

**Maritime Transport Act 1994**

**Maritime Rules**

**Part 42B Safety Equipment - Fire Appliance Performance Standards  
Amendment 2010**

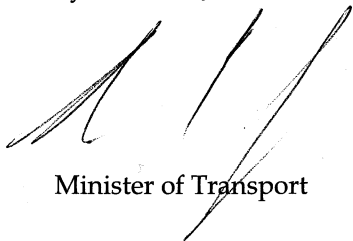
Pursuant to section 36 of the Maritime Transport Act 1994

I, Steven Joyce, Minister of Transport, hereby make the following maritime rule.

Signed at Wellington

This *23rd* day of *February* 2010

by STEVEN JOYCE

  
Minister of Transport

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## **Part Objective**

The objective of Part 42B Safety Equipment - Fire Appliance Performance Standards Amendment 2009 is to prescribe requirements for the inspection and maintenance of portable fire extinguishers.

The authority for Part 42B Safety Equipment - Fire Appliance Performance Standards Amendment 2009 is found in section 36 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 16 June 2007, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed amendment to Part 42B. A notice was also published in the *New Zealand Gazette* on 14 June 2007. The Authority then made its Invitation to Comment and draft Part 42B available to the public with approximately 100 copies being sent automatically to interested parties. Comments on the draft Part were requested by 7 August 2007.

34 parties provided written submissions on the draft. All submissions and any oral comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

## General

### 1 Entry into force

This amendment comes into force 1<sup>st</sup> April 2010.

### 2 Rule 42B.2 Definitions

Rule 42B.2 is amended by inserting the following definition in the appropriate place.

**"Competent Person"** means a person with relevant industry training and experience as defined in the New Zealand Standard NZS 4503:2005 *Hand Operated Fire-Fighting Equipment*.

### 3 Rule 42B.57 Portable fire extinguishers

Subrules 42B.57(13) and (14) are amended by deleting the existing text and replacing it with:

- “(13) A portable fire extinguisher must be—
- (a) tested and maintained by a competent person in accordance with the five year schedule of New Zealand standard 4503:2005 *Hand Operated Fire-Fighting Equipment*; and
  - (b) inspected at a frequency specified in the maintenance plan by a person designated by the owner, operator, or master of the ship.
- (14) Records of—
- (a) any test or maintenance carried out under subrule (13)(a) or inspection under subrule (13)(b) must be maintained on board, showing the date of the test; and
  - (b) Any test or maintenance carried out under subrule (13)(a) must include whether a pressure test was performed.”

## Maritime Rules

### PART 42B Safety Equipment - Fire Appliance Performance Standards Amendment 2009

#### CONSULTATION DETAILS

*(This text does not form part of the rules contained in Part 42B. It provides details of the consultation undertaken in making the rules.)*

#### Summary of Consultation

There were 34 written submissions provided on the draft “Maritime (Portable Fire Extinguisher) Amendment Rules”. These consisted of 30 from individuals in organisations and 4 individual submissions. All 34 submissions are listed below.

No	Name	Organisation
1	Gerry Lindberg	Argos Marine Survey
2	Mark Cowen	Wormald
3	Bryan Watts	Erma
4	Gareth Boniface	
5	Geoff Keir	Wormald
6	Bill Maddick	Maddick Marine Surveys
7	Andrew Conway	Chubb Fire & Services
8	Daryl Brown	Amerex Fire Pacific NZ
9	Glenn Williams	Wormald New Zealand
10	Jean Reynolds	Survey Nelson
11	Tony Kilworth	Wormald New Zealand
12	Alan Anderson	Fire Corp Industries New Zealand
13	Darren Guard	Marine Safety Solutions
14	Gary Levy	Division of Aotearoa Fisheries Ltd
15	Gary Levy	New Zealand Rock Lobster Industry Council
16	Dennis Williams	FireSpec South
17	Dennis Palmer	
18	Stanley Palmer	Cook Strait Commercial Fisherman’s Association
19	Bob Makin	Fullers Group Ltd
20	Steve Smith	Firewatch New Zealand
21	Dave McIntosh	Owner and crew F.V. St Kathryn & Dave McInotsh
22	Maree Burnett	Assured Safety Ltd
23	Paul Cotton	Firewatch Whangarei
24	David Hipkins	Wormald
25	Alistair Coleman	Survey Bay of Plenty
26	Peter Donald	Capital Fire
27	Private	
28	Rob Thexton	CharterLink
29	Hugh Munro	Plunket & Falconer
30	Tom Baker	
31	Greg Lykles	Firewatch North Taranaki
32	Madeline Mitchell	Insurance Council of New Zealand
33	Peter Hughes	Aon New Zealand
34	Brett Neilsen	Actron Fire Services