

# Maritime Transport (Class Exemption — Angle of $GZ_{max}$ for Fishing Ships) Notice 2022

Pursuant to section 40AA(1)(b) of the Maritime Transport Act 1994, the Director of Maritime New Zealand, being satisfied of the matters set out in section 40AA(2) of that Act, gives the following notice.

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## Notice

### 1. Title

This notice is the Maritime Transport (Class Exemption — Angle of  $GZ_{max}$  for Fishing Ships) Notice 2022.

### 2. Commencement

This notice comes into force on 9 December 2022.

### 3. Interpretation

(1) In this notice, unless the context otherwise requires,—

**Act** means the Maritime Transport Act 1994

**Fishing ship** means a ship to which the Rules apply in accordance with rule 40D.3

**IMO** means the International Maritime Organization

**IS Code** means the International Code on Intact Stability, 2008, adopted by *IMO Resolution MSC.267(85)*

**Rules** means Maritime Rules *Part 40D: Design, Construction and Equipment – Fishing Ships*

(2) Any term or expression that is defined in the Act or the rules and used, but not defined, in this notice has the same meaning as in the Act or the rules.

#### 4. Exemption for the Angle of $GZ_{max}$ for Fishing Ships

- (1) The class of ship described in subclause (2) is exempt from the requirement specified in rule 40D.34(1) of the Maritime Rules, *Part 40D: Design, Construction and Equipment – Fishing Ships*, to the extent that it requires a ship to comply with the criteria in rule 40D.33(4)(c)(iv).
- (2) The class is any post-27 May 2004 ship that is a fishing ship of 12 metres or more in length, but less than 24 metres in length, that does not proceed beyond offshore limits, and that does not engage in purse seining or forms of fishing using heavy towed gear.
- (3) Every surveyor of a ship of the class specified in subclause (2) who, in accordance with rule 40D.34(4)(b), is required to confirm a ship's compliance with rule 40D.33(4)(c), is exempted from the requirement to confirm compliance with the requirements in rule 40D.33(4)(c)(iv), provided that the surveyor confirms that the ship complies with the conditions set out in clause 5 of this notice.

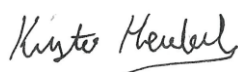
#### 5. Conditions of Exemption in Clause 4

- (1) The exemptions in clause 4 are granted subject to the conditions set out in subclauses (2) and (3).
- (2) The ship's stability must have been assessed and deemed appropriate by a Recognised Surveyor (Design Approval) holding appropriate recognition.
- (3) The statical stability curve (GZ curve) of the ship must comply with the following criteria:
  - (a) except as provided in subclause (b), the maximum righting lever ( $GZ_{max}$ ) must occur at an angle of heel preferably exceeding  $30^\circ$ , but not less than  $25^\circ$ ; and
  - (b) if the ship has a hull form that results in the  $GZ_{max}$  occurring at an angle of heel less than  $25^\circ$ , but not less than  $15^\circ$ , this may be accepted by a Recognised Surveyor (Design Approval) provided that the area under the GZ curve up to the angle at which the  $GZ_{max}$  occurs is not less than:
$$0.055 + 0.001 (30 - \theta_{max}) \text{ metre-radians}$$
where:  $\theta_{max}$  is the angle of heel at which the righting lever curve reaches its maximum ( $^\circ$ ).

#### 6. Expiry of Exemption

- (1) The exemptions in clause 4 expire on the sooner of:
  - (a) the date that the exemptions in clause 4 are replaced or revoked; or
  - (b) 1 December 2027.

Dated at Wellington this 6<sup>th</sup> of December 2022



**Kirstie Hewlett**  
Chief Executive/Director  
Maritime New Zealand | Nō te rere moana Aotearoa

## Statement of Reasons

This notice exempts a class of ship from compliance with specified requirements in Maritime Rules, *Part 40D Design, Construction and Equipment – Fishing Ships* made under the Act (see section 40AA(1)(b)). It further exempts surveyors who survey ships of that class from being required to confirm that the ship complies with the requirements specified in rule 40D.33(4)(c)(iv) in relation to the minimum angle of heel at  $GZ_{max}$ , provided they can confirm the ship's compliance with the conditions of clause 5 of this notice.

### General provisions relating to the exemptions

The exemptions in clause 4 of this notice relate to rules 40D.34(1), 40D.34(4)(b) and 40D.33(4)(c)(iv)

Rule 40D.34(1) requires post-27 May 2004 fishing ships of 12 metres or more, but less than 24 metres, in length to comply with the intact stability requirements prescribed in subrules (2) to (5). This includes rule 40D.34(4)(b), which refers to the standard set out in rule 40D.33(4)(c)(vi), for fishing ships of 24 metres or more in length. Rule 40D.33(4)(c)(vi) requires  $GZ_{max}$  to occur at an angle of heel preferably exceeding  $30^\circ$ , but not less than  $25^\circ$ . This is in line with the *IS Code, Part A, Chapter 2, paragraph 2.2.3*, which provides: "*The maximum righting lever shall occur at an angle of heel of not less than  $25^\circ$* ". This criterion is referred to in Part B of the IS Code as the recommended design criteria for fishing ships of 24 metres or more in length. Paragraph 2.2.3 goes on to afford some flexibility to by stating: "*...If this is not practicable, alternative criteria, based on an equivalent level of safety, may be applied subject to the approval of the Administration.*"

In the IMO guidance (*MSC.1/Circular.1281, Explanatory Notes to the International Code on Intact Stability, adopted 9 December 2008*), the IMO acknowledges that "*for certain ships the requirement contained in paragraph 2.2.3 of Part A of the Code may not be practicable*". This IMO guidance provides a prescriptive alternative to paragraph 2.2.3 of Part A of the IS Code, which is technically identical to the condition contained in clause 5(b) of this notice (and Maritime Rules 40A, Appendix 1.2(7)(e) and 40C, Appendix 1.2(8)(e)).

In respect of the requirements specified in maritime rules 40D.34(1), 40D.34(4)(b), and 40D.33(4)(c)(iv), the exemptions will apply to the class of ship specified in clause 4(2) of this notice and every surveyor, as specified in clause 4(3), who surveys that class ship.

The exemptions come into force on 9 December 2022 and will expire in accordance with the provisions of clause 6.

### Director may grant exemptions from maritime rules

The Director of Maritime New Zealand, being satisfied as to the matters set out in section 40AA of the Act, thinks it appropriate to grant the class exemption because:

- The rules are directed at fishing ships undertaking trawling, dredging, or long-lining, which are activities with significant external loading that affect stability. Some fishing ships not engaging in these activities (such as cray fishing):
  - (a) are not capable of meeting the rule's  $25^\circ$  minimum requirement due to traditional hull form designs for such vessels; and
  - (b) do not need to do so as their loading condition and required stability capability are considered similar to those encountered by a passenger ship or a non-passenger ship. For these fishing ships, compliance with

stability requirements in Rule Parts 40A and 40C is considered an appropriate alternative.

The Director is further satisfied that the exemption meets the criteria in section 40AA(2) of the Act and conditions are appropriate as:

- **No international convention requirements:** the requirements are purely domestic requirements that do not implement any international conventions. Therefore granting the exemptions will not breach New Zealand's obligations under any convention (section 40AA(2)(a)).
- **One of the criteria in section 40AA(2)(b) applies:**
  - *(iii) the requirement is clearly unreasonable or inappropriate in this particular case*
  - the stability criteria in Rules Parts 40A and 40C are considered an appropriate alternative for the fishing ships of the class described in clause 4(2). This is due to the traditional hull form designs, plus the loading condition and required stability capability which are considered similar to those encountered by a passenger ship or a non-passenger ship;
  - further, if the specified class of ship are exempt from meeting the rule requirements, then it is inappropriate to require surveyors to confirm that those ships that they are surveying comply with the criteria specified in the rules (section 40AA(2)(b)(iii)).
- **Risk of harm to the marine environment:** there are no specific or unique environmental risks related to the angle of  $GZ_{max}$  for fishing ships. Therefore the granting of the exemption will not significantly increase risk of harm to the marine environment (section 40AA(2)(c)).
- **Risk to safety:** the alternative approach provided for in the conditions meet the intent of the rules and provide assurance that appropriate stability criteria will be applied to fishing ships that do not engage in purse seining or forms of fishing using heavy towed gear. Therefore granting the exemption will not significantly increase risk to safety (section 40AA(2)(d)).