 40C (Design, Construction and Equipment - Non-Passenger Ships that are not SOLAS ships)	61	Non-SOLAS lifebuoys
32	Definitions	62	Non-SOLAS lifejackets
33	New rule 40C.4 substituted 40C Maritime New Zealand number	63	Buoyancy vests
		64	Marine safety harnesses and safety lines
34	Weathertight integrity	65	Buoyant appliances
35	Bilge piping		Part 42B (Safety Equipment - Fire Appliances. Performance Standards)
36	Petrol inboard and outboard engines	66	General
37	Marking and documentation		Part 43 (Radio)
38	Navigation lights	67	VHF Radio (voice communication only)
39	Lighting protection	68	MF/HF radio (voice communication only)
40	Definitions	69	New Appendix 3 or Part 43 substituted
41	Rule 40C.47 Revoked		Part 45 (Navigation Equipment)
42	Heating and cooking installations	70	Definitions
43	Radiocommunication equipment		Part 46 (Surveys, Certification and Maintenance)
44	New Appendix 1 of Part 40AC substituted	71	Certificates for ships of 45 metres or more in length that proceed beyond restricted limits
45	Appendix 2 of Part 40C amended	72	Survey of barges
46	Appendix 3 of Part 40C amended		Part 48 (Tonnage Measurement)
47	Appendix 4 of Part 40C amended	73	Definitions
	Part 40D (Design, Construction and Equipment - Fishing Ships)	74	Application
48	Definitions	75	New rule 48.8 substituted 48.8 Marking cargo spaces
49	Application and Compliance		
50	Survey		
51	Propulsion and auxiliary machinery		
52	New rule 40D.33 Substituted		

Maritime Rules

	Part 50 (Medical Stores)		
76	Appendix 1 of Part 50 amended	81	Appendix 2 of Part 80 amended
77	Appendix 2 of Part 50 amended		Part 91 (Navigation Safety)
78	Appendix 3 of Part 50 amended	81	Definition
	Part 73 (Logbooks)	82	Personal flotation devices
79	New rule 73.16 inserted 73.16 Working Language		Schedule 1 New Appendix 1 of Part 40A
	Part 80 (Marine Craft Used for Adventure Tourism)		Schedule 2 New Appendix 1 of Part 40C
80	Appendix 1 of Part 80 amended		Schedule 3 New Appendix 3 of Part 43

Part Objective

The amendments to Parts 20, 21, 24A, 24B, 24C, 25, 34, 40A, 40C, 40D, 40F, 41, 42A, 42B, 43, 45, 46, 48, 50, 73, 80 and 91 are to correct errors in the text and the cross-referencing of rules in force, update the rules with regard to change of names, standards and out-of-date rules and clarify issues that have been the subject of a number of queries from the industry.

The basis for the amendments is found in section 34 and 36(1)(a), 36(1)(b), 36(1)(c), 36(1)(f), 36(1)(i), 36(1)(k), 36(1)(t) and 36(1)(v) of the Maritime Transport Act 1994.

Rules subject to Regulations (Disallowance) Act 1989

Maritime rules are subject to the Regulations (Disallowance) Act 1989. 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 the Regulations (Disallowance) Act 1989.

Extent of Consultation

On 14 June 2007, Maritime New Zealand published in each of the daily newspaper in the four main centres of New Zealand a notice inviting comments on the proposed Maritime (Various Amendments) Rules 2007. A notice was also published in the *New Zealand Gazette* on 12 June 2007. The Authority then made its Invitation to Comment and draft Maritime (Various Amendments) Rules 2007 available to the public with approximately fifty-four copies being sent automatically to interested parties. Comments on the draft were requested by 3 September 2007.

General

1 Title

These rules are the Maritime (Various Amendments) Rules 2008.

2 Commencement

These rules come into force on the 4th September 2008.

3 Principal rules amended

These rules amend the Maritime Rules.

Part 20 (Operating Limits)

4 New rule 20.6 substituted

Rule 20.6 is revoked and the following rule substituted:

“20.6 Requirement to operate within assigned limits

Except as provided in rule 20.7, the owner and the master of a ship to which this rule applies must operate within whichever is the lesser of –

- “(a) the operating limits that are assigned to that ship under rule 20.5(1) and that are recorded in accordance with rule 20.5(2); or
- (b) the operating limits that are assigned to the master under any maritime rule”

Part 21 (Safe Ship Management Systems)

5 Definitions

Rule 21.5 is amended by inserting the following definition in its appropriate alphabetical order:

“Anniversary date”, in relation to a document or certificate, means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate”.

6 Certification

- (1) Rule 21.7(2)(d) is amended by omitting “ of the issue”.
- (2) Rule 21.7(5)(c) is amended by substituting for “anniversaries of the date of issue” the words “anniversary dates”.
- (3) Rule 21.7 is amended by adding the following as new subrules (13) and (14):
 - “(13) The owner of a ship –
 - (a) for which the keel was laid, or which was at a similar stage of construction, on or after 1 July 2005; and
 - (b) to which this section applies;must ensure all plans, manuals, and other documents required on board the ship are marked with the ships’ IMO identification number in a clearly legible manner.
 - (14) Plans, manuals, and other documents referred to in subrule (13) must be marked by their originator before submission for approval by the Director.”

7 Application of Section 2

Rule 21.9 is amended by adding the following subrule as subrule (4):

- “(4) For the purposes of this Part, a ship that is normally carried aboard a larger ship and that operates within communication range of the larger ship –
 - (a) may be considered to be part of the larger ship’s equipment; and
 - (b) may have its safe operation covered by the larger ship’s documented operating procedures; and
 - (c) need not otherwise comply with section 2.”

Part 24A (Carriage of Cargoes – Dangerous Goods)

8 Definitions

The definition of “**Intermediate Bulk Container**” in rule 24A.2 is amended by substituting for “Annex 1 to” the words “Parts 4 and 6 of”.

9 Appendix 1 of Part 24A amended

Clause 1.2(1)(a) of Appendix 1 of Part 24A is amended by substituting for “Annex 1” the words “Parts 4 and 6”.

Part 24B (Carriage of Cargoes – Stowage and Securing)

10 Roll-on / roll-off ships

Rule 24B.10 is amended by adding the following as subrule (4):

- “(4) The master of a ro-ro ship must ensure that there is adequate space between each vehicle on the deck to ensure persons can safely enter and exit the vehicle.”

Part 24C (Carriage of Cargoes – Specific Cargoes)

11 Definitions relating to Section 1

The definition of “**Authorised organisation**” in rule 24C.4 is amended by omitting “Convention” after the word “Sea”.

Part 25 (Nautical Charts and Publications)

12 Nautical charts

For rule 25.7(4)(b) is substituted the following:

- “(b) has regard to the need to maintain and improve maritime safety and compliance with other costs of making corrections.”

Part 34 (Medical Standards)

13 Validity of a certificate of medical fitness

Rule 34.9(4)(b) is amended by substituting for "39.6" the term "34.6".

Part 40A (Design, Construction and Equipment - Passenger Ships which are not SOLAS Ships)

14 Definitions

- (1) For the definition of "Closed cup test" in rule 40A.2 is substituted the following:

"Closed cup test" means a test for determining the flashpoint of a flammable liquid as prescribed in Australian/New Zealand Standards -

- '(a) AS/NZS 2106.0:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) - General*; and
- '(b) AS/NZS 2106.1:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) - Abel closed cup method*; and
- '(c) AS/NZS 2106.2:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) - Pensky Martens closed cup method*; and
- '(d) AS/NZS 2106.5:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) - Flash/no flash test - Rapid equilibrium method*; and
- '(e) AS/NZS 2106.6:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) - Determination of flash point - Closed cup equilibrium method.*'

- (2) Rule 40A.2 is amended by inserting the following definitions in the appropriate place:

"Cockpit" means an exposed recess in the weather deck of a ship that extends not more than one half of the length overall of the ship:"

"Exposed recess" means a recess that is not completely enclosed by a weathertight superstructure:"

"Sister ship" means a ship that is -

- (a) built to the same lines plan as an existing ship that has approved stability data; and

- (b) in all respects, similar in construction and outfit as an existing ship that has approved stability data.”

““Well deck” means -

- (a) a weather deck that is fitted with solid bulwarks that would impede the drainage of water over the ship’s sides; or
- (b) an exposed recess in a weather deck that extends more than one half of the length overall of the ship.”

15 New rule 40A.4 substituted

For rule 40A.4 is substituted the following:

“40A.4 Maritime New Zealand number

- (1) The owner and the master of a ship built prior to the 4th September 2008 must ensure that the ship is permanently marked with the letters 'MSA' or 'MNZ', followed by a number issued to the ship by the Director.
- (2) The owner and the master of a ship built on or after [the commencement of the Maritime Amendment Rules 2007] must ensure that the ship is permanently marked with the letters 'MNZ', followed by a number issued to the ship by the Director.
- (3) The letters and number referred to in subrules (1) and (2) must be -
 - (a) clearly marked; and
 - (b) dark on a light background or light on a dark background; and
 - (c) in characters at least 75 mm high; and
 - (d) located on -
 - (i) both sides of the superstructure in a clearly visible position; or
 - (ii) if no superstructure is fitted, on the transom or stern.”

16 Construction

Rule 40A.9(4)(d)(i) is amended by substituting for “40C.7(1)(b) the term “40A.7(1)(b).

17 Egress

- (1) Rule 40A.19 is amended as follows–
- (a) subrule (3) is amended by substituting for paragraph (a) the following:
 - “(a) decks or compartments that are permitted, in accordance with Appendix 2, to accommodate 12 or less passengers by –
 - “(i) at least 1 stairway; and
 - “(ii) any combination of stairways and ladderways.”
 - (b) subrule (4) is amended by substituting for “Ladderways must” the words “Ladderways required by subrules (3) and (6) must”.
 - (c) subrule (5) is amended by substituting for “providing ready access to deck or compartments that are permitted, in accordance with Appendix 2, to accommodate more than 12 passengers” the words “required by subrules (3) and (6)”

19 Guard rails and bulwarks

Rule 40A.25 is amended by adding the following as new subrules (3) and (4):

- “(3) Subrule (4) applies to an existing ship that prior to 1 February 2001 –
- (a) was issued with a certificate under rule 21.13(2)(a) or (b); or
 - (b) held documents recognised by the Director under section 41 of the Act; or
 - (c) held documents accepted by the Director under section 42 of the Act;
- (4) An existing ship to which this subrule applies is not required to comply with subrule (2) if its existing guard rails are maintained in a condition that –
- (a) does not compromise the safety of the ship and persons on board; and
 - (b) is satisfactory to a surveyor. “

20 Petrol inboard and outboard engines

- (1) Rule 40A.33(3)(b)(ii) is amended by substituting for “or stainless steel” the words “, stainless steel or aluminium alloy”
- (2) Rule 40A.33 is amended by adding the following new subrule (3A):
“(3A) Aluminium tanks must only be used for “fixed-in-place” inboard fuel tanks.”

21 Marking and documentation

Rule 40A.41 is amended by –

- (a) substituting for subrule (4) the following:
“(4) The owner of a new ship must maintain copies of the drawings and manuals required by this rule on board the ship.”
- (b) adding, after subrule (4), the following new subrule (5):
“(5) The owner of an existing ship must maintain on board the ship documentation that the surveyor considers sufficient to enable the ship to be safely operated and maintained.”

22 Navigation lights

Rule 40A.43 (1) is amended--

- (a) by substituting for subrule (1) the following:
“(1) Each navigation light may be on the same switch, but must be individually protected in each non-earthed pole by a fuse or circuit breaker that must be mounted on one clearly marked section of a distribution switchboard..
- (b) by adding, after subrule (1), the following new subrule (1A):
“(1A) The distribution switchboard referred to in subrule (1) must be accessible to the person on watch on a ship of more than 12 metres in length overall.”

23 Lightning protection

- (1) Rule 40A.44(5) is amended by substituting for “dependent on a soldered joint” the words “a soldered connection”.
- (2) Rule 40A.44 is amended by adding the following new subrule (7):
“(7) Lightning conductors must be placed to minimise the risk of side strike.”

24 Definitions

Paragraph (c) of the definition of “**low flame spread surface**” in rule 40A.46 is amended by substituting for “NZ/AS 1530.3 - 1989” the term “AS/NZS 1530.3:1999”.

25 New ships of 12 metres or more but less than 24 metres and new ships of 24 metres or more that do not proceed beyond enclosed waters

- (1) Rule 40A.49 is amended by renumbering the rule as subrule (1).
- (2) Rule 40A.49 is amended by adding the following new subrule (2):
“(2) Subrule (1) does not apply to ships that only carry day passengers”

26 Heating and cooking installations

Rule 40A.53(5)(b) is amended by substituting for “40D.55(3) to 40D.55(5)” the words “40D.56(3) to 40D.56(5)”.

27 Radiocommunication equipment

Rule 40A.57 is amended by adding the following new subrules (7) and (8), (including footnote).

- “(7) The owner and the master of a ship must ensure that the radiocommunication equipment is fitted with a rechargeable battery that is available at all times the ship is at sea and is of sufficient capacity to supply current continuously for a period of at least 6 hours.
- (8) Radiocommunication equipment must be considered to be included within the list of exceptions for a battery-disconnect switch under Section 6 of ISO 10133:1994*.

“*Compliance with ISO 10133:1994 is required by rules 40A.40(1)(a) and 40A.41(2).”

28 Definitions relating to Section 3

Rule 40A.72 is amended by substituting for the definition of “**hire and drive boat**” the following:

““**Hire and drive boat**” -

- (a) means a commercial ship that -
 - (i) is let, without a skipper, for hire or reward or for any other consideration whatsoever; and
 - (ii) the hirer uses solely for pleasure; and
- (b) includes a ship provided in conjunction with a holiday establishment or hotel for the use of guests or tenants”.

29 New Appendix 1 of Part 40A substituted

Part 40A is amended by substituting for Appendix 1 the Appendix 1 as set out in Schedule 1 of these rules.

30 Appendix 4 of Part 40A amended

- (1) Clause 4.3 of Appendix 4 to Part 40A is amended by substituting for paragraph (4) in column 2 in the section relating to Lifebuoys, the following:

“(4) A ship of less than 9 metres in length overall that does not carry more than 12 passengers must be provided with -

- (a) a lifebuoy; or
 - (b) a rescue buoy that is satisfactory to a surveyor; or
- (c) a throw bag that is satisfactory to a surveyor.”

31 Appendix 8 of Part 40A amended

- (1) The heading to clause 15 of Appendix 8 of Part 40A is amended by substituting for footnote 48 the following footnote:

“⁴⁸ Reference should be made to Appendix 5 of Part 40D for specific equipment required by boats to which this Code applies.”

- (2) Footnote 50 in clause 15.2(1) of Appendix 8 of Part 40A is amended by substituting for “*Code of Practice for Charter Boats Used for Recreational Diving*” the words “*Code of Practice for Commercial Vessels used for Recreational and Occupational Scuba Diving and Related Diving Activities*”.
- (3) Footnote 51 of clause 17.1(1) of Appendix 8 of Part 40A is amended by substituting for “*Code of Practice for Charter Boats Used for Recreational Diving*” the words “*Code of Practice for Commercial Vessels used for Recreational and Occupational Scuba Diving and Related Diving Activities*”.
- (4) Footnote 52 of clause 17.2 of Appendix 8 of Part 40A is amended by substituting for “*Code of Practice for Charter Boats Used for Recreational Diving*” the words “*Code of Practice for Commercial Vessels used for Recreational and Occupational Scuba Diving and Related Diving Activities*”.

Part 40C (Design, Construction and Equipment – Non-Passenger Ships that are not SOLAS Ships)

32 Definitions

- (1) For the definition of “Closed cup test” in rule 40A.2 is substituted the following:

“**Closed cup test**” means a test for determining the flashpoint of a flammable liquid as prescribed in Australian/New Zealand Standards –

- ‘(a) AS/NZS 2106.0:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) – General*; and
- ‘(b) AS/NZS 2106.1:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) – Abel closed cup method*; and
- ‘(c) AS/NZS 2106.2:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) – Pensky Martens closed cup method*; and
- ‘(d) AS/NZS 2106.5:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) – Flash/no flash test – Rapid equilibrium method*; and
- ‘(e) AS/NZS 2106.6:1999 *Methods for the determination of the flash point of flammable liquids (closed cup) – Determination of flash point – Closed cup equilibrium method*.’

- (2) Rule 40C.2 is amended by inserting the following definitions in the appropriate place:

“**Cockpit**” means an exposed recess in the weather deck of a ship that extends not more than one half of the length overall of the ship: “

“**Exposed recess**” means a recess that is not completely enclosed by a weathertight superstructure.”

“**Sister ship**” means a ship that is –

- (a) built to the same lines plan as an existing ship that has approved stability data; and
- (b) in all respects, similar in construction and outfit as an existing ship that has approved stability data.”

“**Well deck**” means –

- (a) a weather deck that is fitted with solid bulwarks such as would impede the drainage of water over the ship’s sides; or
- (b) an exposed recess in a weather deck that extends more than one half of the length overall of the ship”.

33 New rule 40C.4 substituted

For rule 40C.4 is substituted the following:

“40C.4 Maritime New Zealand number

- (1) The owner and the master of a ship built prior to the 4th September 2008 must ensure that the ship is permanently marked with the letters 'MSA' or 'MNZ', followed by a number issued to the ship by the Director.
- (2) The owner and the master of a ship built on or after the 4th September 2008 must ensure that the ship is permanently marked with the letters 'MNZ', followed by a number issued to the ship by the Director.
- (3) The letters and number must be -
 - (a) clearly marked; and
 - (b) dark on a light background or light on a dark background; and
 - (c) in characters at least 75 mm high; and
 - (d) located on both sides of the superstructure in a clearly visible position; or
 - (e) if no superstructure is fitted, on the transom or stern.”

35 Bilge piping

Rule 40C.25(7) is amended by substituting for “40C.23(2)” the words “40C.24(2)”.

36 Petrol inboard and outboard engines

(1) Rule 40C.29(3)(b)(ii) is amended by substituting for “or stainless steel” the words “, stainless steel or aluminium alloy”.

(2) Rule 40C.29 is amended by adding, after subrule (3), the following new subrule (3A):

“(3A) Aluminium tanks must only be used for “fixed-in-place” inboard fuel tanks.”

37 Marking and documentation

Rule 40C.38 is amended by –

(a) substituting for subrule (4) the following:

“(4) The owner of a new ship must maintain copies of the drawings and manuals required by this rule on board the ship.”

(b) adding, after subrule (4), the following new subrule (5):

“(5) The owner of an existing ship must maintain on board the ship documentation that the surveyor considers sufficient to enable the ship to be safely operated and maintained.”

38 Navigation lights

Rule 40C.40 is amended by –

(a) Substituting for subrule (1) the following:

“(1) Each navigation light may be on the same switch but must be individually protected in each non-earthed pole by a fuse or circuit breaker that must be mounted on one clearly marked section of a distribution switchboard.

(b) Adding, after subrule (1), the following new subrule (1A);

“(1A) The distribution switchboard referred to in subrule (1)

must be accessible to the person on watch on a ship of more than 12 metres in length overall."

39 Lightning protection

- (1) Rule 40C.41 is amended by renumbering the second occurrence of subrule" (5)", to read subrule "(6)"
- (2) Rule 40C.41(5) is amended by substituting for "dependent on a soldered joint" the words "a soldered connection".
- (3) Rule 40C.41 is amended by adding the following new subrule (7):

"(7) Lightning conductors must be positioned so as to minimise the risk of side strike."

40 Definitions

Paragraph (c) of the definition of "low flame spread" in rule 40C.43 is amended by substituting for "NZ/AS 1530.3 - 1989" the term "AS/NZS 1530.3:1999".

41 Rule 40C.47 revoked

Rule 40C.47 is revoked.

42 Heating and cooking installations

Rule 40C.49(e)(ii) is amended by substituting for "40D.54(3) to 40D.54(5)" the words "40D.56(3) to 40D.56(5)" .

43 Radiocommunication equipment

Rule 40C.53 is amended by adding the following new subrules (7) and (8) (including footnote):

- "(7) The owner and the master of a ship must ensure that the radiocommunication equipment is fitted with a rechargeable battery that is available at all times the ship is at sea and is of sufficient capacity to supply current continuously for a period of at least 6 hours.

- (8) Radiocommunication equipment must be considered to be included within the list of exceptions for a battery disconnect switch under Section 6 of ISO 10133:1994*.

* Compliance with ISO 10133:1994 is required by rules 40C.37(1)(a) and 40C.38(2)."

44 New Appendix 1 of Part 40C substituted

Part 40C is amended by substituting for Appendix 1, the Appendix 1 as set out in Schedule 2 of these rules

45 Part 40C, Appendix 2 of Part 40C amended

Clause 2.3 of Appendix 2 to Part 40C is amended by adding in column 2 the in the section relating to "Fire crew outfits" the following new paragraph (3):

- "(3) A ship of 24 metres or more in length overall that proceeds –
- (a) within inshore limits must carry 1 fire crew outfit that complies with rule 42B.66; or
 - (b) within enclosed limits must be provided with at least 1 fire axe and 1 safety lamp that complies with rule 42B.66."

46 Appendix 3 of Part 40C amended

- (1) Clause 3.1 of Appendix 3 to Part 40C is amended by adding the following item:

Distress flares	A ship must be provided with 12 rocket parachute flares that comply with rule 42A.22.
-----------------	---

- (2) Clause 3.2 of Appendix 3 to Part 40C is amended by substituting for "42A.16" in the section relating to Lifejackets, the term "42A.18".
- (3) Clause 3.2 of Appendix 3 to Part 40C is amended by substituting for "42A.17" in the section relating to Lifejackets, the term "42A.19".
- (4) Clause 3.3 of Appendix 3 to Part 40C is amended by –
- (a) substituting for paragraph (1)(c) in the section relating to Lifebuoys, the following:

- “(c) for ships of 9 metres or more but less than 15 metres in length overall, one lifebuoy; and”
- (b) adding, in the section relating to Lifebuoys, the following new paragraph (1)(d):
 - “(d) for ships of less than 9 metres in length overall -
 - (i) one lifebuoy; or
 - (ii) one rescue buoy that is satisfactory to a surveyor; or
 - (iii) one throw bag that is satisfactory to a surveyor.”

47 Appendix 4 of Part 40C amended

Clause 4.3 of Appendix 4 of Part 40C is amended by omitting footnote 42 in the section relating to Radar Transponder.

Part 40D (Design, Construction and Equipment - Fishing Ships)

48 Definitions

- (1) Rule 40D.2 is amended by inserting the following definitions in the appropriate place:

“**Cockpit**” means an exposed recess in the weather deck of a ship, extending not more than one half the length overall of the ship”

“**Exposed recess**” means a recess that is not completely enclosed by a weathertight superstructure:”

“**Major alteration or modification**” means an alteration or modification of a ship, including the replacement, removal or addition of any part of the ship, that is likely to -

- (a) significantly affect the structural integrity, tonnage, freeboard, cargo or passenger capacity, crew or passenger accommodation, conditions of assignment of load line, watertight subdivision, stability, structural fire protection; or

- (b) result in significant changes to the propulsion machinery, auxiliary machinery, steering or method of propulsion of the ship:"

""**Major repair**"" means a repair in respect of any damage, defect, breakdown or grounding of the ship that is likely to significantly affect the structural integrity, conditions of assignment of load line, watertight subdivision, stability, structural fire protection, main propulsion machinery, method of propulsion, steering gear, or vital auxiliary machinery of the ship:"

""**sister ship**"" means a ship that is -

- (a) built to the same lines plan as an existing ship that has approved stability data; and
- (b) in all respects, similar in construction and outfit as an existing ship that has approved stability data:"

""**Well deck**"" means -

- (a) a weather deck that is fitted with solid bulwarks such as would impede the drainage of water over the ship's sides; or
- (b) an exposed recess in a weather deck that extends more than one half of the length overall of the ship:"
- (3) Rule 40D.2 is amended by substituting for the definition "**deepest operating waterline**" the following:

""**deepest operating waterline**"" means the waterline that corresponds to the minimum permissible operating freeboard:"

49 **Application and compliance**

Rule 40D.3(1)(d) and (e) are amended by inserting, after "every", the word "fishing".

50 **Survey**

Rule 40D.8(b) is amended by omitting the term "40D.4,"

51 **Propulsion and auxiliary machinery**

Rule 40D.25(1) is amended by substituting for “manoeuvrability” the word “manoeuvrability”.

52 New rule 40D.33 substituted

For rule 40D.33 is substituted the following:

“40D.33 Ships of 24 metres or more in length

- (1) A ship of 24 metres or more in length must comply with the intact stability requirements prescribed in subrules (2) to (7).
- (2) Except as provided in subrule (3), the actual displacement and position of the centre of gravity for the lightship condition must be determined from the results of an inclining experiment conducted or witnessed by a surveyor.
- (3) A sister ship is not required to conduct an inclining test provided the ship has a displacement check carried out that produces a result that is within a limit of the lead sister ship’s displacement that is satisfactory to a surveyor.
- (4) The surveyor referred to in subrule (2) must –
 - (a) produce curves of statical stability (GZ curves) for –
 - (i) departure for the fishing grounds with full fuel, stores, ice, and fishing gear; and
 - (ii) departure from the fishing grounds with full catch; and
 - (iii) arrival at home port with full catch and 10% fuel and stores; and
 - (iv) arrival at home port with 10% fuel, stores, and a minimum catch, that is normally to be 20% of a full catch but may be up to 40%, provided the surveyor is satisfied that operating patterns justify such a value; and
 - (v) any other actual operating conditions the surveyor considers would produce the lowest values of the

parameters contained in the criteria required by subrule (4)(c); and
 - (b) in determining the righting lever curves (GZ curves), take the following into account –

- (i) allowance for the weight of wet fishing nets and other fishing gear on the deck; and
- (ii) homogeneous distribution of the catch, unless this is inconsistent with practice; and
- (iii) catch on deck, if anticipated, in operating conditions referred to in subrules (4)(a)(ii)(iii) and (v); and
- (iv) water ballast if carried; and
- (v) allowance for the free surface effect of liquids and, if applicable, catch carried; and
- (vi) where a ship operates in areas where ice accretion is likely to occur, make the following icing allowance –
 - (aa) 30 kg/m² on exposed weather decks and gangways; and
 - (bb) 7.5 kg/m² for projected lateral area of each side of the ship above the water plane; and
 - (cc) the projected lateral area of discontinuous surfaces of rail, spars (except masts) and rigging of ships having no sails and the projected lateral area of other small objects must be computed by increasing the total projected area of continuous surfaces by 50% and the static moments of this area by 10%; and
- (c) confirm that the curves of statical stability for the loaded conditions required by subrule (4)(a) meet the following criteria –
 - (i) the area under the righting lever curve (GZ curve) must not be less than –
 - (aa) 0.055 metre -radians up to 30° angle of heel; and
 - (bb) 0.090 metre-radians up to 40°; and
 - (ii) the area under the GZ curve between the angles of heel of 30° and 40° or between 30° and θ_f if this angle¹⁰ is less than 40° must not be less than 0.03 metre-radians; and
 - (iii) the righting lever (GZ) must be at least 200 millimetres at an angle of heel equal to, or greater than, 30°; and

¹⁰ θ_f is the angle of heel at which openings in the hull, superstructure or deckhouses that cannot rapidly be closed weathertight begin to immerse. In applying this criterion, small openings through which progressive flooding cannot take place need not be considered as open.

- (iv) the maximum righting lever (GZ_{max}) must occur at an angle of heel preferably exceeding 30° , but not less than 25° ; and
 - (v) the initial metacentric height (GM) -
 - (aa) for single deck ships of less than 70 metres in length, must not be less than 0.35 metres; or
 - (bb) for ships of 70 metres in length and over with complete superstructure, may be reduced from 0.35 metres, to the satisfaction of the surveyor, but not be less than 0.15 metres; and
 - (vi) the range of positive stability must not be less than 60^{10A} ; and
- (d) confirm that the angle of heel at which progressive flooding of fish holds could occur through hatches that remain open during fishing operations and that cannot rapidly be closed, is at least 20° , unless the stability criteria of subrule (4)(c) can be satisfied with the respective fish holds partially or completely flooded; and
 - (e) where arrangements other than bilge keels are provided to limit the angles of roll, be satisfied that the stability criteria given in subrule (4)(c) are maintained in all operating conditions.
 - (f) taking account of the seasonal weather conditions, the sea states in which the ship will operate, the type of ship, and its mode of operation, be satisfied that a ship is able to withstand -
 - (i) the effect of severe wind and rolling in associated sea conditions; and
 - (ii) the effect of water on deck.
- (5) The stability information must be prepared in a form acceptable to the Director and must -
- (a) be approved and supplied to the owner, by the surveyor referred to in subrule (2); and
 - (b) enable the master to assess with ease and certainty the stability of the ship under various operating conditions; and
 - (c) include specific instructions to the master regarding those operating conditions that could adversely affect either the stability or trim of the ship.

^{10A} The effects of enclosed deck erections with openings closed by approved weathertight fittings may be taken into account in determining the range of positive stability.

- (6) The owner and master of a ship must ensure that the stability information prepared in accordance with subrule (5) is kept on board the ship, and readily accessible at all times.
- (7) If a ship that was previously subject to an inclining test has undergone a major, repair, alteration or modification the owner must ensure the stability information, prepared in accordance with subrule (5), is revised to the satisfaction of the surveyor."

53 New rule 40D.34 substituted

For rule 40D.34 is substituted the following:

"40D.34 Ships of less than 24 metres in length

- (1) A new ship of 12 metres or more in length, but less than 24 metres in length must comply with the intact stability requirements prescribed in subrules (2) to (5).
- (2) Except as provided in subrule (3), the actual displacement and position of the centre of gravity for the lightship condition must be determined from the results of an inclining experiment conducted or witnessed by a surveyor.
- (3) A sister ship is not required to conduct an inclining test provided the ship has a displacement check carried out that produces a result that is within a limit of the lead sister ship's displacement that is satisfactory to a surveyor.
- (4) The surveyor referred to in subrule (2) must -
 - (a) produce righting lever curves (GZ curves) -
 - (i) for ships that are engaged in trawling, dredging or similar forms of fishing where heavy gear is towed or purse seining taking into account the factors listed in rule 40D.33(4)(b) -
 - (aa) departure for the fishing grounds with full fuel, stores, ice, and fishing gear; and
 - (bb) departure from the fishing grounds with full catch; and
 - (cc) arrival at home port with full catch and 10% fuel and stores; and

- (dd) arrival at home port with 10% fuel, stores, and a minimum catch, that is normally to be 20% of a full catch but may be up to 40%, provided the surveyor is satisfied that operating patterns justify such a value; and
 - (ee) any other actual operating conditions the surveyor considers would produce the lowest values of the parameters contained in the criteria required by rule 40D.33(4)(c); or
 - (ii) for ships that are not engaged in purse seining or forms of fishing using heavy towed gear -
 - (aa) departure for the fishing grounds with full fuel, stores, ice, and fishing gear; and
 - (bb) arrival at home port with full catch and 10% fuel and stores; and
 - (b) confirm that the righting lever curves meet the criteria provided in rule 40D.33(4)(c).
- (5) The stability information must be prepared in a form prescribed by the Director and must be -
- (a) approved and supplied to the owner, by the surveyor referred to in subrule (2); and
 - (b) kept by the owner; and
 - (c) made available on request to a surveyor or the Director.
- (6) Except as provided in subrule (3), an existing ship of 12 metres or more in length, but less than 24 metres in length that is engaged in trawling, dredging, or other forms of fishing where the heavy gear is towed, or engaged in purse seining, must comply with the intact stability requirements prescribed in subrules (2), (4)(a)(i), (4)(b) and (5).
- (7) Except as provided in subrule (3), the owner of any ship of less than 12 metres in length that is engaged in fishing operations using towed gear must ensure that the ship, either -
- (a) complies with the requirements of subrules (2), (4)(a)(ii), (4)(b) and (5); or
 - (b) is subject, on completion, to an inclining test where it must be confirmed that the metacentric height of the ship for the departure for the fishing grounds condition with full fuel, stores, ice, and fishing gear is not less than 0.75 metres.
- (8) If a ship that was previously subject to an inclining test has undergone a major alteration, modification or repair the owner must ensure that -

- (a) stability information, prepared in accordance with subrule (5), is revised to the satisfaction of a surveyor; and
 - (b) a ship to which subrule (7)(b) was applied on completion is re-inclined, to ensure compliance to subrule (7)(b).
- (9) A new non-decked ship, or a new partially decked ship, must be fitted with buoyancy compartments distributed so that the ship will stay afloat and in good trim, without listing if flooded.
- (10) The buoyancy referred to in subrule (9) must be demonstrated by, either –
- (a) calculation, using the formula^{10B} –
$$\text{Buoyancy (litres)} = \text{Hull (kg)} + \text{Equipment (kg)} + \text{Motor (kg)} + 250M$$

where –

M 0.1 x L x B

L length overall

B maximum beam; or
 - (b) completing a practical test where the ship must –
 - (i) be loaded with a simulation of the equipment and motor weights plus 250M kg without capsizing; and
 - (ii) be flooded to the point of submergence without capsizing; and
 - (iii) then bear a weight of 15 kg on the gunwhale amidships on one side of the ship without capsizing.
- (11) The cockpit of any new ship to which this rule applies must meet the following criteria –
- (a) the cockpit must be watertight and self-draining; and
 - (b) the ship must have a reserve of buoyancy and its static stability must remain intact when the cockpit is full of water; and
 - (c) with the boat upright and at its deepest load draught, the cockpit must be capable of self draining in 3 minutes.”

^{10B} For a wooden ship, the calculations may take into account half the volume of buoyancy of wood.

54 Freeboard

Rule 40D.35 is amended by substituting for “maximum permissible operating draught” in subrules (2), (3), and (4), the words “minimum permissible operating freeboard”.

55 Appendix 2 of Part 40D amended

Clause 2.3 of Appendix 2 to Part 40D is amended by substituting for “42B.67” in the section relating to Fire pumps, the term “42B.62”.

56 Appendix 3 of Part 40D amended

Clause 3.3 of Appendix 3 to Part 40D is amended by omitting footnote 22.

57 Appendix 5 of Part 40D amended

Clause 5.8(1) of Appendix 5 to Part 40D is amended by substituting for paragraph (d) the following:

- “(d) a distress sheet and flare kit, unless there is carried –
 - (i) a VHF radio that complies with the requirements of rule 43.12; or
 - (ii) a 406 MHz EPIRB that complies with the requirements of rule 43.18A or 43.19; and”.

Part 40F (Design, Construction and Equipment – Hovercraft)

58 New rule 40F.4 substituted

For rule 40F.4 is substituted the following:

“40F.4 Maritime New Zealand number

- (1) The owner and the master of -
 - (a) a ship built prior to the 4th September 2008 must ensure that the ship is permanently marked with the letters 'MSA' or 'MNZ', followed by a number issued to the ship by the Director; or
 - (b) a ship built on or after the 4th September 2008 must ensure that the ship is permanently marked with the letters 'MNZ' followed by a number issued to the ship by the Director.
- (2) The letters and number must be -
 - (a) clearly marked; and
 - (b) dark on a light background or light on a dark background; and
 - (c) in characters at least -
 - (i) 50 mm high, in the case of a Class 1 light craft; and
 - (ii) 75 mm high on all other hovercraft; and
 - (d) located on both sides of the craft on hard structure where it is clearly visible to persons not on the craft but adjacent to the craft.”

59 Appendix 1 of Part 40F amended

- (1) Clause 10.3 of Appendix 1 to Part 40F is amended by substituting for subclause (1) the following:

“(1) A non-SOLAS lifejacket with a buoyancy of at least 71 Newtons that meets the requirements of rule 42A.19 must be -

- (a) provided for every person on board the craft; and
- (b) stowed in a readily accessible location when it is not in use.”

- (2) Appendix 1 is amended by adding the following new clause 16:

“16 Safety equipment

A light craft must be provided with -

- (a) an Order of St John regular First Aid Kit in a waterproof container; or

- (b) a Red Cross First Aid Kit in a waterproof container; or
- (c) a suitable equivalent in a waterproof container."

Part 41 (Anchors and Chain Cables)

60 Testing Establishment

- (1) Rule 41.7(1) is amended by substituting for "Guide 25 *General requirements for the operation of calibration and testing laboratories*" the words "17025:2005 *General requirements for the competence of calibration and testing laboratories*".
- (2) Rule 41.7(4) is amended by substituting for "BS EN 1002:1992" in column 2 opposite Tensile testing machine, the words "BS EN ISO 7500-1:2004".
- (3) Rule 41.7(4) is amended by inserting after "Metals" the words "and BS EN 10045-2:1993 *Method for the verification of impact testing machines*, as appropriate" in the section relating to Impact testing machine in column 1.
- (4) Rule 41.7(4) is amended by substituting for "BS EN 10003:1995" in the section relating to Hardness testing – Brinell, the term "BS EN ISO 6506-2:2005".
- (5) Rule 41.7(4) is amended by substituting for "BS EN 10109:1996" in the section relating to Hardness testing – Rockwell, the term "BS EN ISO 6508-2:2005".
- (6) Rule 41.7(5) is amended by inserting after "detection" the words "BS EN ISO 9934-1:2001 *Non-destructive testing – Magnetic particle testing – Part 1: General principles*; or" in column 2 opposite the item relating to Magnetic Particle Flaw Detection in column 1.
- (7) Rule 41.7(5) is amended by substituting for "AS 1171:1976 *Methods for Magnetic Particle Testing of Ferromagnetic Products and Components*" in the section relating to Magnetic Particle Flaw Detection, the words "AS 1171:1998 *Non-destructive Testing – Magnetic Particle Testing of Ferromagnetic Products, Components and Structures*".
- (8) Rule 41.7(5) is amended by substituting for "AS 2574:1982 *Non-destructive Testing – Ultrasonic Testing of Steel Casings and Classification of Quality*" in the section relating to Ultrasonic testing, the words "AS2574:2000 *Non-destructive Testing – Ultrasonic Testing of Ferritic Castings*".

- (9) Rule 41.7(5) is amended by substituting for “BS 4124:1991 *Methods for Ultrasonic Detection of Imperfections in Steel Forgings*” in the section relating to Ultrasonic, the words “BS EN 10228-4:1999 *Non-destructive Testing of Steel Forgings – Ultrasonic Testing of Austenitic-ferritic Stainless Steel Forgings*”.
- (10) Rule 41.7(5) is amended by substituting for “AS 3507:1987 *Non-destructive Testing – Radiography of Steel Casings and Classification of Quality*” in the section relating to Radiographic testing, the words “AS 3507-1:2003 *Non-destructive Testing – Guide to Radiography for Ferrous Casting* and AS 3507-2:2003 *Non-destructive Testing – Radiography Determination of Quality Ferrous Castings*”.
- (11) Rule 41.7(5) is amended by substituting for “AS 3978:1991” in the section relating to Visual inspection, the term “AS 3978:2003”.

Part 42A (Safety Equipment – Life Saving Appliances. Performance, Maintenance and Servicing)

61 Non-SOLAS lifebuoys

- (1) Rule 42A.17 is amended by revoking subrule (2)(a).
- (2) Rule 42A.17 is amended by adding the following new subrule (4):
 - “(4) Lifebuoys must be marked, in block capitals of the Roman alphabet, with the name and port of registry of the ship on which it is carried.”

62 Non-SOLAS lifejackets

- (1) Rule 42A.19 is amended by substituting for subrule (1) the following:
 - “(1) Any required non-SOLAS lifejacket must, as appropriate, meet the requirements of-
 - (a) New Zealand Standard NZ 5823:1989 Specification for buoyancy aids and marine harnesses and lines -
 - (i) type 401 coastal lifejacket; or
 - (ii) type 402 sheltered waters lifejacket; or
 - (b) New Zealand Standard NZ 5823:2001 Specification for buoyancy aids and marine safety harnesses and lines -

- (i) type 401 open waters lifejacket; or
 - (ii) type 402 inshore waters lifejacket; or
 - (c) New Zealand Standard NZ 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines –
 - (i) type 401 open waters lifejacket; or
 - (ii) type 402 inshore waters personal flotation device (PFD)."
- (2) Rule 42A.19(2) is amended by inserting, after "lifejacket lights", the words--
- "that meet the requirements of section 2.2.3 of the *International Life-Saving Appliance Code*."

63 Buoyancy vests

Rule 42A.20 is amended by inserting, after "NZ 5823:1989", the term "or NZ 5823:2005".

64 Marine safety harnesses and safety lines

Rule 42A.21 is amended, by inserting after, "NZ 5823:1989", the words "or NZ 5823:2005".

65 Buoyant apparatus

Rule 42A.31(1) is amended by adding the following new paragraph (e):

- "(e) be marked, in block capitals of the Roman alphabet, with –
- (i) the name and port of registry of the ship on which it is carried; and
 - (ii) the number of persons it is designed to support."

Part 42B (Safety Equipment - Fire Appliances. Performance standards)

66 General

- (1) Footnote 6 of rule 42B.20 is amended by substituting for “NZS/BS 5045:- *Transportable gas containers Part 1 – 1982 ‘Specification for seamless steel gas containers above 0.5 litres water capacity’*” the words “BS 5045-7:2000 – *Transportable gas containers. Specification for seamless steel gas containers of water capacity of 0.5 litres up to 15 litres for special portable applications* and BS EN 1964-1:2000 *Transportable gas cylinders. Specification for the design and construction of refillable transportable seamless steel gas cylinders of water capacities from 0,5 litre up to and including 150 litres. Cylinders made of seamless steel with an \$iR\$dm value of less than 1100 MPa.*”
- (2) Rule 42B.20(16) is amended by substituting for “AS 1851.12-1995” the words “AS 1851:2005 Section 11”.

Part 43 (Radio)

67 VHF radio (voice communication only)

Rule 43.12(1)(b) is amended by substituting for “Ministry of Commerce” the words “Ministry of Economic Development”.

68 MF/HF radio (voice communication only)

Rule 43.14(c) is amended by substituting for “Ministry of Commerce” the words “Ministry of Economic Development”.

69 New Appendix 3 of Part 43 substituted

Part 43 is amended by substituting for Appendix 3, the Appendix 3 set as out in Schedule 3 of these rules.

Part 45 (Navigational Equipment)

70 Definitions

For the definition of “**Restricted waterway**” in rule 45.2 is substituted the following:

“**Restricted waterway**” includes, but is not limited to, lakes of less than 100 km², an artificial watercourse such as a canal for the supply of

water for the generation of electricity, a water supply race, and an irrigation canal.”

Part 46 (Surveys, Certification and Maintenance)

71 Certificates for ships of 45 metres or more in length that proceed beyond restricted limits

Rule 46.14(5) is amended by changing “45.10” to read “46.10”.

72 Survey of barges

Rule 46.23(2)(b)(ii) is amended by omitting the words “or Part 40E, as applicable”.

Part 48 (Tonnage Measurement)

73 Definitions

For the definition of “**moulded depth**”, in rule 48.2, is substituted the following:

“**Moulded depth**” means the vertical distance measured from the top of the keel to the top of the upper deck beam at side; provided that –

- (a) in wood and composite ships the distance is measured from the lower edge of the keel rabbet; and
- (b) where the form of the lower part of the midship section is of hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel; and
- (c) in ships having rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and sides, the lines extending as though the gunwale were of angular design; and
- (d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part:”

74 Application

Rule 48.3(1)(a) is amended by substituting for “and” the word “or”.

75 New rule 48.8 substituted

For rule 48.8 is substituted the following:

“48.8 Marking cargo spaces

- (1) Cargo spaces, as defined in rule 48.2, must be permanently marked with the letters “CC” (for “cargo compartment”).
- (2) The letters referred to in subrule (1) must be –
 - (a) not less than 100 millimetres high; and
 - (b) so positioned that they are readily visible; and
 - (c) confirmed by a surveyor.”

Part 50 (Medical Stores)

76 Appendix 1 of Part 50 amended

- (1) The first table in Appendix 1 to Part 50 is amended by substituting for “Adrenaline inj. BP 0.5 ml - adrenaline acid tartrate inj 1.0mg in 1ml (1 in 1000)” in the section relating to Sympathomimetic, for the words “Adrenaline/epinephrine inj BP 0.5ml - adrenaline acid tartrate inj 1.0mg in 1ml (1:1000 and 1:10000)”.
- (2) The first table in Appendix 1 to Part 50 is amended by substituting the row relating to Anti-coagulant, the following:

Anti-coagulant	Heparin or alternative (ampoule)	1	1		
	Acetyl salicyclic acid (250-500mg))	1	1		

- (3) The first table in Appendix 1 to Part 50 is amended by—

- (a) substituting for “10mg in 1 ml inj. 2 ml ampoule” in the section relating to Diuretics, the following “20mg ampoule”; and
 - (b) substituting for “2” in column 3, in the section relating to Diuretics, the number “5”.
- (4) The first table in Appendix 1 to Part 50 is amended by substituting the row relating to Anti-hypertensive, for the following:

Anti-hypertensive	Atenolol (50mg tablet)	10			
	Urapidil (ampoule)	1			

- (5) The second table in Appendix 1 to Part 50 is amended by—
- (a) omitting “anti-ulcer” from column 1 of row 1 under the heading Gastrointestinal medicines; and
 - (b) substituting for “Proprietary preparation of choice” in the section relating to Haemorrhoid preparations, the words “Anusol cream”.
- (6) The second table in Appendix 1 to Part 50 is amended by substituting for the rows relating to Anti-emetics, and, Laxatives, the following:

Anti-emetics	Prochlorperazine maleate 5mg buccal tablet	30	30		
	Prochlorperazine mesilate in 1ml ampoule	15	5		
	Recommend to use instead: Metoclopranide (10mg ampoule)	1	1		
Laxatives	Glycerol suppositories or	10	5		
	Bisacodyl 5mg tablet	50	50		

(7) For the third table in Appendix 1 to Part 50 is substituted the following:

Column 1	Column 2	Column 3			
Treatment Requirement	Recommended Medicine	Recommended Quantity			
Analgesics		Scale 4	Scale 3	Scale 2	Scale 1
Analgesics, anti-pyretics and anti-inflammatory agents	Diclofenac 100mg tablet	10	50	20	10
	Rofecoxib 200mg tablet	96	96	48	24
	Paracetamol 500mg tablet	15	10		
	Ketamine (50mg ampoule)	2			
	Tramadol or alternative (100mg ampoule)	2			
Powerful analgesics	Morphine sulphate 10mg in 1ml ampoule	15[10]	10		
Anti-spasmodic	Hyoscine butylbromide 10mg tablet	24	12		
Nervous system					
Anxiolytics	Diazepam 10mg tablet	20[10]	10	10	
	Diazepam inj. 5mg per ml, 1ml ampoule	5	5		
	Neuroleptic chlorpromazine (25mg ampoule) or equivalent	2			

- (8) The fourth table in Appendix 1 to Part 50 is amended by substituting for "1" in the column titled Scale 3, in the section relating to Seasickness remedies the number "12".
- (9) The fifth table in Appendix 1 to Part 50 is amended by inserting, after "500mg" in column 2 in the section relating to Antibiotics of at least two therapeutic groups, the term "/125mg".
- (10) The eighth table in Appendix 1 to Part 50 is amended by substituting for "Miotic drops" in column 1 the words "Anti-glaucoma drops".
- (11) The ninth table in Appendix 1 to Part 50 is amended by omitting the row relating to "Cetylpyridinium 1:2000 mouthwash 150ml bottle".

- (12) The tenth table in Appendix 1 to Part 50 is amended by substituting for the row relating to Emergency contraception and Obstetric, the following:

Emergency contraception	Levonorgestrol 0.25mg with ethinyloestradiol 0.05mg tablet	4	4		
Obstetric	Ergometrine 500mcg inj with oxytocin 5 units in 1ml ampoule	2	1		
	Phytomenadione inj 10mg in 1ml ampoule	1			

- (13) The thirteenth table in Appendix 1 to Part 50 is amended by substituting for “46cm x 31cm” in column 2 of the section relating to plastic burn bags, the term “39 cm x 30.5 cm”.

77 Appendix 2 of Part 50 amended

Table 1 of Appendix 2 to Part 50 is amended by –

- (a) substituting for “Plastic burn bags 46cm x 31cm” (survival craft only), in column 1, the words “Plastic burn bags 39cm x 30.5cm (survival craft only)”; and
- (b) substituting for “First-aid instructions, printed on waterproof paper”, in column 1, the words “First-aid instructions (printed on waterproof paper for survival craft)”.

78 Appendix 3 of Part 50 amended

- (1) The table in Appendix 3 to Part 50 is amended by substituting for the row relating to Guedel airway, the following:

Guedel airway	size 1	1
	size 2	1
	size 3	1
	size 4	1

- (2) The table in Appendix 3 to Part 50 is amended by substituting for the rows relating to Plasma substitution, and Electrolyte replacement, the following:

Plasma substitution		
Gelofusine	500ml container	2
Electrolyte replacement		
Gastrolyte sachets	1 x 10 sachet box	1
IV saline (sodium chloride 0.9% in IV infusion)	1 litre	2

- (3) The table in Appendix 3 of Part 50 is amended by substituting for the row relating to Morphine the following:

Morphine		
Morphine sulphate 10mg in 1ml	1ml ampoule	5

Part 73 (Logbooks)

79 New rule 73.16 inserted

Part 73 is amended by inserting, after rule 73.15, the following new rule 73.16:

"73.16 Working language

- (1) The owner and master of a ship to which this part applies must determine an appropriate working language and record it in the logbook.
- (2) Each seafarer must be able to understand and, where appropriate, give orders and instruction and report back in the working language.
- (3) Unless those directly involved in communication speak a common language other than English, all ships engaged on international voyages must use English on the bridge as the working language for –

- (a) bridge-to-bridge safety communications; and
- (b) bridge-to-shore safety communications; and
- (c) on board communications between the pilot and bridge watchkeeping personnel.”

Part 80 (Marine Craft Used for Adventure Tourism)

80 Appendix 1 of Part 80 amended

Appendix 1 of Part 80 is amended –

- (a) omitting footnote 2 from clause 2.2; and
- (b) inserting in clause 4, after “NZS 5823:1989”, the words “, NZS 5823:2001 or NZS 5823:2005”; and
- (c) inserting in footnote 6(a) in clause 4, after “NZS 5823:1989”, the words “or NZS 5823:2001 or section 406 of NZS 5823:2005”; and
- (d) omitting footnote 7 from clause 4.

81 Appendix 2 of Part 80 amended

Clause 2.4(b) of Appendix 2 of Part 80 is amended by inserting, after “NZS 5823:1989”, the words “or NZS 5823:2001 or a Type 406 Specialist Personal Flotation Device complying with NZS 5823:2005”.

Part 91 (Navigation Safety)

82 Definitions

The definition “**Personal flotation device**” in rule 91.2 is amended by –

- (a) inserting in paragraph (a), after “NZ Standard 5823:2001”, the words “or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005”; and

- (b) inserting in paragraph (b), after “NZ Standard 5823:2001”, the words “or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005”.

83 Personal flotation devices

Rule 91.4 is amended by –

- (a) substituting for “dive suit” in subrule (2)(c), the word “wetsuit”; and
- (b) inserting in subrule (4)(a), after “NZS 5823:2001”, the words “or NZS 5823:2005”; and
- (c) inserting footnote 1 of subrule (4)(a), after the words “NZS 5823:2001”, the words “and NZS 5823:2005”.

r 33

Schedule 1

New Appendix 1 of Part 40A

r 40A.13

“Appendix 1

Intact stability of decked ships

Contents

	Page
1.1 Heeling test	45
1.2 Inclining test and stability criteria	46
1.3 Multihull ship heeling test	49
1.4 Multihull ship inclining test and stability criteria	50
1.5 Hydrofoil ship	52
1.6 Stability information	52

1.1 Heeling test

- (1) This clause applies to a new single hull decked ship that –
- (a) is less than 15 metres in length overall; and
 - (b) carries 50 or less passengers; and
 - (c) operates within restricted limits.
- (2) A ship to which this clause applies must comply with subclauses (3) to (6).
- (3) A ship to which this clause applies must be tested in the fully loaded condition to ascertain the angle of heel and the position of the waterline that would result if –
- (a) all of the passengers that the ship is certified to carry are assembled along one side of the ship^{29A}; and
 - (b) a helmsman is at the helm.

^{29A} Where the ship has more than one deck to which passengers have access, passenger weights representing the number of passengers permitted on each deck must be used in the test.

- (4) The results of the heel test must show –
 - (a) the angle of heel does not exceed 15°; and
 - (b) the freeboard to the deck or, if the ship has no side deck, to the top of the cockpit coaming, is not less than 75 mm at any point.
- (5) For the purpose of the test, each of the passengers and the helmsman must be represented by a mass of at least 75 kg.
- (6) If the ship is fitted with a cockpit, it must be demonstrated that the ship –
 - (a) has a reserve of buoyancy when the cockpit is full of water; and
 - (b) does not heel more than 15° when the cockpit is full of water.

1.2 Inclining test and stability criteria

- (1) This clause applies to a new single hull decked ship that –
 - (a) is 15 metres or more in length overall; or
 - (b) carries more than 50 passengers; or
 - (c) operates beyond restricted limits.
- (2) A ship to which this clause applies must comply with subclauses (4) to (8).
- (3) The surveyor that conducts the requirements of subrules (3) to (8) must be the same surveyor throughout.
- (4) Except as provided in subclause (5), the lightship weight, vertical centre of gravity (KG), and longitudinal centre of gravity (LCG) of a ship to which this clause applies must be determined from the results of an inclining experiment conducted or witnessed by a surveyor.
- (5) A sister ship of a ship to which this clause applies is not required to conduct an inclining experiment provided the lightship displacement can be measured to within a limit of that of the lead sister ship that is satisfactory to the surveyor.
- (6) Curves of statical stability (GZ curves) must be produced for –
 - (a) loaded departure with 100% consumables; and
 - (b) loaded arrival with 10% consumables.

- (7) The surveyor must be satisfied that the curves of statical stability for the loaded conditions meet the following criteria –
- (a) the area under the righting lever curve (GZ curve) must not be less than -
 - (i) 0.055 metre-radians up to 30° angle of heel; and
 - (ii) 0.09 metre-radians up to 40° angle of heel or the downflooding angle if this angle is less; and
 - (b) the area under the GZ curve between the angles of heel of 30° and 40° or between 30° and the downflooding angle if that angle is less than 40°, must be not less than 0.03 metre-radians; and
 - (c) the righting lever (GZ) must be at least 0.20 metres at an angle of heel equal to or greater than 30°; and
 - (d) except as provided in paragraph (e), the maximum GZ must occur at an angle of heel of not less than 25°; and
 - (e) if the ship has a hull form that results in the maximum GZ occurring at an angle of heel less than 25°, but not less than 15°, this may be accepted by a surveyor provided the area under the GZ curve up to the angle (θ_m) at which the maximum GZ occurs is not less than $0.055 + 0.001(30 - \theta_m)$ metre-radians; and
 - (f) after correction for free surface effects, the initial metacentric height (GM) must not be less than 0.35 metres.
- (8) If a ship to which this clause applies carries more than 50 passengers, the following stability criteria must also be met –
- (a) the angle of heel must not exceed 10° when any one of the following capsizing moments is applied or 15° when the worst two capsizing moments are applied together –
 - (i) the passenger crowding moment; and
 - (ii) the wind heeling moment; and
 - (iii) the heeling moment due to turning; and
 - (b) the righting lever (GZ), at the intersection of the righting lever curve and the heeling lever curve^{29B}, must not exceed 0.6GZ max; and
 - (c) the area under the righting lever curve above the passenger heeling lever curve taken up to the downflooding angle (θ_d) or

^{29B} The heeling lever curve is to be determined from the combined effects of the passenger crowding moment and the more severe of either the wind heeling moment or the rudder heeling moment

the second intercept with the passenger heeling lever curve, whichever is less, must not be less than one quarter of the total area under the righting lever curve up to the same limiting angle; and

(d) the passenger crowding, wind and rudder moments must be determined as follows –

(i) the passenger crowding moment must use –

(aa) a standard mass per person of 75 kg; and

(bb) a distribution of 4 passengers per square metre; and

(cc) the centre of gravity of a standing person as 1 metre above the deck and a seated person as 300 mm above the seat; and

(ii) the wind heeling moment must be derived from the equation –

$$M = 0.000102 PAH \text{ (tonnes metres)}$$

where –

P is the gusting wind pressure in Pascals determined from the following table –

<i>Operating Limits</i>	<i>Wind Pressure</i>
Offshore/Coastal	500 Pa
Restricted Coastal	450 Pa
Restricted Limits	350 Pa

A is the projected area of ship above waterline in metres²

H is the vertical distance between centroid of A and that of lateral underwater area in metres.

(iii) the heeling moment due to turning is derived from the formula below when V/\sqrt{L} is less than 4 –

$$\frac{0.0053V^2\Delta d}{L} \text{ (tonnes metres)}$$

where -

V is the service speed in knots

L is the waterline length of ship in metres

Δ is displacement in tonnes

d is the vertical distance between centre of gravity of ship and centroid of lateral underwater area of ship in metres.

1.3 Multihull ship heeling test

- (1) This clause applies to a multihull decked ship of less than 15 metres in length overall that carries 50 or less passengers.
- (2) A ship to which this clause applies must be tested³⁰ to establish that, in the fully loaded condition, the ship does not heel or trim in any direction by more than 8° when subject to uncontrolled passenger crowding as determined in accordance with clause 1.2(7)(d)(i).

1.4 Multihull ship inclining test and stability criteria

- (1) This clause applies to a multihull decked ship that -
 - (a) is 15 metres or more in length overall; or
 - (b) carries more than 50 passengers.
- (2) The surveyor that conducts the requirements of subrules (3) to (5) must be the same surveyor throughout.
- (3) The lightship weight, vertical centre of gravity (KG), and longitudinal centre of gravity (LCG) of the ship must be determined -
 - (a) from an inclining experiment conducted or witnessed by a surveyor; or
 - (b) if an accurate inclining is not practicable, by a lightship survey and accurate calculation by a surveyor;

³⁰ The heel test may be established by a physical test or by calculation.

(4) The curves of statical stability for service load conditions must be determined and the surveyor must be satisfied that they meet the following criteria -

(a) the area under the righting lever curve (GZ curve) must not be less than $0.055 \times 30^\circ / \theta$ metre-radians up to 0° , where θ is the lesser of -

(i) the downflooding angle; or

(ii) the angle at which the maximum GZ occurs; or

(iii) 30° ; and

(b) the maximum GZ must occur at an angle of heel of not less than 10° ; and

(c) the heel due to steady wind must not exceed 16° when the following wind heel lever (h_w)³¹ is applied -

$$h_w = PAZ/9800\Delta \text{ (metres)}$$

where -

P is the wind pressure given in the table in clause 1.2(7)(d)(ii)

A is the projected lateral area of the portion of the ship above the lightest service waterline (metres²)

Z is the vertical distance from the centre of A to a point one half the lightest service draught (metres)

Δ is displacement (tonnes); and

(d) the residual area (A_2) that is created as a result of the effect of heeling due to the wind lever plus the crowding of passengers on one side of the ship ($h_w + h_p$)³² must be at least 0.028 metre-radians and is defined as the area -

(i) under the GZ curve; and

(ii) above the heeling lever curve ($h_w + h_p$); and

(iii) beyond the angle of heel due to wind plus passenger heeling (θ_h); and

³¹ h_w is [must] assumed constant at all angles.

³² To obtain the lever (h_p), the passenger crowding moment, as defined in 1.2(7)(d)(i), is divided by the displacement Δ .

- (iv) up to a 15° angle of roll or the angle of downflooding (θ_d), whichever is less.
- (5) The requirements for subclauses (4)(a) and (b) are shown diagrammatically in figures (4)(a) and (4)(b) below -

Figure (4)(a)

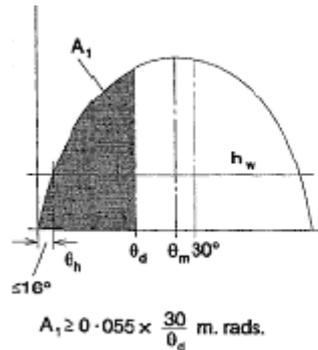
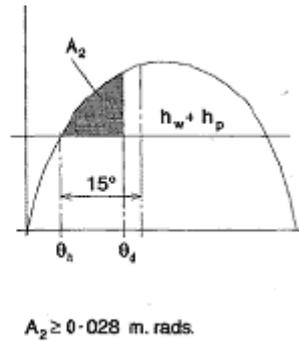


Figure (4)(b)



where -

θ_h is the angle of heel due to wind plus passenger heeling angle

θ_d is the downflooding angle

θ_m is the angle at which maximum GZ occurs.

1.5 Hydrofoil Ship

A hydrofoil ship that operates in the fully foil-borne mode must be surveyed by a surveyor to ensure that the intact stability complies with the requirements of Annex 6 *Stability of Hydrofoil Craft* of the *International Code of Safety for High-Speed Craft* adopted by the International Maritime Organisation by Resolution MSC.36(63).

1.6 Stability Information

- (1) A ship that is required to complete an inclining test must have the stability information approved by the surveyor that conducted the inclining test.
- (2) If a ship is required to be provided with stability information by rule 40A.13(10), that stability information must include -

- (a) curves of statical stability for at least the following conditions -
 - (i) loaded departure with 100% consumables; and
 - (ii) loaded arrival with 10% consumables; and
 - (iii) any anticipated critical service condition; and
- (b) details of passenger loadings, tank capacities and any permitted cargo loading; and
- (c) a simple explanation of the curves of statical stability and the effects of loading changes on the intact stability.”

r 48

Schedule 2

New Appendix 1 of Part 40C

r.40C.13

“Appendix 1

Intact stability

Contents

Page

1.1	Heeling test	53
1.2	Inclining test and stability criteria	54
1.3	Deck cranes	56
1.4	Tugs	57
1.5	Dredgers	57
1.6	Stability information	58

1.1 Heeling Test

- (1) This clause applies to a new ship of less than 15 metres in length overall that –
 - (a) carries cargo weighing not more than 1000 kg; or
 - (b) carries a combination of passengers and cargo weighing not more than 1000 kg; or
 - (c) carries 50 or less persons.
- (2) A ship to which this clause applies must comply with the intact stability requirements prescribed in subclauses (3) to (6).
- (3) The ship must be tested in the fully loaded condition by a surveyor to ascertain the angle of heel and the position of the waterline that would result if the helmsman is at the helm and–

- (a) all other persons that the ship is certified to carry^{32A} are assembled along one side of the ship for the purposes of the test; or
 - (b) if the ship carries cargo, the combined weight of cargo and persons the ship is certified to carry are assembled along one side of the ship for the purposes of the test.
- (4) Each person, including the helmsman, must be substituted by a mass of at least 75 kg for the purpose of the test.
- (5) The ship will be judged satisfactory by a surveyor if the test shows that –
- (a) the angle of heel does not exceed 15°; and
 - (b) in the case of a ship with a weathertight deck, the freeboard to the deck or, if the ship has no side deck, to the top of the cockpit coaming is not less than 75 mm at any point; and
 - (c) in the case of an open boat, the freeboard to the top of the gunwale is not less than 250 mm at any point;
- (6) If a ship is fitted with a cockpit, it must be demonstrated that the ship –
- (a) has a reserve of buoyancy when the cockpit is full of water; and
 - (b) does not heel more than 15° when the cockpit is full of water.

1.2 Inclining test and stability criteria

- (1) This clause applies to a new ship –
- (a) of 15 metres or more in length overall; or
 - (b) carries cargo weighing more than 1000 kg; or
 - (c) carries a combination of passengers and cargo weighing more than 1000 kg; or
 - (d) carries more than 50 persons.
- (2) A ship to which this clause applies must comply with subclauses (3) to (8).
- (3) The surveyor that conducts the requirements of subrules (3) to (8) must be the same surveyor throughout.

^{32A} Where the ship has more than one deck to which persons have access weights representing the number of persons permitted on each deck must be used in the test.

- (4) Except as provided in subrule (5), the lightship weight, vertical centre of gravity (KG), and longitudinal centre of gravity (LCG) of the ship must be determined from the results of an inclining experiment conducted or witnessed by a surveyor.
- (5) A sister ship is not required to conduct an inclining experiment provided the lightship displacement can be measured to within a limit of the lead sister ship that is satisfactory to the surveyor.
- (6) The lightship weight must be increased by a margin for growth that must be 5% of the lightship weight positioned at the intersection of the lightship LCG and whichever is higher –
 - (a) the vertical centre of the weatherdeck amidships; or
 - (b) the lightship KG.
- (7) Curves of statical stability (GZ curves) must be produced by a surveyor for –
 - (a) loaded departure with 100% consumables; and
 - (b) loaded arrival with 10% consumables; and
 - (c) anticipated service conditions; and
 - (d) any condition where a deck cargo is carried; and
 - (e) conditions involving lifting appliances, if relevant.
- (8) The curves of statical stability for the loaded conditions must meet the following criteria –
 - (a) the area under the righting lever curve (GZ curve) must not be less than –
 - (i) 0.055 metre-radians up to 30° angle of heel; and
 - (ii) 0.09 metre-radians up to 40° angle of heel or the angle of downflooding, if this angle is less; and
 - (b) the area under the GZ curve between the angles of heel of 30° and 40° or between 30° and the angle of downflooding if that angle is less than 0.03 metre-radians; and
 - (c) the righting lever (GZ) must be at least 0.20 metres at an angle of heel equal to, or greater than, 30° ; and
 - (d) except as provided in paragraph (e), the maximum GZ must occur at an angle of heel of not less than 25°; and

- (e) if the ship has a hull form that results in the maximum GZ occurring at an angle of heel less than 25° but not less than 15°, this may be accepted by a surveyor if the area under the GZ curve up to the angle (θ_m) at which the maximum GZ occurs is not less than $0.055 + 0.001(30 - \theta_m)$ metre-radians; and
 - (f) after correction for free surface effects, the initial metacentric height (GM) must not be less than 0.35 metres.

1.3 Deck cranes

- (1) This clause applies to a ship, or a barge to which Section 4 applies, that -
 - (a) is fitted with a deck crane or other lifting device; or
 - (b) carries a mobile crane.
- (2) A ship or a barge to which this clause applies must be subjected to a practical test with the ship in its worst anticipated service load condition to establish the angle of heel and the minimum freeboard on the low side.
- (3) Except as provided in subclause (3)(c), with the crane or other lifting device operating at its maximum load moment the angle of heel must not exceed whichever is the lesser angle -
 - (a) 7°; or
 - (b) that angle of heel which results in a freeboard on the low side of 250 mm.
- (4) When an angle of heel greater than 7° but not exceeding 10° occurs, a surveyor may accept the lifting condition if all the following criteria are satisfied when the crane or lifting device is operating at its maximum load moment -
 - (a) the range of stability from the angle of static equilibrium is equal to or greater than 20°; and
 - (b) the area under the curve of residual righting lever, up to 40° degrees from the angle of static equilibrium or the downflooding angle, if that angle is less than 40°, is equal to or greater than 0.1 metre radians; and
 - (c) except as provided in subclause (iv), the minimum freeboard fore and aft throughout the lifting operations is not less than half the assigned freeboard at amidships; and
 - (d) for ships with less than 1000 mm assigned freeboard amidships, the freeboard fore or aft must not be less than 500 millimetres.

1.4 Tugs

A ship that is engaged in towing must meet the requirements of clause 1.2 as well as the following requirements -

- (a) the tow rope heeling lever curve, which is determined by assuming the bollard pull athwartships at 30° to the horizontal, must be plotted on the curve of righting levers;
- (b) the area of the curve of righting levers above the heeling lever curve -
 - (i) up to 40° angle of heel is to be calculated; or
 - (ii) the angle of downflooding if that is less than 40° is to be calculated;
- (c) the proportion of the area calculated in subclause (b) to the total area of the curve of righting levers -
 - (i) from 0 ° to 40° must not be less than 40%; or
 - (ii) from the angle of downflooding, if that is less than 40°, must not be less than 40%.

1.5 Dredgers

- (1) A ship that is engaged in dredging must meet the requirements of clause 1.2.
- (2) Dredgers and hopper barges that operate with open hold spaces must have their stability investigated by-
 - (a) the 'spill out'³³ method; or
 - (b) an alternative method that the owner or builder can demonstrate to the Director is at least as effective as the 'spill out' method.
- (3) Except as provided in subclause (4), dredgers and hopper barges that operate with their hold spaces closed by hatch covers or other permanent means must have the effects of free surface (suitably amended for density) taken into account when calculating the ship's stability for various conditions of loading.
- (4) A surveyor who is satisfied that, during the collection of dredgings the water content is rapidly removed, may allow the ship's stability to be investigated by assuming that the dredgings shift as the ship rolls, rather

³³ For details of the 'spill out' method see Section 8, Sub-section C of the Australian Transport Advisory Council *Uniform Shipping Laws Code*.

than considering the free surface correction where the intact stability will be considered adequate if, after taking account of the cargo shift -

- (a) the angle of heel does not exceed 65% of the angle at which the deck edge becomes immersed; and
- (b) the residual dynamic stability measured up to 30° beyond the angle of heel is not less than 0.01 metre-radians.

1.6 Stability information

- (1) This clause applies to a ship that -
 - (a) is of 24 metres or more in length; or
 - (b) is engaged in towing operations; or
 - (c) is a dredger; or
 - (d) carries cargo of more than 1000 kg.
- (2) A ship to which this clause applies must be provided with suitable stability information that must be approved by the surveyor that conducted the inclining test.
- (3) A ship fitted with a deck crane or other lifting device that could have a significant effect on the intact stability of the ship must be provided with information and instructions to the master on ship safety when using the deck crane or lifting device³⁴ that must include -
 - (a) the maximum permitted load and outreach that satisfy the requirements of clause 1.3, or the safe working load, whichever is less; and
 - (b) details of all openings leading below deck that should be secured weathertight; and
 - (c) a statement of the need for all personnel to be above deck before lifting operations commence.
- (4) Stability information supplied to a ship to which this clause applies that carries a timber deck cargo³⁵ and proceeds beyond restricted limits must include the following advice to the master -

³⁴ This may be included with the stability information.

³⁵ For ships of 24 metres or more in length overall, it is recommended that they comply with the requirements of the IMO Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 1991.

- (a) the likely effects of absorption of water on dried or seasoned timber; and
- (b) loading operations should be ceased if a list develops for which there is no satisfactory explanation; and
- (c) ensure the ship has no list before proceeding to sea; and
- (d) a recommended minimum metacentric height when carrying a timber deck cargo; and
- (e) excessive stability should be avoided because it may result in violent motion in heavy seas, which may cause the timber deck cargo to shift.”

r 74

Schedule 3**New Appendix 3 of Part 43****“Appendix 3****Defined maritime VHF coverage area**

[Note - Local environment may cause variations in the computer predicted coverage, and terrain shielding may occur close inshore in certain areas.]

The following co-ordinates describe the seaward limit of Maritime Operations Centre’s VHF coverage -

- (a) commencing from an arc radius 41 nm centred on position 34° 28’·2S, 172° 46’·5E (Te Paki), between bearings of 201°(T) and 243°(T) from Te Paki; then
- (b) following an arc radius 49 nm centred on position 34° 28’·2S, 173° 46’·5 E (Te Paki) to a bearing of 063°(T) from Te Paki; then
- (c) following an arc radius 64 nm centred on position 35° 10’S, 173° 31’E (Maungataniwha) to a bearing of 066°(T) from Maungataniwha; then
- (d) following an arc radius 62 nm centred on position 35° 32’·6S, 173° 55’E (Hikurangi) to a bearing of 084°(T) from Hikurangi; then
- (e) following an arc radius 56 nm centred on position 36° 20’S, 175° 31’E (Mt Isaacs) to a bearing of 100°(T) from Mt Isaacs; then
- (f) following an arc radius 76 nm centred on position 37° 32’·5S, 175° 44’·5E (Te Aroha) to a bearing of 066°(T) from Te Aroha; then
- (g) from the latter bearing, an arc radius 51 nm centred on position 37° 33’·7S, 178° 00’·4E (Cape Runaway) to a bearing of 114°(T) from Cape Runaway; then
- (h) following an arc radius 56 nm centred on position 38° 34’·4S, 178° 07’·7E (Pukeakura)) to a bearing of 185°(T) from Pukeakura; then
- (i) following an arc radius 58 nm centred on position 39° 44’·5S, 176° 50’E (Mount Erin) to a bearing of 153°(T) from Mount Erin; then
- (j) following an arc radius 35 nm centred on position 39° 44’·5S, 176° 50’E (Mount Erin) to a bearing of 163°(T) from Mount Erin; then

- (k) following an arc radius 58 nm centred on position 39° 44'.5S, 176° 50'E (Mount Erin) to a bearing of 174°(T) from Mount Erin; then
- (l) Thence, an arc radius 65 nm centred on position 41° 19'S, 175° 46'E (Mt Adams) to a bearing of 193°(T) from Mount Adams; then
- (m) following an arc radius 75 nm centred on position 42° 12'S, 173° 47'E (Blue Duck) to a bearing of 171°(T) from Blue Duck; then
- (n) following an arc radius 50 nm centred on position 43° 43'S, 172° 56'E (Mt Pearce) to a bearing of 080°(T) from Mt Pearce; then
- (o) following an arc radius 63 nm centred on position 43° 43'S, 172° 56'E (Mt Pearce) to a bearing of 187°(T) from Mt Pearce; then
- (p) following an arc radius 78 nm centred on position 44° 39'S, 170° 57'E (Mt Studholme) to a bearing of 137°(T) from Mt Studholme; then
- (q) following an arc radius 70 nm centred on position 45° 49'S, 170° 33'E (Mt Cargill) to a bearing of 210°(T) from Mt Cargill; then
- (r) following an arc radius 60 nm centred on position 46° 05'.5S, 168° 42'.3E (Hedgehope) to a bearing of 156°(T) from Hedgehope; then
- (s) following an arc radius 58 nm centred on position 46° 51'.7S, 167° 52'.9E (Mt Rakeahua) to a bearing of 246°(T) from Rakeahua; then
- (t) following an arc radius 70 nm centred on position 46° 07'.6S, 166° 49'.2E (Wednesday Peak) to a bearing of 314°(T) from Wednesday Peak; then
- (u) following an arc radius 76 nm centred on position 44° 53'.2S, 167° 19'E (Mt Elder) to a bearing of 028°(T) from Mt Elder; then
- (v) following an arc radius 70 nm centred on position 43° 35'.5S, 169° 45'.7E (Karangarua) to a bearing of 006° from Karangarua; then
- (w) following an arc radius 63 nm centred on position 42° 24'S, 171° 21'E (Paparoa) to a bearing of 289°(T) from Paparoa; then
- (x) following an arc radius 80 nm centred on position 41° 47'S, 171° 44'E (Rochfort) to a bearing of 344°(T) from Rochfort; then
- (y) following an arc radius 63 nm centred on position 40° 38'S, 172° 38'E (Mt Burnett) to a bearing of 015°(T) from Mt Burnett; then
- (z) following an arc radius 50 nm centred on position 39° 18'S, 173° 59'E (Kahui Trig) to a bearing of 338°(T) from Kahui Trig; then

- (za) following an arc radius 86 nm centred on position 39° 17'·6S, 174° 17'·6E (Mt Egmont) to a bearing of 352°(T) from Mt Egmont; then
- (zb) following an arc radius 83 nm centred on position 37° 32'·5S, 175° 44'·5E (Te Aroha) to a bearing of 267°(T) from Te Aroha; then
- (zc) following an arc radius 48 nm centred on position 36° 56'S, 174° 34'E (Waiatarua) to a bearing of 278°(T) from Waiatarua; then
- (zd) following an arc radius 36 nm centred on position 36° 56'S, 174° 34'E (Waiatarua) to a bearing of 304°(T) from Waiatarua; then
- (ze) following an arc radius 63 nm centred on position 35° 32'·6S, 173° 55'E (Hikurangi) to a bearing of 194°(T) from Hikurangi; then
- (zf) following an arc radius 50 nm centred on position 35° 32'·6S, 173° 55'E (Hikurangi) to a bearing of 247°(T) from Hikurangi; then
- (zg) following an arc radius 51 nm centred on position 35° 10'S, 173° 31'E (Maungataniwha) to a bearing of 201°(T) from position 34° 28'·2S, 173° 46'·5E(Te Paki)."

Maritime Rules

Maritime Rule Amendments 2008

CONSULTATION DETAILS

(This text does not form part of the rules contained in Parts 20-91. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

There were 9 written submission provided on the “Maritime Rule Amendments 2007”. These were: Darren Guard from Marine Safety NZ; Bill Maddick from Maddick Marine Surveys; John Pfahlert from Petroleum Exploration and Production Association of NZ; Darryn Shaw from Sanford Ltd; Hans Grimbergen; Dominic Harvey from SGS M&I; Helen McAra from NZ Merchant Service Guild; Colin Williams from Sealord Group Limited; and Harry Stronach, Naval Architect

Petroleum Exploration and Production Association of NZ agree with all the amendments.

24B.10(4)

Hans Grimbergen supports the amendment subject to the inclusion of a specification on the word “space”. He comments that the rule needs to specify a minimum safe space between vehicles for emergency purposes. He proposes a minimum distance of 450mm between vehicles to ensure doors can be opened freely and passengers can exit in a fast and safe manner.

Maritime NZ response: *The rule is sufficient in its requirements as it lays the responsibility on the master and allows for the variety of ships, vehicles and requirements of persons travelling in the vehicles.*

25.7(4)(b)

Hans Grimbergen supports the amendment subject to clarification on corrections. He comments that the rule is rather vague and does not provide sufficient clarification as to the frequency of electronic chart corrections. He comments that the latest clarification (November 2004) would indicate annual corrections but the cost to the industry to meet compliance is between \$500-\$800 which is considered excessive for a vessel operating in the same area for the entire year.

Maritime NZ response: *This comment is outside the scope of the amendments.*

40 series:

Definition of “sister ship”

Hans Grimbergen supports the amendment subject to the replacement of a few of the words. He proposes to amend part (b) of the definition to omit “in all respects” and replace

with “meets in terms of construction, watertight outfits, watertight compartments and weathertight fittings and stability data those of the existing ship.” The wording in all respects would then ultimately include fittings, attachments, equipment etc which would not have a negative outcome on safe operation or seaworthiness of the vessel. The wording of the amendment however would not allow another vessel coming into survey based on the original design approval if changes are being made not affecting the stability, safe operation or seaworthiness of the vessel.

Maritime NZ response: *The word “similar” in subrule (b) of the definition of ‘sister ship’ is sufficient to cover the issues that have been raised. As such, the rule will not be amended.*

Maritime NZ number

Hans Grimbergen supports the amendment but proposes the wording in subrule (3)(d)(i) is replaced by the words “both sides of the superstructure in a clearly visible position”. He comments that on a large number of cockpit boats some flexibility must be possible and this definition is too restrictive.

Maritime NZ response: *Maritime NZ agrees and have made the appropriate amendment.*

40A.19(3)

Dominic Harvey from SGS M&I agrees that a second means of escape should be provided from all accommodation spaces but does not agree that it is practical to require that there should be both a stairway and a ladder in all cases.

Hans Grimbergen does not support the amendment. He comments that the requirement would be very difficult to comply with on the majority of vessels, in particular those of less than 15 metres in view of available space and superstructure design and construction. He also comments that the amendment would create an unnecessary cost burden for vessel owners with no clear statistical evidence that this will improve on the safety of passengers.

Maritime NZ response: *40A.19(6) requires the main means of escape to be a stairway and allows the second means of escape to be a stairway or a ladder for ships carrying less than 12 passengers. This conflicts with the current subrule (3) that allows either stairways or ladders. The proposed amendment has been amended further to reflect the requirement that there must be at least one stairway and that the other means of access may be stairways and/or ladderways.*

40A.25 (3) and (4)

Hans Grimbergen does not support the amendment. He comments that the amendment to the rule effectively means that new ships must comply with the rule. He also comments that subrule (4) effectively allows vessels which were issued with an SSM certificate before but were not complying with the rule requirement, dispensation for the effectiveness of an existing rule. For series production boats in particular this will mean an added cost to the owner. He comments that he fails to understand the amendment as it has been merely designed to issue a blanket dispensation to non-compliance by both owners and surveyors.

Maritime NZ response: *It was the intention of the rule that it only apply to new ships. This amendment has been made to reflect that. The proposed amendment to subrule (3) has been amended further to reflect the rule applies to all ships constructed after Part 40A came in force on 1 February 2001.*

40A.43 and 40C.40

Maddick Marine Surveys believes the words “navigation light” should be removed so the rule reads that all distribution and switch boards are to be readily accessible.

Maritime NZ response: *These rules only deal with navigation lights. Further amendments are outside the scope of this Omnibus.*

Hans Grimbergen supports the amendment subject to clarification. He wants Maritime NZ to clarify the need of each navigation light to “be still mounted on one clearly marked section...” as he comments it is in effect no different than the existing rule.

Maritime NZ response: *The amendment is to clarify that each navigation light control switch or circuit breaker do not have to be mounted on a distribution board reserved for navigation lights. It is okay for them to be mounted on a clearly marked section of a distribution board.*

40A.57(7) and 40C.53(7)

Maddick Marine Surveys propose adding the words “when the vessel is in a dead ship emergency situation” after the words “that is available”.

Maritime NZ response: *The rule has been amended to reflect a rules bulletin that was released in 2003. The amendment is to ensure the Radiocommunications equipment is available at all times, including if a fuse blows or in a “dead ship” scenario.*

Dominic Harvey from SGS M&I and Hans Grimbergen do not support the amendment in its current wording. They propose to replace it with “The owner and the master of a ship operating outside enclosed waters must ensure that at least one set of fixed fitted radio communication equipment is connected to a rechargeable battery...” They comment that for vessels operating in enclosed waters there should be no need to operate a battery capable of supplying power for at least 6 hours continuously in view of the search and rescue services.

For vessels operating outside enclosed waters and with no more than one radio this should only apply to one radio designated for use in the event of an emergency.

Maritime NZ response: *SAR is not always readily available in the enclosed area. As well as this, a ship may be swept out past the enclosed limit in an emergency situation. Maritime NZ does not agree that only one radio should be designated for use in an emergency and as such be the only one to be connected to the rechargeable battery.*

Appendix 1 of Part 40A; Appendix 1 of Part 40C; 40D.33; 40D.34 (General Comments)

Sanford does not support the general policy change that allows the surveyor who signs off the stability book not to be present at the inclining test. Their opinion is that any error in the inclining test results could seriously effect the stability books end result and vessel safety. Introducing another party in the step of this process opens the way for errors to be introduced which can be overlooked by both parties, due to their separate involvement in the process.

NZ Merchant Service Guild do not agree that assisting economic development is sufficient justification for the potentially serious safety issues which may arise from the delegation of surveyors duties in the intact stability requirements. Their members have experienced results of “somebody reliable” taking over from surveyors, and report to them that the results were very poor and that in practice, no checks were carried. They urge the Director to maintain tight controls over such processes.

Harry Stronach does not support the amendment. He comments that the proposed changes have the potential to significantly impact on the quality of ship stability data. There is always the potential for problems [during the inclining test] and a high level of judgement, professionalism and experience is required to obtain suitably accurate results in all circumstances. The double handling of data will increase (rather than reduce) costs, and introduce a risk of errors that may fundamentally affect ship safety. There are sufficient persons approved for such work located throughout the country, many of whom regularly travel on survey business anyway, for the impact on costs to be minimal.

Sealord do not support the amendment and agree with the comments made by Harry Stronach.

Maritime NZ response: *Due to the response on the issue of the attendance of the surveyor at the inclining test, the word ‘surveyor’ has been reinserted into the appropriate rules.*

Appendix 1 of Part 40A clause 1.1(1)

Hans Grimbergen supports the amendment but believes Maritime NZ have made an omission. He comments that the current rule states restricted limit, so he imagines that the amendment would as well.

Maritime NZ response: *The rule was amended as the wording of the current rule does not cover the two following situations: a ship less than 15 metres in length, carrying less than 50 passengers but proceeding beyond restricted limits; and a ship more than 15 metres carrying less than 50 passengers. The appendix has been further amended to make the requirement clearer.*

Appendix 1 of Part 40A clause 1.1(6)(a)

Bill Maddick of Maddick Marine Surveys comments that some form of personal indemnity would need to be supplied to the surveyor before he would instruct an owner to fill up his cockpit full of water to prove that the vessel has adequate reserve buoyancy. He suggests that this requirement should be proven with a calculation.

Hans Grimbergen does not support the amendment. He comments that you can in theory calculate this matter but it takes time and maths/formulas to do it. A practical test is impossible. For a vessel operating in enclosed waters the test would have very little use based on the fact that SAR assistance is relatively easy to get and again the cost does not weigh up against the benefit.

Maritime NZ response: *This is already a requirement of Part 40A. Any further amendment to this rule is outside the scope the Omnibus amendments.*

Appendix 1 of Part 40A clauses 1.1(1), 1.2(1), 1.3(1), and 1.4(1); and Appendix 1 of Part 40C clause 1.1(1)(c) and clause 1.2(1)(c)

Hans Grimbergen does not support the amendment. He comments that the amendment has far reaching consequences. For a vessel solely operating in enclosed waters this requirement is far too strict and not practical. Especially for existing new entries it will be impossible as a large number do not have the plans for stability analysis. Hans strongly recommends that MNZ discuss the amendment with SSM companies.

Maritime NZ response: *Due to the response on the issue of the number of persons before an inclining test is conducted, it has been returned to 50 passengers/persons.*

Appendix 1 of Part 40A clause 1.2(6); 40D.33(4); and 40D.34(4)

Harry Stronach does not agree with the proposed amendment. He comments that while weight growth often does occur and can be an issue, there is no evidence presented to show either that 5% is an appropriate value, or that an industry-wide problem exists. He goes on to make further comments and ideas for changing the rule.

Hans Grimbergen supports the amendment but is not sure what the ultimate benefit of it is.

Maritime NZ response: *Due to the response on the issue of increasing the lightship, the amendment has been removed from the rules concerned to be considered as a future amendment.*

Appendix 1 of Part 40A clause 1.2(9)(d)(iii)

NZ Merchant Service Guild believe the formula for the rudder heeling moment is incorrect as there is no mention of the rudder area and the centre of lateral resistance of the rudder. They comment, however, it may be that the formula is intended to describe the heeling moment due to the centrifugal force when the ship is turning and that if this is the case, then they accept the formula but believe it has been misnamed as the “rudder heeling moment”. Rather, it should be referred to as the “heeling moment due to turning” or similar. In the view of NZ MSG the two heeling moments are distinct and entirely different, and should not be confused.

Maritime NZ response: *Maritime NZ agrees and have amended the rule accordingly.*

Appendix 4 of Part 40A clause 4.3

Maddick Marine Surveys supports the amendment. He also proposes a new requirement that some basic uniform or company identification should be worn by all crewmembers.

Maritime NZ response: *The proposed new amendment is outside the scope of the amendments.*

Hans Grimbergen supports the amendment, subject to the insertion of the words “on vessels carrying more than (appropriate figure) passengers” after the word “crew”. He comments that there should be no need to separate crew and passenger lifejackets on vessels with less than (appropriate figure) passengers.

Maritime NZ response: *Maritime NZ agree and have deleted the amendment from Omnibus 2007 to be placed for amendment at a later date.*

Appendix 8 of Part 40A

Hans Grimbergen comments that all vessels less than 6 metres in length to which Part 40A applies should be under Appendix 8 and not just diving type vessels as Part 40A is too difficult to implement for vessels up to 6 metres in length.

Maritime NZ response: *This comment is outside the scope of the amendments.*

40C.25(7)

Hans Grimbergen supports the amendment but thinks the rule should not apply to multihull vessel fitted with watertight compartments. He comments that the more piping and through hull fittings in a ship, the more danger of flooding other compartments through the piping system.

Maritime NZ response: *This comment is outside the scope of the amendments.*

Appendix 2 of Part 40C clause 2.3

Hans Grimbergen does not support the amendment. He comments that unless crew are professionally trained in the use of BA sets and entering a compartment on fire, it should not be allowed to happen. He comments that it would be more prudent for Maritime NZ to concentrate on fire prevention methods than fire fighting. He also comments that in the event of an accident to the person entering the affected area there is no means of another person entering the area for SAR purposes as only one outfit is onboard.

Maritime NZ response: *Fire crew outfits do not include BA sets. The fire crew outfit includes extra safety equipment for a person fighting a fire.*

Appendix 3 of Part 40C clause 3.3 lifebuoys

Hans Grimbergen does not support the amendment. He comments that there should be consistency in relation to Part 40A. A rescue buoy or throw bag is totally unsuitable for use on large vessels when it comes to SAR exercises. He proposes the length is reduced from 15 metres to 9 metres.

Maritime NZ response: *Maritime NZ agrees and have amended the rule accordingly.*

Appendix 6 of Part 40C

Hans Grimbergen does not support the amendment. The effectively means that a very large number of vessels need to replace their chain/rope combination on their main anchor to chain only for all anchor weights of 25kg and over for vessels operating in coastal waters/offshore and this would include restricted coastal and those with anchor weights of 100kg or more operating in restricted limits. MNZ would not have the statistical data to back up such a far reaching amendment.

Dominic Harvey from SGS M&I comments that the amendment to Table 3B should only be such that all chain is required on the first anchor (rather than chain and rope) for anchors with a weight over 70kg.

Maritime NZ response: *The amendment to Tables 3A and 3B was intended to clarify the interpretation of the rule. However, due to the issues raised, the proposed amendments to Tables 3A and 3B have been removed from Omnibus 2007 to be put forward for amendment in the future.*

40D.2

Dominic Harvey from SGS M&I and Hans Grimbergen do not support the amendment for the definition of “Competent person” with regard to lifting appliances as it conflicts with the one in Part 49.

Maritime NZ response: *This amendment is directly related to the amendment to 40D.67, which has been deleted as the amendment is in conflict with 40D.67(12). As a result the proposed definition for “competent person” will also be deleted.*

Dominic Harvey from SGS M&I and Hans Grimbergen do not support subrule (b) in the amendment for the definition of “Major alteration or modification”. They comments that it is impossible to require a vessel to be fully re-inspected including a new FFP etc for the change of, for example, an EPIRB and propose to delete subrule (b).

Maritime NZ response: *Maritime NZ agree with your comment and have removed subrule (b).*

40D.33(3)

Hans Grimbergen does not support the amendment. He comments that the data of the lead sister ship may not be available or cannot be obtained from another SSM company and questions what surveyors do then.

Maritime NZ response: *If the data cannot be obtained then the ship must be treated as a new ship as there is no data to compare her to.*

40D.34(11) and (12)

Hans Grimbergen does not support the amendment. He questions how any owner of an existing ship coming into survey would add additional buoyancy compartments in particular on the smaller vessels. He also questions how an SSM company would establish its positions and comments the amendment will restrict entry of existing vessels regardless of the limit they will operate in.

Maritime NZ response: *The amendment is already part of 40D.34 (subrule (6)). Further research is outside the scope of these amendments.*

40D.34(13)

Hans Grimbergen does not support the amendment. He comments that it is impractical to test or find out to check if it meets the rule requirement. He also comments that any vessel will turn over first before it reaches a swamp condition due to the free flow surface effect on stability.

Maritime NZ response: *The amendment is already part of 40D.34 (subrule (13)). Further research is outside the scope of these amendments.*

40D.67

Marine Safety Solutions question whether the amendment means every fisher must get their derricks and gantries tested for SWL or is it just hanging shackles and blocks. He doubts there is anyone in port to test the gear.

Maddick Marine Surveys supports the amendment. He comments that this has always been a grey area on fishing boats and there should be testing of the lifting gear and identification of the SWL of when it was last tested.

Sanford ask to what extent equipment on fishing vessels is covered by the proposed amendment. They comment that equipment such as fishing winches are built specifically for a sole purpose, are normally over designed in capacity, and are limited in operation to their design use only. To have an ongoing testing requirement and apply a SWL would require considerable cost and effort across a large fleet such as Sanford Ltd. Sanford does support the requirement for SWL to be permanently marked on equipment that has a moveable derrick or lifting beam arrangement that is used to move loads on or off the vessel (i.e. to the wharf or other vessels) or around the vessel from an "overhead" crane type perspective. These overhead type lifting appliances can be used by various crew and their hooks put onto undefined loads without any reference to their lifting capacities, leading to a potential accident or incident occurring.

Hans Grimbergen supports the amendment provided that: it does not apply to any lifting appliance used for lifting weights of 1000kg or less, as this would then be in line with the

requirements for shore based lifting appliances; and it does not apply to any lifting appliance which are only used to load stores on board a vessel.

Maritime NZ response: *The amendment to 40D.67 has been deleted. It has been found this amendment is in conflict with 40D.67(12), which already provides a requirement for every lifting appliance of a new ship and its associated working gear to be tested by a surveyor and be marked with the safe working load to the satisfaction of the surveyor.*

Appendix 5 of Part 40D clause 5.8(1)

Hans Grimbergen supports the amendment subject to the following insertion: Footnote: “As from 1 February 2009, all fishing vessels operating within 100 miles of the NZ coast including Stewart Island and the Chatham Islands must carry a manual 406MHz EPIRB meeting the performance standards of rule 43.19”

Maritime NZ response: *The EPIRB Amendment Rule signed in October 2006 was done to cover for the removal of the 121.5 MHz EPIRB and to specify the type of EPIRB required on these vessels. They have the option of the full 406 MHz EPIRB or the Class 3 406 MHz EPIRB.*

42A.17(2)

Hans Grimbergen does not support the amendment. Horseshoe lifebuoys are not considered rigid and stable enough in rough seas. If a horseshoe lifebuoy are permitted the performance standard should stipulate an orange or yellow colour and only permitted on vessels with a length of 9 metres or less overall. Horseshoe lifebuoys do not have the space necessary for marking the data shown above as it would need to be all on one side.

Maritime NZ response: *Maritime NZ agree and the amendment has been removed and will be placed for amendment at a later date.*

42A.17(4)

Sanford agrees that lifebuoys should be marked with the name and port of registry of the ship but does not agree that they should be marked with the number of persons they are designed to support. In an emergency situation any number of people may use the lifebuoy.

Maritime NZ response: *Maritime NZ agree and have amended the rule accordingly.*

48.2

Maddick Marine Surveys comments that composite ships don't usually have a keel rabbet and that some design sketches would be helpful with most of these definitions.

Maritime NZ response: *The definition is directly from the International Convention on Tonnage 1969 so the proposed amendment will not be amended further.*

73.16

NZ Merchant Service Guild strongly believe that any vessel on a voyage in NZ coastal waters (even in transit) should have English as its working language, not only on the bridge but for all crewmembers. They consider this issue of great significance. In their opinion, Maritime NZ must not only make English a requirement for all crew who are in NZ coastal waters, but also all crew as part of its inspection regime, and effective compliance monitoring.

Maritime NZ response: *Part 73 only applies to New Zealand commercial ships and not foreign ships. It is outside the scope of the amendments to consider requiring English as the working language on the whole ship.*