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Invitation to comment: Design, Construction and Equipment Rules Reform
Consultation Overview: Package 1

Thank you for the opportunity to comment on the Design, Construction and Equipment Rules Reform, Package 1, relating to:

- Fire Protection
- Machinery and Ancillary Equipment
- Life Saving Appliances
- Anchors and Cables.

This is the first of three consultations to be undertaken by Maritime New Zealand to restructure the 40 Series Rules.

The NZ Marine Transport Association welcomes the consultation undertaken by Maritime New Zealand. We hope that this process will result in better harmonisation and consistency for all stakeholders and enable relevant applications that reflect modern equipment and vessel design.

Who We Are

The New Zealand Marine Transport Association (NZMTA) was founded in 1970 with a focus on representing the owners of tourism charter and passenger vessels. Over the decades, it has evolved into a comprehensive umbrella organisation that encompasses a diverse array of maritime sectors, including fishing, workboats, passenger services, aquaculture, and boat building. With a dedicated board made up of industry representatives, the NZMTA is steadfast in its mission to promote the interests of its members through robust advocacy, targeted education initiatives, and strategic collaboration with industry stakeholders and government entities.

As a pivotal player in New Zealand's maritime landscape, the Association works to enhance safety standards, support sustainable practices and foster innovation across the marine transport industry, ensuring a thriving and safe future for all its members.

We have consulted extensively with our members and the feedback covered in this document represents their views.

Part 3D Maritime (Design, Construction and Equipment – Fire Protection) Rules[1]

Subpart A	General	Support
Subpart B	Responsibilities	Support
Subpart C	Ship requirements	Support
	Section 1: General requirements for fire protection	Support
	Section 2: Ship fire-risk categorisation	C2.1, Table 2.1 references a ship as High Risk in enclosed limits where there are 37 or more berthed passengers (a passenger that is on board a vessel for a period of greater than 36 hours or that has otherwise been assigned a berth). Please confirm Maritime New Zealand's interpretation of berthed passengers and add this to the definitions section to avoid confusion.
	Section 3: Structural Fire Protection	C3.1 General requirements – support C3.2(1) Type and Design – there is reference to existing ships. This should be removed as it is not feasible to make structural fire protection modifications to any existing ship. Sections C3.2(2) to (4) are confusing. Application should be for ships measured LOA (remove LLL) as this just adds another layer of complexity. There is also reference to *subrules*, yet no subrules appear to be labelled within this document.
	Section 4: Interior surface finishes and fit-out material	C4.1 and C4.2(1) Support C4.2 (2) and (3) There are references to subrules in this section – refer my comments above. Also clarify the interpretation of berthed passengers.
	Section 5: Arrangements for heating, cooking, and LPG and other highly flammable liquids	Support
	Section 6: Ventilation systems	Somewhat support provided existing ships are grandfathered and not required to meet these requirements.
	Section 7: Fire detection and fire alarms	Somewhat support provided existing ships are exempt from any of these requirements, other than where practical, i.e. portable detectors/alarms. It is not feasible to require existing operators to install control panels or install new equipment to accommodate these new requirements

[1] https://www.maritimenz.govt.nz/media/5nll3doh/part-3d-fire-protection-rules-draft-for-public-consultation.pdf

	Section 8: Fixed fire-extinguishing systems	Support. Existing vessels to be grandfathered where modifications to the vessel are necessary.
	Section 9: Portable fire extinguishers and fire blankets	Support
	Section 10: Firefighters outfits	Firefighters' outfits should apply to vessels in the Offshore and Unlimited areas only. Applying this requirement to all medium and high-risk vessels, regardless of their size or operating limit is impractical. Several vessels would not be able to comply with the rule or the exception.
	Section 11: Emergency escape breathing devices	Support in principle, **but** with changes to the MTI necessary with respect to the application of this rule. We do not support this section of the MTI.
	Section 12: Fire pump and hose appliances and fire buckets	Support, provided existing ships are grandfathered and not required to meet these requirements.
	Section 13: Information requirements for fire preparedness and response	We support the C13.1 in principle but the MTI thresholds for Fire Control Plan are set too high. We do not support Section 13 of the MTI.
Schedule:	Transitional, savings and related provisions	We do not support this schedule. Refer point 1 below.

Part 3D General comments:

1. There are several sections within this part that the NZMTA does not support with respect to existing vessels. The Association believes these vessels should be grandfathered. After evaluating the associated risk factors, we find no reason to apply these changes. Maritime New Zealand has not presented sufficient evidence indicating systemic failures or incident and accident statistics. Therefore, we see no justification for Maritime New Zealand to impose new regulations on the existing fleet.

2. The Association believes that the Maritime Transport Instrument (MTI) requires further refinement, as it is currently too restrictive and does not allow surveyors to provide flexible solutions. For instance, references to the IMO FSS-Code and other standards may not be applicable to domestic vessels operating within restricted limits.

3. Another area of concern is Section 3(4) – Structural Fire Protection. This clause lacks clarity regarding internal stairways. If structural changes are required to enclose an internal stairway that connects a saloon to the forward cabins, this is impractical. We urge that more consideration be given to the MTI before its implementation.

4. Finally, where the rule requires an existing ship to make structural modifications, this triggers the requirement for design approval and survey. The cost to comply with this requirement is not isolated to the modification itself. Additional costs for a naval architect and surveyor would need to be added. We do not consider this sensible or necessary given the low risk for existing vessels.

Part 3E Maritime (Design, Construction and Equipment – Machinery and Ancillary Equipment) Rules[2]

Subpart A	General	Support, but request changes to some definitions as detailed in point 1 below.
Subpart B	Responsibilities	Support B1.1 but have concerns about the need for B1.2 to B1.5, as these responsibilities are already covered by other regulations, such as MR19 and 44. For example, B1.3(b) concerning the interpretation of ***certification scope*** has caused confusion when a vessel adjusts its limits to match its existing certification requirements or decreases passenger or crew numbers. In these situations, a full survey isn't necessary. Suggest either removing this clause or providing further clarification.
Subpart C Ship requirements	Section's 1 - 7	Support, provided existing ships are grandfathered and not required to meet these requirements.
Schedule	Transitional, savings and related provisions	We do not support this schedule. Refer point 2 below.

Part 3E General comments:

1. Some of the definitions in the current 40 series rules are ambiguous or inappropriate for their application. We would like to request changes to the following:

   major alteration—
   a) means an alteration or repair to the design or construction of a ship and its structure, systems, equipment or fittings, specified in an MTI; and
   b) includes the replacement, removal or addition of non-permanent parts; and
   c) does not include direct like-for-like repairs or replacements of parts

   - There is no detail in the MTI.
   - Section (b) should be removed as it is ambiguous and conflicts with points (a) and (c).

   new ship *means a ship that has its keel laid or that is at a similar stage of construction on or after the commencement date [and includes second-hand ships entering service in New Zealand after commencement date]*

   - Second hand ships or ships that have recently been in survey in New Zealand, Australia or Class should not be considered 'new ships.' These are **existing** ships. A surveyor should be given discretion on how he/she applies the rules for these vessels.

2. Regarding the grandfathering of fishing and sailing vessels for this rule, it should apply to ALL vessels. Unless Maritime NZ can provide risk-related information justifying the need for existing vessels to alter their machinery and ancillary equipment, there is no reason to impose such changes. We support this section in cases where an existing vessel is undergoing significant modifications, provided those modifications are pertinent to the structural changes being made.

[2]https://www.maritimenz.govt.nz/media/dwfjmvii/part-3e-machinery-and-ancillary-equipment-rules-draft-for-public-consultation.pdf

3. Overall, we support this section, contingent on the considerations mentioned above. Streamlining and harmonising the rules regarding the number, type, and capacity of bilge pumps simplifies the regulations.

Part 3H Maritime (Design, Construction and Equipment – Life Saving Appliances) Rules[3]

Subpart A	General	Support
Subpart B	Responsibilities	For clause B1.3 – review and clarify the interpretation of major alteration and scope of certification (refer previous comments)
Subpart C	Ship requirements	Support
	Section 1: General requirements for life saving appliances	Support in general. C1.4(1)(c) refers to a marine evacuation system – clarify which vessels need one of these?
	Section 2: Visual Signals	Support
	Section 3: Rescue Boats	1. Under the current regulations, rescue boats are not mandated for vessels operating within enclosed and inshore limits, and we see no reason to alter this. Additionally, we propose that vessels carrying fewer than 12 passengers within coastal limits should be exempt from the requirement to have rescue boats. 2. These vessels already carry liferafts sufficient for all persons on board, so there is no need for an extra rescue boat and launching equipment. This will decrease the number of exemption applications related to this piece of equipment. 3. To include a rescue boat and davit as prescribed in the regulations, into the design of a 24-metre vessel may restrict the design potential and significantly limit space (which is always at a premium on any vessel). 4. The additional weight of a rescue vessel and the launching davits that are prescribed, may also alter/effect the stability of vessels under 24 metres. In many cases, the cabin top needs to be strengthened beyond what is normally required, adding additional weight.
	Section 4: Lifebuoys	Support, however, what was the justification for increasing the number of lifebuoys from 2 to 4 on vessels 15-24m in enclosed and inshore limits. Also, curious as to why 2 x lifebuoys required on a barge that carries no passengers? Refer 4.2(2).

[3] https://www.maritimenz.govt.nz/media/i5uovepf/life-saving-appliances-proposal-summary.pdf

	Section 5: Lifejackets	Support
	Section 6: Line-throwing appliances	Under the existing passenger regulations, this equipment is only required for vessels over 30 meters operating in offshore and unlimited areas. The new proposal states that all coastal vessels carry it. We do not support this additional expense and find no justification for the requirement.
	Section 7: Liferafts	1. We do not support the requirement for any vessel to carry certified liferafts in enclosed or inshore limits. 2. With life raft costs ranging between $3,500 and $8,000, plus annual servicing fees, this is unreasonable. The issue is further exacerbated by the critical shortage of life raft service stations across New Zealand. The MIT rationalises this proposal by citing regional variations in water temperatures and limited access to emergency services. Yet, while we aim to harmonise rules across sectors, implementing a blanket regulation in this case seems not only impractical but also unfair to operators in low-risk areas. 3. The MTI specifies high risk factors in section 7.5(8). We support (b) and (c) of this section with respect to ships operating south of 44 degrees south latitude and in water temperatures under 15 degrees centigrade. 4. We do not support (a) for ships operating in the hours of darkness; or (d) ships carrying more than 38 persons.
	General 8: General emergency alarm and public address system	Support
	Section 9: Survival clothing (immersion suits, anti-exposure suits and thermal protective aids)	Support
	Section 10: Marine evacuation systems	Clarify which vessels require one of these – unable to find in rule or MIT
Schedule	Transitional, savings and related provisions	Support, provided existing vessels are given 2 years notice of commencement date of the new rule.

Part 3H General comments:

We believe that Maritime New Zealand should reassess the imposition of excessive compliance requirements when introducing rules that require structural changes or additional equipment, unless there is clear evidence demonstrating significant safety benefits for these changes.

Further direct feedback from operators is as follows. **Please note that these are comments provided directly by operators and do not necessarily reflect our own views.**

- *"The requirement that our vessel required a Rescue Boat is in my opinion both absurd and impossible. We carry 1 x 4.8 metre RIB on free fall davits on the transom (this is the work boat and used almost daily) and 1 x 3.4 metre inflatable boat which is launched with a hydraulic crane from the top deck. I believe this is totally adequate for all situations in unrestricted worldwide travel."*

- *"Man Overboard: Our 24-metre vessel can return and recover MOB significantly quicker and more efficiently and safer than stopping the vessel to launch a Rescue Boat. Also, the MOB coordinates (helmsman has hit the MOB button on the ships navigating system) will be readily accessible whereas the coordinates would need to be transferred to a handheld GPS to take into the Rescue Boat. This is potentially time consuming and transferring data also increases the potential for a mistake to be made. Our vessel has a swim platform which can be lowered to assist with recovery. Alternatively, we have a crane that could be used with a recovery sling."*

- *"Our certificate allows for a max of 16 people on board. We have 2 x 20-person life rafts on the vessel (one on Port side the other on Starboard Side). In the event of the vessel sinking and having to deploy the life rafts the chances are that everybody would be in one raft. In this situation we would also likely launch our 4.8 metre RIB (it is a gravity launch) which could be used for mustering life rafts. If we removed (or cut) two strops from our 3.4 metre zodiac it would float free from the cabin top in the event of the vessel sinking."*

- ***"Launching, Recovery and embarkation:** The sea state that one is likely to encounter in the Offshore areas of NZ would likely render launching and recovering a rescue boat virtually impossible from a 24-metre vessel. It would be too dangerous to attempt and possibly make it so dangerous as to potentially lead to an escalation of the event to a "serious injury" or "loss of life" event. A typical 5 – 6 metre swells with 40+ knots of wind over the top are not uncommon in the Southern Ocean but not dangerous for a 24-metre vessel. Attempting to launch and recover a rescue boat in these conditions, however, would escalate it off the scale."*

- ***"History of vessels transiting to the Sub Antarctic / Kermadec Islands.***
  A review of the history of shipping to the Sub Antarctic and Kermadec Islands) helps us understand the risks. Most of the vessels visiting the Sub Antarctic Islands have all been around the 24–30 metre mark and between 80 – 120 Tonne nett weight, i.e. the Ranui, The Tagua, The Alert, The Acheron, Marine Countess, Sea watch, Tama, Pacific Ruby, Polaris and Evhoe. None of these vessels were or are required to carry a rescue boat. There has been one recorded incident when the Acheron was just north of Campbell Island some years ago and took a rogue wave over the top, flooding the vessel. The captain issued a mayday, and the passengers were all transferred to a nearby fishing vessel who shepherded the Acheron back to Dunedin. The rescue boat would not have been of any use in this incident."

Part 3J Maritime (Design, Construction and Equipment – Anchors and Cables) Rules[4]

Subpart A	General	Support
Subpart B	Responsibilities	Support
Subpart C	Ship requirements	Support
Schedule	Transitional, savings and related provisions	Support

[4] https://www.maritimenz.govt.nz/media/rdfdz50m/part-3j-anchors-and-cables-rules-draft-for-public-consultation.pdf

Thank you for the opportunity to provide feedback on Package 1 of the Design, Construction, and Equipment rules. Engaging with the industry throughout this process has led to some very positive results.

After considering industry feedback, we believe the new 40 series rule will be advantageous for the fleet.

Please don’t hesitate to get in touch if you would like any clarification on this submission.

Yours sincerely,

Margaret Wind
Executive Director
New Zealand Marine Transport Association