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INVITATION TO COMMENT: Design, Construction and Equipment Rules Reform - Package 2
Submission by the New Zealand Marine Transport Association (NZMTA)

Thank you for the opportunity to comment on Package 2 of the Design, Construction and Equipment (DCE) Rules Reform. This submission addresses proposed changes to:

- Part 3B: Stability, Drainage, Freeboard and Subdivision
- Part 3C: Watertight and Weathertight Integrity
- Part 3F: Electrical Systems
- Part 3G: Radio Equipment

The NZ Marine Transport Association (NZMTA) welcomes Maritime New Zealand's efforts to harmonise and modernise the 40-series rules and acknowledges the intent to increase safety and consistency across vessel types, excluding SOLAS ships.

We have consulted widely with our members and stakeholders across various sectors, and this submission reflects the key issues and recommendations identified through that process.

Who We Are

The New Zealand Marine Transport Association (NZMTA) is a national representative body advocating on behalf of operators in tourism, aquaculture, passenger services, charter fishing and workboats. We work closely with a wide sector of the industry, including regulators, surveyors, boatbuilders, designers, seafarers and operators to ensure rules are practical, enforceable, and economically sustainable.

General position on Package 2

The NZMTA broadly supports the intent of the proposed rules, particularly the use of grandparenting provisions to reduce immediate impacts on the existing fleet. However, we seek clarification and adjustment in several key areas to ensure that rule changes are both proportionate and feasible, particularly for smaller operators and legacy vessels. A summary of these comments is included in our closing summary.

COMMENTS ON INDIVIDUAL RULE PARTS

Part 3B – Stability, Drainage, Freeboard & Subdivision

We support the categorisation of vessels by complexity and operational characteristics (open vs decked, high vs low complexity). However, we consider that the current definitions could be detailed further. We seek clarity on the following:

1. **Thresholds for High vs Low Complexity:**

Operators need clear, objective criteria - such as length overall (LOA), tonnage, type of operation or passenger capacity - to determine vessel complexity. The current categorisation is open to interpretation, creating uncertainty around which category applies.

We recommend that the Instrument include a system that clearly defines each vessel type by operating limits and category (e.g. fishing, aquaculture, passenger, non-passenger) to promote consistency. This should be balanced with the ability for operators and surveyors to assess risk within each category, recognising that not all vessel operations are equal. For example, some work boats are equipped with lifting gear, while others are not. A degree of flexibility will be essential to achieve consistency.

We would be happy to provide guidance on this to get it right from the outset: too little prescription could lead to inconsistent application; too much may result in a proliferation of exemptions.

2. **Treatment of existing vessels:**

The NZMTA supports safety as the paramount priority, and we recognise that vessel stability is a fundamental component of that. However, the current proposals defer decisions on how existing vessels will be treated.

We strongly believe that vessels already operating in the fleet should not be retrospectively required to develop stability booklets or undergo comprehensive reassessments unless they are undergoing major modifications. We have made our position on this clear in previous submissions and continue to seek clarification from Maritime NZ regarding the safety justification for such a proposal.

If Maritime NZ is proposing a significant new requirement, it must be supported by clear evidence and a robust cost-benefit analysis. Without this, we oppose the imposition of considerable and unjustified compliance costs on operators.

We also seek clarity on how many vessels in the fleet are currently operating without stability documentation. Is this a genuine safety concern, or is it partly an attempt to address gaps in Maritime NZ's own records - given that all vessels have been required to comply with the stability rules introduced in 2001?

Since those rules came into effect, Maritime NZ has required vessels to meet stability standards - ranging from inclining experiments conducted by qualified surveyors to full stability computations by naval architects, depending on each vessel's risk profile and

operating limits. Given this long-standing requirement, we question whether the proposed retrospective measures are necessary.

How many vessels currently in operation genuinely lack stability documentation, and have there been significant incidents or accidents involving them? If there is evidence of systemic safety failings due to undocumented or inadequate stability information, it should be presented and clearly explained. Otherwise, we strongly oppose imposing further retrospective requirements on an already compliant fleet.

3. Surveyor documentation requirements:

We support the inclusion of stability statements or booklets based on vessel complexity but urge simplification for new, low-risk vessels. We also recommend that Maritime NZ provide clearer definitions of what constitutes a low-risk versus high-risk vessel, and we advocate for the development of digital tools to help surveyors apply these criteria consistently.

We also recommend that Maritime NZ publish thresholds or guidelines for determining booklet vs statement requirements - ideally aligned with the existing structure of Rules 40A to 40E.

Part 3C – Watertight and Weathertight Integrity

In general, we support this proposal and recognise the intent to enhance safety. However:

- Coaming heights, hatch integrity and glazed opening standards could pose significant retrofit costs during major refits. We do not support this proposal for existing vessels.
- Grandparenting is appropriate and must be preserved; we seek assurance that second-hand vessels certified under AMSA or class would not be treated as "new" if structural refit is not required.
- Opening portholes and ventilation changes are supported, provided detailed technical requirements remain proportionate for inshore vessels.

We also suggest Maritime NZ provide examples or diagrams to illustrate acceptable hatch and sill standards for various vessel types.

Part 3F – Electrical Systems

The modernisation of electrical safety requirements is welcome, especially:

- The option for existing vessels to meet minimum safety requirements rather than full AS/NZS 3004.2 compliance.
- Simplification around alternative power sources and clarification of required equipment.

We request further guidance on how lithium-ion battery rules differ from current requirements, particularly for hybrid or electric propulsion vessels. Industry needs clear definitions and tested installation protocols for survey readiness.

Part 3G – Radio Equipment

We agree with the direction of updates to Part 3G, particularly requiring passenger vessels under 12m to carry a reliable communication device. However:

- Current proposals imply that EPIRBs may be required in areas where personal locator beacons (PLB's) were previously acceptable (e.g., enclosed/inshore limits). We ask Maritime NZ to consider retaining PLB use for small, low-risk operations.
- Transition provisions for EPIRBs must be made explicit and should align with survey renewal periods.

RECOMMENDATIONS AND OTHER CONSIDERATIONS:

1. **Clarify stability thresholds** – We recommend more defined, measurable vessel categorisation thresholds for stability under Part 3B to support consistent interpretation.
2. **Protect existing vessels** – We respectively ask that no retrospective structural changes will be required of existing vessels unless undergoing clearly defined major modifications.
3. **Fair treatment of second-hand vessels** – We would like to see that second-hand vessels certified by AMSA or classification societies are treated consistently with New Zealand's existing fleet under grandparenting provisions. If upgrades are required, they should be based on demonstrable safety risks. Entry into the New Zealand fleet should not, on its own, trigger structural upgrade requirements unless clearly defined, risk-based transition criteria apply - and these should not override the protections already granted to existing vessels under grandparenting.
4. **Support technology-appropriate safety gear** – Retain flexibility to use PLBs for enclosed/inshore and low-risk operations in lieu of mandatory EPIRBs where a surveyor and/or Maritime NZ consider it appropriate.
5. **Improve technical guidance** – Provide accessible compliance material, including diagrams, case studies, and worked examples tailored to the New Zealand context. This will aid in navigating the rules and maritime transport instruments.
6. **Align with recognised standards** – Consider cross-referencing with NSCV, ISO, and IEC standards to enhance clarity and avoid unnecessary divergence from established practice.
7. **Simplify navigation of the rules** – Ensure the MTI is digitised with a searchable format by vessel type and operational parameters. This will resolve any confusion that arises through the proposed thematic rule structure. If digitised with searchable tools by vessel type and operational parameters, this complexity could be resolved and user experience significantly improved.

8. **Base change on evidence** – Given the significance of some proposals that involve structural modifications to the existing fleet, we request that Maritime NZ publish current fleet safety data or accident trends before assuming older, grandfathered vessels are unsafe. Any transition periods should be risk-based, not arbitrary.
9. **Definition of open vs decked vessels:** We support the proposed definitions on this topic. For clarity, a decked vessel is one with a watertight, fixed deck covering most, or all of the hull; an open vessel lacks such coverage. These definitions should be illustrated to avoid confusion.

CLOSING SUMMARY

The New Zealand Marine Transport Association (NZMTA) supports the goal of modernising maritime safety regulations and acknowledges and appreciates Maritime NZ's continued efforts to consult with industry.

However, we emphasise that reform must remain practical, proportionate, and informed by real-world operating conditions - particularly for existing vessels in the domestic fleet.

We are committed to working constructively with Maritime NZ to develop rules that deliver meaningful safety improvements without imposing unjustified compliance costs. That means safeguarding the role of grandfathering unless specific risks are proven, ensuring any structural upgrade requirements are based on evidence, and recognising the validity of international certifications such as AMSA and class where appropriate.

As highlighted, the Cape Town Agreement, designed for larger vessels operating in international waters, may not be suitable as a blanket reference for New Zealand's predominantly smaller, inshore fishing fleet. New Zealand's regulatory framework must reflect our unique operating environment, risk profile, and domestic industry scale - not replicate offshore regimes.

We appreciate the opportunity to provide feedback and believe these proposals will deliver meaningful and positive outcomes for the maritime sector. Thank you for engaging with industry stakeholders to ensure the regulatory framework supports a safer, more efficient, and sustainable maritime environment.

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

Yours sincerely,

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