

Part 3A: Lifting Appliances, Loose Gear and Working Gear

Proposal Summary for Consultation

This document is part of a series of documents to support consultation on changes to the existing Design, Construction and Equipment rules (the DCE rules). Other documents that form part of the consultation package include:

- *Invitation to comment* - An overview of the consultation package and summary of the proposals, including information on how to have your say on the proposals.
- *Proposal summaries* - Details of the proposed changes for each of the four Rule topics being consulted on in this package: Navigation Systems and Equipment, Lifting Appliances, Loose Gear and Working Gear, Accommodation, Escape, Accessibility and Personal Safety and Survey and Certification. This document is the proposal summary for Lifting Appliances, Loose Gear and Working Gear.
- *Draft Maritime Rules and draft Maritime Transport Instruments (MTIs)* – a set of rules and MTIs for each of the four Rule topics.
- A template to support preparation of your submission.

These documents, and other supporting information, can be accessed at

<https://www.maritimenz.govt.nz/about-us/consultations/dce-40-series-package-3>

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Purpose of this document

1. Maritime NZ is proposing significant reform of the Maritime Rules for vessel design, construction and equipment (the DCE Rules).
2. This document provides the detailed analysis of the proposed new Lifting Appliance, Loose Gear and Working Gear Rules and Maritime Transport Instrument (MTI). It explains our understanding of the issues and current situation (the 'status quo') under the present rules and sets out the analysis and rationale behind the proposed changes. Any potential impacts we have identified from the proposed amendments are also described. This information is intended to meet the Government's Regulatory Impact Analysis requirements.
3. This document should be read in combination with the Overview of the Consultation package (Invitation to Comment) that is available on Maritime NZ's website at <https://www.maritimenz.govt.nz/about-us/consultations/dce-40-series-package-3>

The word 'ship' is used in the Maritime Transport Act 1994 and the proposed Rules and MTIs. This term is used to refer to any kind of boat or craft and does not refer to a craft of a specific size. For the avoidance of doubt, the terms vessel, ship and boat can be used interchangeably. This document uses the term 'vessel'.

Introduction to Lifting Appliances, Loose Gear and Working Gear

4. Incidents involving lifting appliances, loose gear and working gear occur from time to time and can cause serious harm. This equipment often has no back-up systems and, if it is not properly maintained, can fail at a single point.
5. The proposed new Lifting Appliances, Loose Gear and Working Gear Rules are intended to reduce the risk of equipment failure and injury onboard vessels. They would do this by requiring all lifting appliances, loose gear and working gear to be safe, properly maintained, and regularly tested, examined and inspected.
6. Maritime Rule Part 49 (Part 49) sets requirements for the testing, examination and inspection of cargo-handling lifting appliances and loose cargo gear. It also requires the master of a vessel to:
 - ensure every lifting appliance and item of loose cargo gear is marked with its safe working load (SWL) and regularly proof load tested; and
 - keep a register of equipment, a rigging plan, and certificates of test for lifting appliances and loose cargo gear.
7. Maritime Rule Part 40D (Part 40D) sets design, construction and equipment requirements for fishing vessels, including winches and other lifting equipment (rule 40D.67). It requires the owner of a fishing vessel to:
 - ensure every lifting appliance and item of loose cargo gear is proof load tested and marked with its SWL before it enters service or after substantial repairs; and

- maintain lifting appliances and their associated working gear in good condition.
- 8. Part 40D also includes specific safety design requirements for winches and working gear.
- 9. Maritime Rule Part 40A (Part 40A) sets design, construction and equipment requirements for Non-SOLAS (Safety of Life at Sea) ships which includes provision for lifting appliances that lift lifesaving appliances.
- 10. The current rules are based on the International Labour Organisation's Occupational Safety and Health (Dock Safety) Convention 1979, No. 152, and are intended to help ensure lifting appliances remain safe and in good working order.

Reasons change is needed

11. The current rules for lifting appliances, loose gear and working gear under Part 49 and Part 40D work well for larger vessels. Most of these requirements would be carried over into the proposed new rules. The main changes would clarify what is required and standardise testing, examination and inspection to improve safety.
12. The examination requirements in Part 49 are designed for large vessels with appliances that lift heavy cargo, often several tonnes. They are not well suited to small vessels lifting much lighter loads. While exact numbers are difficult to confirm, New Zealand's domestic commercial fleet is estimated to include several hundred open vessels with small lifting appliances rated below 300 kg.
13. A class exemption currently allows these vessels to operate without meeting the full Part 49 requirements for lifting appliances, which apply the same standard regardless of the appliance's size or complexity. This exemption does not appear to have increased incidents and seems to be working well. Instead of repeatedly renewing the exemption, we propose to introduce less onerous rules for smaller vessel lifting appliances and loose gear aligned to the existing class exemption.
14. There is also uncertainty about the scope of the current rules and what is covered by testing, examination and inspection requirements. Similar lifting devices may be examined, tested and inspected on one vessel, but not on another vessel carrying out a comparable operation. This means the rules are being applied inconsistently across the country.
15. It is not always clear about which rules should apply to lifting devices used for scientific activities, mooring line inspection, offloading and loading of aquaculture product, and marine farm inspection of lines, nets and backbones.
16. Some lifting devices currently tested under Part 49 do not clearly fit the definition of cargo, even though the policy intent is that all lifting appliances on New Zealand vessels should be covered by the lifting appliance rules. They also do not clearly fall within the Part 40D fishing vessel rules. Examples include:
 - Aquaculture vessels, particularly line-lifting gantries and davits used for shellfish backbone inspection
 - Mooring maintenance vessels
 - Survey and science vessels deploying items such as weather buoys

- MPI fisheries surveillance vessels using craypot lifting davits.
17. Many of these lifting devices are already being proof load tested in line with the Part 49 lifting appliance rules. This appears to reflect how most surveyors are currently applying the rules.
 18. Requirements for lifting appliances also appear in Part 42A for life-saving appliances. This means the current rules are spread across three rule parts — Part 49, Part 40D and Part 42A — making it unclear how the requirements fit together and which rules apply in different situations.
 19. There have also been changes to comparable international standards and guidance for working gear, associated loose gear and steel wire rope. As a result, aspects of the current rules no longer align well with current international approaches to maintenance, testing, examination, inspection and record keeping.

Summary of proposed changes

20. Requirements in Part 49 and Part 40D for lifting appliances, loose gear and working gear would carry over into the new rules mostly unchanged. In most cases, any wording changes would not change the effect of the requirements. The Safety of Life at Sea (SOLAS) Convention and Cape Town vessels would be covered in separate rule parts.
21. The proposed changes to the current lifting appliance, loose gear and working gear rules are based on risk and aimed at clarifying, simplifying and aligning the current rules, and include;
 - ‘Small and simple’ lifting appliances below 300 kg would need a thorough examination by a competent person when first put into service, after a major alteration, and then every five years.¹ A responsible person² – a nominated crew member – would inspect them every 12 months. This change would mean class exemption EXA-702 would no longer be needed³.
 - The rules would set out more clearly what surveyors need to check when inspecting lifting appliances, loose gear and working gear (appendix 6 of the Survey rules Part 1A).
 - More detailed requirements for maintaining and inspecting steel wire rope would be required before use. This would apply to all steel wire rope used with loose gear and working gear.
 - New standards for wire rope maintenance would cover checks for general wear, mechanical damage, and movement out of normal operating position. They would also

¹ The operator would need to ensure that, at least once every 5 years every lifting appliance on the ship is re-tested and subject to thorough examination by a competent person. A competent person is an independent specialist from a classification society or testing company who is recognised by the Director of Maritime NZ. Note that some surveyors are also recognised as a competent person.

² A responsible person is a member of crew who the Master considers competent to undertake inspections, or is the Master.

³ Issues with stability in relation to open or decked vessels will be covered under the stability rules to be consulted as part of a different rule chapter.

require operators to follow the manufacturer's care and maintenance instructions or, if these are not available, at least meet ISO 4309:2017⁴.

- New requirements for a responsible person to regularly inspect working gear, including wire rope, on fishing vessels. If a problem is found, a competent person would need to examine the gear and confirm that it has been properly repaired. Records of these problems and examinations would need to be kept.
 - Clarification of the requirements for lifting appliances used to offload fish catch from fishing vessels and to load or offload aquaculture products, such as fish, shellfish or seaweed, from marine farming vessels.
 - Clarification and confirmation of current practice that vessels used for scientific research, marine surveying, seabed investigation, and the deployment, recovery or maintenance of scientific equipment and moorings are subject to the working gear rules.
 - Clarification of the rules for aquaculture vessels that use lifting devices to inspect marine farming lines, nets and shellfish backbones. Lifting devices used for these inspection activities would fall under the working gear rules for fishing vessels. Lifting devices used to load or offload fish or shellfish from aquaculture vessels are subject to the lifting appliance and loose gear rules.
 - The changes proposed acknowledge that tenders (not being used as a lifesaving craft) and submersibles being launched or retrieved using lifting apparatus with people onboard are high risk activities where the consequence of failure is high. These types of lifting devices are used for higher risk types of activities and should be subject to the lifting appliances and loose gear rules. Consequential changes to definitions would clarify the scope of the rules and how they apply. Some definitions would be updated. This would make it clearer which rules apply to different types of lifting devices, gear, vessels and operations. The intention is that all lifting appliances, loose gear and working gear on board vessels would be covered by the proposed rules.
22. The proposed rules would consolidate lifting equipment requirements currently spread across Parts 49, 40D and 42A into a clearer, risk-based framework that identifies which requirements apply to lifting appliances, loose gear and working gear under the current and proposed rules in the following way;

⁴ ISO 4309:2017 — Cranes — Wire ropes — Care and maintenance, inspection and discard.

Table 1: Risk-based framework for lifting devices

Risk Level	Category	Includes	Current Rules	Proposed rules
High	Lifesaving Lifting Appliances (SOLAS)	Survival craft handling – includes lowering and retrieval of people and heavy weight in emergency situations. Consequences of failure are high and can include loss of life and serious injury.	Part 42A	Part 3H
High - Medium	Lifting Appliances and Loose Gear	Cargo, aquaculture products being unloaded, lifting vessels with people onboard (i.e. tenders, submersibles) - includes lowering and retrieval of people and heavy weight. However, while consequences can also include loss of life and serious injury, the activity is more routine, and part of everyday operations so are considered less risky than when similar lowering occurs during an emergency.	Part 49	Part 3A
Low-Medium	Working Gear	Fishing, aquaculture inspections, moorings, scientific equipment. Activities do not include lowering and retrieving people and activity is more routine, and part of everyday operations so are considered less risky.	Part 40D (fishing)	Part 3A

23. The main changes proposed in the draft Lifting Appliance, Loose Gear and Working Gear Rules and MTI are outlined below under the following five headings.

- Proposal 1: Reduced examination requirements for ‘small and simple’ lifting appliances that are non-luffing, non-extendable lifting appliances with a SWL under 300 kg.
- Proposal 2: Clarifying survey requirements for lifting appliances, loose gear and working gear.
- Proposal 3: More detailed requirements for maintenance and inspection of steel wire rope.
- Proposal 4: Requirements for testing, examination, inspection and record keeping for working gear and lifting appliances on fishing and marine farming vessels.
- Proposal 5: Clarifying requirements for undertaking inspection, maintenance and deployment, retrieval activities using a lifting device.

24. Lifting appliances on SOLAS ships will be covered by the new Part 2A and the new Rule Part 3A would apply only to non-SOLAS vessels.⁵ The International Maritime

⁵ The new Part 2A is still being developed. Consultation on this rule part is expected in 2027.

Organisation has recently agreed changes to SOLAS that introduce new ongoing safety requirements for lifting appliances and anchor-handling winches on SOLAS vessels. Part 49 currently applies to foreign cargo vessels operating in New Zealand ports, as well as domestic vessels, including SOLAS vessels.

Implementation

25. The Rule Part and MTI that will implement this proposal are:

- Part 3A: Maritime (Design, Construction and Equipment – Lifting Appliances, Loose Gear and Working Gear) Rules [year]
- Maritime Transport (Lifting Appliances, Loose Gear and Working Gear) Instrument [year].

Timing/Commencement Date

26. Changes will take effect on commencement of Part 3A: Maritime (Design, Construction and Equipment – Lifting Appliances, Loose Gear and Working Gear) Rules. Timing for the commencement date is currently mid-late 2028.

Products envisaged to support implementation

27. Maritime NZ will provide a short guide for the sector explaining the changes introduced by the new Lifting Appliances, Loose Gear and Working Gear Rules.

What do the changes mean for my vessel/ship/boat?

28. A 'snapshot' of the main proposed changes in the Lifting Appliances, Loose Gear and Working Gear Rules is included in Appendix 1 to this document.
29. A summary of the systems and equipment needed for each category of vessels is provided in Appendix 2 to this document.

Please note that this document sets out the main changes that are proposed but does not include all changes that may have an impact on a vessel or operation. Therefore, we strongly recommend you also refer to both the draft rules and MTI.

Proposal 1: Reduced examination requirements for “small and simple” lifting appliances

What we are proposing
Non-luffing and non-extendable lifting appliances with a SWL of less than 300 kg (‘small and simple’ lifting appliances) would require annual inspection to be undertaken by a responsible member of the crew appointed by the master, rather than an examination by a competent person. A competent person would still be required to undertake an examination when the appliance is first put into service or undergoes a major alteration, and then every 5 years⁶. This change would formalise the approach in class exemption EXA-702, which would no longer be required. However, a key difference is that EXA-702 only applies to small lifting appliances on open boats⁷, while this proposal would apply to a wide range of decked and open vessels.
Current environment and rationale for change
Currently, Part 49 requires annual third-party inspections for all lifting appliances, regardless of their size and risk profile. These rules are based on international requirements and are appropriate for large vessels with appliances that lift many tonnes. However, requirements exceed what is required for small appliances that lift loads of only a few hundred kilograms, given their different level of risk. Compared to large cargo cranes, lifting appliances on small vessels are smaller, less complex and have fewer moving parts that can fail. Smaller appliances are more straightforward to examine and can be inspected by a responsible member of crew without the same level of expertise as a competent person. The 300 kg threshold is based on previous exemptions and reflects technical views about the likely level of risk posed by appliances lifting small loads. Non-luffing and non-extendable lifting appliances with a SWL under 300 kg are more straightforward to examine and have fewer moving parts than larger, more complex cargo cranes. Therefore, they should not require the same frequency of third-party examination as larger appliances.

⁶ The operator would need to ensure that, at least once every 5 years every lifting appliance on the ship is re-tested and subject to thorough examination by a competent person. A competent person is an independent specialist from a classification society or testing company who is recognised by the Director of Maritime NZ. Note that some surveyors are also recognised as a competent person.

⁷ Issues with stability in relation to open or decked vessels will be covered under the stability rules to be consulted as part of a different rule chapter.

Impact of the proposed change	
The proposal would reduce the costs of examinations by a competent person for operators of vessels that are not an open boat and that have a small lifting appliance, not subject to an exemption. It would provide certainty for operators currently relying on class exemption EXA-702. Survey costs could increase, depending on how individual surveyors conduct their surveys, however our research suggests many surveyors are already doing these inspections and the change is just a clarification of current practice This is discussed in Proposal 2.	
Options analysis	
Three options were considered: Option 1: (Status quo). The rules require all lifting appliances to be examined annually and 5-yearly by a competent person. A class exemption reduces these requirements for small and simple lifting appliances on open boats. Option 2: Small and simple lifting appliances would not require annual examination but would require a 5-yearly examination by a competent person. Option 3: (Preferred option). Small and simple lifting appliances on most vessels would require annual inspection by a responsible person and 5-yearly examination by a competent person.	
How do the options compare against the status quo	
The following criteria have been used to assess the alternative option. Refer to Table 2 for an assessment against these criteria.	
<i>The changes provide flexible and adaptive regulation:</i>	Option 3 would provide adaptive regulation by incorporating the requirements of class exemption EXA 720 into the rules and extending these requirements to a wider range of vessels.
<i>Rules are clear and easier to understand and apply:</i>	Options 2 and 3 would clarify what is required and are easier to understand and apply compared to the current rules.
<i>Maritime safety is maintained or enhanced:</i>	The current examination requirements set in rules are unnecessarily high for small and simple lifting appliances, relative to the risk they pose. Maritime safety would still be maintained under Option 3, as responsible persons would inspect these appliances annually and a competent person would conduct an examination every five-years. Option 2 would provide a lower level of safety compared to Option 3, as there would be less oversight of the lifting appliance and only five yearly competent persons examinations.

Changes are practical and economically viable:

Both Options 2 and 3 would reduce costs for operators with small and simple lifting appliances. While Option 3 does require more inspections to occur, they can be carried out by the master or a crew member, and these should not be costly or onerous.

Table 2: Comparing options for small and simple lifting appliances against the status quo.

	1. Status Quo. Annual examinations by a competent person	2: 5-yearly examination by a competent person	3. Annual inspection by a responsible person and 5-yearly examination by a competent person
Provides flexible and adaptive regulation	0	++	++
Rules that are clear and easier to understand and apply	0	+	+
Maritime safety is maintained or enhanced	0	+	++
Changes are practical and economically viable	0	++	++
Overall assessment	0	+	++

Key for qualitative judgements:

- ++ Much better than doing nothing/the status quo/counterfactual
- + Better than doing nothing/the status quo/counterfactual
- 0 About the same as doing nothing/the status quo/counterfactual
- Worse than doing nothing/the status quo/counterfactual
- Much worse than doing nothing/the status quo/counterfactual

Preferred option

Option 3 is the preferred option as this strikes a balance between increased costs and the level of safety. It would ensure that lifting appliances on small vessels are regularly checked by a responsible person, while a competent person would carry out a thorough examination when the appliance first enters service, after a major modification and every 5 years.

What are the marginal costs and benefits of the preferred option?

For operators of vessels that are not an open boat, the cost of examinations for lifting appliances would permanently reduce. For operators relying on class exemption EXA-702 the direct costs would be neutral, but the rule change would provide more on-going certainty compared to the exemption.

Marginal costs and benefits are discussed in the table below.

Table 3: Marginal costs and benefits of the preferred option

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Vessel owners, operators and surveyors	A responsible person would need to inspect a lifting appliance every 12 months. This is thought to be happening already so is unlikely to be onerous and as it can be the master or crew member it should not be costly.	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Vessel owners and operators	Vessels that are not an open boat: The cost of examinations would permanently reduce. Open boat: No change in direct costs, but the rule change would provide more on-going certainty compared to the exemption.	Medium	High

Question:

- L 1.1 Do you agree with the proposed change to allow lifting appliances, that are 'small and simple' (non-luffing and non-extendable with a SWL less than 300 kg), to be inspected annually by a responsible person, and examined 5-yearly, rather than annually by a competent person?

[Answers: Strongly agree; Agree; Neutral; Disagree; Strongly Disagree; No comment]

Why/why not?

- L 1.2 Are there any types of lifting appliances under 300 kg that you think should still require annual examination by a competent person? Please explain.

[Answers: Yes; No; Don't Know; No comment]

Please explain your answer.

Proposal 2: Clarifying survey requirements for lifting appliances, loose gear and working gear

What we are proposing

We are proposing to include more detail in the rules about what surveyors would need to look at when they survey a vessel with a lifting appliance, loose gear or working gear. These requirements would be included in appendix 6 of the draft new Survey and Certification Rules, which are also being consulted on as part of the Package 3 consultation.

For lifting appliances, loose gear and working gear the surveyor would be required to:

- verify that all examinations and tests have been undertaken by a competent person
- verify that a responsible person has undertaken all the required inspections.
- Examinations have been recorded in the register of equipment, and the register of equipment is maintained.
- The remedy of any defect identified to the satisfaction of a competent person.
- verify that the necessary documentation and certification have been completed
- check the Safe Working Loads of lifting appliance and working gear are marked or documented

In addition, for working gear the surveyor would be required to:

- inspect the equipment's function, including the following critical safety settings and that for any other safety systems in place the equipment works as intended; and it can be stopped in an emergency
- inspect the equipment and working gears' condition, including fixings to the deck or structure, for corrosion, rust, cracks, damage, undue wear and tear or modifications that may impact safety
- inspect wire and fibre ropes for wear, broken wires, corrosion, deformation, damage and that it is suitable for its intended use (for example provides minimal stretch)
- check the operator's maintenance manual and register of equipment for the lifting appliance, loose gear and working gear, to ensure they are kept in good working order
- check that any issues identified in the register of equipment have been remedied to the satisfaction of competent person.

Status quo and rationale for change

Under the current rules, surveyor requirements for lifting appliances, loose gear and working gear are not clearly outlined. The rules in Part 49 are well understood for heavy cargo lifting appliances on larger ships. However, there has been confusion about what requirements apply to lifting devices such as telescopic boom cranes on marine farming vessels, aquaculture inspection, scientific equipment deployment and retrieval, mooring line maintenance and

inspection and lifting devices and hauling gear on fishing vessels (discussed in proposals 4 and 5 below). Some surveyors have advised Maritime NZ that they check these items as part of their survey. Others have advised that they think this work falls outside their responsibilities.

Impact of the proposed change

This proposal is designed to clarify survey requirements, support consistent survey practice and improve safety. The impacts will vary. Operators who engage surveyors who already include the proposed checks as part of their survey are unlikely to notice any changes. Other operators may be asked to pay higher survey fees because their surveyors do not currently check lifting appliances, loose gear and working gear as part of their survey, and the survey may now take longer. It is possible that some surveyors may not feel comfortable checking lifting appliances, loose gear or working gear and may ask the operator to engage a competent person instead.

Options analysis

The following two options were considered:

Option 1: (Status quo). Inconsistent application of the rules and testing, examination and inspection requirements, confusion about what applies and what surveyors should be checking.

Option 2: (Preferred option). New survey rules that set out what a surveyor needs to check as part of a survey for lifting appliances, loose gear and working gear.

How does the preferred option compare against the status quo

The following criteria have been used to assess the alternative option. Refer to Table 4 for an assessment against these criteria.

<i>The changes provide flexible and adaptive regulation:</i>	Option 2 introduces clearer requirements for the survey of lifting appliances, loose gear and working gear as part of a systems approach to ensuring that this equipment receives appropriate checks.
<i>Rules are clear and easier to understand and apply:</i>	Option 2 clarified requirements will allow for greater understanding by both surveyors and vessel operators.
<i>Maritime safety is maintained or enhanced:</i>	Option 2 clarified surveyor responsibilities are part of a systems approach that will help to maintain or enhance the safety of lifting appliances, loose gear and working gear.
<i>Changes are practical and economically viable:</i>	Option 2 balances reducing the risk of harm with the costs of making improvements to safety by strengthening the existing oversight regime, while not duplicating any existing requirements.

Table 4: Comparing options for clarifying survey requirements for lifting appliances, loose gear and working gear against the status quo.

	1. Status Quo	2: Surveyor oversight clarified for lifting appliances, loose gear and working gear.
Provides flexible and adaptive regulation	0	+
Rules that are clear and easier to understand and apply	0	++
Maritime safety is maintained or enhanced	+	++
Changes are practical and economically viable	0	+
Overall assessment	0	++

Key for qualitative judgements:

- ++ Much better than doing nothing/the status quo/counterfactual
- + Better than doing nothing/the status quo/counterfactual
- 0 About the same as doing nothing/the status quo/counterfactual
- Worse than doing nothing/the status quo/counterfactual
- Much worse than doing nothing/the status quo/counterfactual

Preferred option
Option 2 is the preferred option – changes codify existing practice, make surveyor checks consistent and ensure safety is being maintained.
What are the marginal costs and benefits of the preferred option?
In most cases the cost of surveyors ensuring the examination, testing and inspection requirements are being met, will be neutral as these types of checks are already occurring. There may be a marginal cost of surveyors and vessel operators getting up to speed with the new rules. However, where the surveyor has not been checking lifting appliances, loose gear and working gear as part of the survey there could be a modest increase in surveyor time required to complete the survey. We are aware that some surveyors may not be comfortable checking lifting appliances, loose gear and working gear and where this is the case may recommend operators employ competent persons to undertake the checks at an extra cost. Marginal costs and benefits are discussed in the table below.

Table 5: Marginal costs and benefits of the preferred option

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Vessel owners, operators and surveyors	More certainty as to what requires surveyor oversight.	Low	Medium
Crew and passengers	Greater certainty that lifting appliances, loose gear and working gear are safe.	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Vessel owners and operators	Many already have surveyor oversight and can continue to occur as part of the survey schedule. Where the surveyor has not been checking lifting appliances, loose gear and working gear as part of the survey there will be a modest increase in surveyor time required to complete the survey. Where surveyors may not be comfortable checking lifting appliances, loose gear and working gear, they may recommend operators employ competent persons to undertake the checks at an extra cost to the operator.	Medium	Medium

Questions:

- L 2.1 Do you agree with better defining surveyor oversight requirements for lifting appliance, loose gear and working gear?

[Answers: Strongly agree; Agree; Neutral; Disagree; Strongly Disagree; No comment]

Why/why not?

- L 2.2 Are any of the proposed survey checks unclear, unnecessary, or missing? Please provide examples (see what we are proposing in the section above).

[Answers: Yes; No; Don't Know; No comment]

Please explain your answer.

Proposal 3: More detailed requirements for maintenance and inspection of steel wire rope

What we are proposing

For all loose gear and working gear a responsible person⁸ would need to visually inspect steel wire rope for signs of significant wear or failure before it is used. They would need to ensure that:

- the rope is checked for any signs of general deterioration or mechanical damage, including at all points where it is attached to the lifting appliance or working gear; and
- the rope remains correctly positioned in its normal operating path and that it is properly seated on the drum and runs correctly over the sheave.

While this is already a requirement for loose gear that lift cargo, the requirement would now also apply to steel wire ropes used in working gear on fishing vessels, which would be a new requirement. This is discussed in more detail in Proposal 4.

We are proposing more detailed standards for the maintenance and inspection of steel wire ropes used in association with loose gear and working gear.

Steel wire rope would need to be cared for, maintained, inspected, and discarded in accordance with new standards. If the manufacturer does not provide specifications, then inspection and maintenance would need to be done in accordance with the standard *ISO 4309:2017: Cranes – Wire ropes – care and maintenance, inspection, and discard*.

Following inspection, the responsible person would need to record steel wire rope that is found to be unsatisfactory in an equipment register.

Status quo and rationale for change

Under the current rules, loose cargo gear must be inspected by a responsible person before use. If any defects are found, then the gear may not be used until it is remedied to the satisfaction of a competent person. Loose cargo gear includes steel wire rope, but only when it is used to lift cargo. The current rules do not include similar requirements to check steel wire rope when it is used for other reasons – for example in fishing operations and is unclear for marine farming and other operations such as mooring inspection and maintenance.

Incidents periodically occur on cargo vessels where steel wire rope fails when loads are being lifted. Failure of steel wire trawl warps on fishing vessels are also known to occur. Inadequate checking and maintenance are typically the root causes of these incidents.

Although the current rules require loose cargo gear to be inspected before use, they provide little detail about how that inspection should be undertaken. Information on

⁸ A responsible person is a member of crew who the Master considers competent to undertake inspections, or the Master.

inspection and maintenance is often provided by manufacturers and suppliers of steel wire rope. If this is not available, then specifying the standard *ISO 4309:2017* will ensure that the sector knows where to find the correct information.

Impact of the proposed change

Impacts are likely to be minimal on vessels where lifting appliances are used to lift cargo, as this proposal would provide more detail on how to meet an existing inspection and maintenance requirement.

The proposal would be a change for some fishing vessels. This is discussed under Proposal 4.

Options analysis

Two options were considered:

Option 1: (Status quo). The current rules provide little detail about how inspections of steel wire rope on appliances that lift cargo should be undertaken. This option is not recommended as continuing to apply different standards across the country would perpetuate uncertainty for vessel owners.

Option 2: (Preferred option). New rules that provide more detail about inspection, care and maintenance of steel wire rope whenever it is used for loose gear or working gear.

How do the options compare against the status quo

The following criteria have been used to assess the alternative option. Refer to Table 6 for an assessment against these criteria.

<i>The changes provide flexible and adaptive regulation:</i>	Option 2 is adaptive because it codifies existing good practice for wire rope inspection.
<i>Rules are clear and easier to understand and apply:</i>	Option 2 would clarify requirements for responsible persons undertaking inspections.
<i>Maritime safety is maintained or enhanced:</i>	Option 2 provides more detailed standards to comply with that would support and enhance maritime safety.
<i>Changes are practical and economically viable:</i>	Option 2 proposed requirements are unlikely to have additional cost impacts where a vessel has an appliance that lifts cargo, as they are already required to meet similar requirements.

The proposal may add cost for some fishing vessels and other vessels where a lifting appliance is not used to lift cargo. This is discussed under Proposal 4.

Table 6: Comparing Options against the Status Quo.

	1. Status Quo	2: Clarify steel wire rope inspection requirements
Provides flexible and adaptive regulation	0	+
Rules that are clear and easier to understand and apply	0	+
Maritime safety is maintained or enhanced	0	+
Changes are practical and economically viable	0	0
Overall assessment	0	+

Key for qualitative judgements:

- ++** Much better than doing nothing/the status quo/counterfactual
- +** Better than doing nothing/the status quo/counterfactual
- 0** About the same as doing nothing/the status quo/counterfactual
- Worse than doing nothing/the status quo/counterfactual
- Much worse than doing nothing/the status quo/counterfactual

Preferred option
Option 2 – new rules that provide more detail on steel wire rope inspection and maintenance is the preferred option. It provides greater certainty for operators and direction to responsible persons undertaking inspections.
What are the marginal costs and benefits of the preferred option?
Where an appliance is used to lift cargo, the proposed new rules would codify expected practice and provide more detail about the inspection and maintenance process that is already required. The proposal would not impose a new duty on operators. Some time and attention would be required to become familiar with the new requirements, but this would be modest and should not involve direct costs. The proposal could add cost for some fishing vessels, but they are expected to be modest. This is discussed under Proposal 4.

Marginal costs and benefits are discussed in the table below.

Table 7: Marginal Costs and Benefits of the preferred option

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Vessel owners and operators and surveyors	It may take some time to become familiar with new requirements. Increased confidence that steel wire rope is safe to use.	Low	Medium
Vessel owners and operators	None for operators with lifting appliances for cargo. The proposal would clarify existing requirements and would not impose new duties on operators. The proposal could add cost for some fishing vessels, but they are expected to be modest. This is discussed under Proposal 4.	Low	High
Additional benefits of the preferred option compared to taking no action			
Vessel owners and operators	The proposal would clarify what a responsible person should look at when they inspect steel wire rope.	Low	Medium

Question:

- L 3.1 Do you agree with introducing more detailed requirements for inspecting and maintaining steel wire rope?

[Answers: Strongly agree; Agree; Neutral; Disagree; Strongly Disagree; No comment]

Why/why not?

- L 3.2 How practical would it be for crew to carry out the proposed visual inspections before use?

[Answers: Please explain your answer, don't know; No comment]

- L 3.3 Is reliance on manufacturer guidance or ISO 4309:2017 appropriate? If not, what alternative approach would you suggest?

[Answers: yes, no, don't know; No comment]

Please explain your answer.

Proposal 4: Requirements for testing, inspection, examination, inspection, and record keeping for lifting appliances and working gear on fishing and marine farming vessels

What we are proposing

The proposed new rules include new requirements for examination and inspection of working gear used in fishing operations and requirements to keep records. We are also proposing to codify existing practice for lifting appliances used for loading and unloading fish and shellfish, and shellfish backbone, line and net inspections on marine farming vessels. Proposed changes are set out below.

Examination of working gear by a competent person

The current rules are unclear and being implemented inconsistently. The predominant practice is that working gear used to catch fish in a fishing operation is examined and tested by a competent person before it is first put into use on a fishing vessel or used again after it has undergone a major alteration.

We are proposing that working gear would also need to be examined by a competent person if a responsible person or a surveyor identifies an issue with the gear. This would be a new requirement. However, it is often existing and good practice that a competent person would already provide oversight of repairs, as they are often the mechanic or engineer undertaking the repairs.

If the competent person finds defects in the working gear, it would not be able to be used until they are satisfied that the defects have been remedied. This requirement is implicit in the current rules but is not specifically stated.

Inspection of working gear by a responsible person

A responsible person would need to visually inspect all working gear for signs of significant wear or visual signs of defect before it is used. This inspection would include steel wire rope discussed in Proposal 3. The definition of working gear is broad and includes the equivalent of loose gear used in these types of operations.

If the responsible person considered that an item of working gear was unsatisfactory, it would not be able to be used until the defect was remedied to the satisfaction of a competent person.

These would all be new requirements, although they extend current requirements in rule 40D.67.

Certificates of test for working gear

Following a test and examination of working gear, the competent person would need to issue a certificate of test to the operator. This would be a new requirement, although in practice this has mostly been happening anyway and is common practice, as it is a requirement for proof load testing of lifting appliances and loose gear.

Record keeping

A competent person would need to record the results of testing and examination of working gear in a register of equipment.

The operator would need to keep the certificate of test (or a certified copy) with the register of equipment on board the ship and make it available to the Director of Maritime NZ upon request.

The responsible person would need to record in the register of equipment any item of working gear that is found to be unsatisfactory.

These would all be new requirements, although in practice the issuing of a certificate after proof load testing is common practice, as it is a requirement for proof load testing of lifting appliances and loose gear.

Clarifying how the rules would apply to lifting appliances on fishing vessels and marine farming vessels

The proposed new rules would amend the definition of “cargo” to include:

- Fishing catch when being unloaded from a fishing vessel; and
- Aquaculture product when being unloaded and loaded from a vessel.

Revising the definition of cargo in this way is intended to ensure that lifting equipment used to load or unload aquaculture product is appropriately designed and maintained. These operations involve similar processes and similar risks that apply to lifting cargo, and in both cases the lifting appliances would need to meet the same requirements. This would be a new requirement for fishing vessels. The requirement has been clarified for aquaculture vessels as the lifting appliance cargo requirements have been inconsistently applied to them.

Clarifying how the rules would apply to lifting devices used for marine farm inspection of shellfish backbones, nets and lines inspection is discussed in proposal 5 below.

Current environment and rationale for change

Incidents involving lifting appliances and working gear on small commercial vessels rarely result from a single equipment failure. Instead, they typically arise from a combination of factors, including:

- Poor equipment condition
- Design limitations
- Unsafe interaction with moving gear.

Common issues include:

- Inadequate maintenance, leading to worn or degraded components (e.g. wires, shackles, blocks)
- Equipment that is incorrectly installed or not fit-for-purpose
- Lack of safeguards or accessible emergency stop mechanisms.

These risks are often made worse by operational factors such as:

- Vessel movement causing shock loading
- Crew working within snap-back zones or load paths
- Contact with moving machinery.

As a result, incidents can lead to serious injuries, including entanglement, crush injuries, and deep cuts. In several cases, the inability to stop equipment quickly has significantly increased the severity of harm.

Overall, these incidents show that failures are usually systemic. They reflect gaps in design, maintenance, and operational practices, and can result in high-severity harm due to the forces involved in lifting and hauling operations.

The proposed rules for lifting appliances, loose gear and working gear are aimed at ensuring that they are safe and maintained in good working order.

Fishing vessels

The current rules for lifting appliances on fishing vessels are unclear.

- Part 49 sets requirements for lifting appliances
- Part 40D (Rules 40D.67(12) – (13)) sets additional requirements for lifting appliances used to load and unload fishing vessels.

However, when read together, it is not clear how these rules are intended to apply in practice. This confusion is not resolved by the current definition of “cargo”.

In practice, unloading fish occurs in a similar way to unloading cargo and the safety risks are comparable. These activities should therefore be managed under consistent requirements.

Marine farming vessels

The current lifting appliances rules in Part 49 are clear that they apply to a lifting appliance used on a marine farming vessel to lift cargo. However, these rules are confusing and have been inconsistently applied to lifting devices generally on marine farming vessels. The proposed changes would clarify the requirements.

Impact of the proposed change

We do not expect this proposal to have a significant financial impact on most fishing and marine farming vessels.

Many larger vessels and fleet operators already meet Part 49 requirements. Many smaller operators also follow similar practices as part of good operational practice. As a result, much of what is being proposed reflects what is already happening in the sector.

Smaller vessels are more likely to use shore-based cranes to unload. If they don't, they often use 'small and simple' lifting appliances to unload, which have fewer testing and maintenance requirements under the proposed rules.

There may be some additional time required for crew or the master to carry out visual inspections. If a problem is identified, repairs would need to be confirmed by a competent person. In practice, this is often the same person (such as a marine engineer or technician) who carries out the repair, so additional costs are expected to be limited.

For some vessels, there may be some costs associated with needing the issue to be confirmed as resolved by a competent person.

Requiring fishing vessels to have working gear and lifting appliances tested and examined would mean they are also meeting their duties under the Health and Safety at Work Act 2015 (HSWA).

Options analysis

Three options were considered:

Option 1: (Status quo). Current rules applying to fishing vessels are unclear, some vessels have DCE lifting appliance cargo lifting rules applied, others part 40D for fishing vessels. Minimal requirements to regularly inspect and maintain working gear used in fishing operations. No requirements to maintain records.

Option 2: (Preferred). New rules for testing, examination, inspection and maintenance requirements for working gear used in fishing operations. Records of these activities would need to be kept. The rules would clarify that lifting appliances on a fishing vessel or marine farming vessel that are used to unload and load fish / shellfish would be subject to the same requirements as other lifting appliances.

Option 3: All lifting appliances and working gear would be subject to the lifting appliance rules, including annual examination and proof load testing by a competent person and inspections before use by a responsible person. Records of these activities would need to be kept.

How do the options compare against the status quo

The following criteria have been used to assess the alternative option. Refer to Table 8 for an assessment against these criteria.

The changes provide flexible and adaptive regulation:

Options 2 and 3 would codify the current practice, tests, examination and inspections being applied to vessels. The changes can be viewed as adaptive regulation providing rules giving greater certainty to operators about what the requirements are. Likewise, in the absence of the DCE rules applying, it can be viewed as lessening the high degree of flexibility under HSWA where vessel requirements are applied to vessels on a case-by-case basis.

Rules are clear and easier to understand and apply:

Options 2 and 3 would make it clearer what tests, examinations, inspection and records would be required on fishing and marine farming vessels.

Maritime safety is maintained or enhanced:

Options 2 and 3 would help to enhance maritime safety by ongoing testing, examination, inspection and record keeping requirements for lifting appliances and working gear used in fishing and marine farming operations.

Changes are practical and economically viable:

Option 2 balances reducing the risk of harm with the costs of making improvements to safety by introducing more consistent and proportionate testing, examination, inspection and record keeping requirements for lifting appliances and working gear.

While larger vessels and fleets are already having regular examinations of their gear and costs will be minimal, smaller vessels may not be and the requirements will mean time and administrative cost increases. For some of these smaller vessels, repairs of working gear and examinations of lifting appliances which are not currently being addressed by a competent person, there will be increased cost.

Option 3 will be more costly as proof load testing would be required for small vessels as well as large.

Table 8: Comparing options of requirements for testing, examination, inspection and record keeping for working gear and lifting appliances on fishing and marine farming vessels against the status quo.

	1. Status Quo	2: Regular inspection by responsible person, competent person examination at entry, major alteration and if issues identified	3. Examination by competent person at entry, major alteration and every 12 months
Provides flexible and adaptive regulation	0	+	+
Rules that are clear and easier to understand and apply	0	+	+
Maritime safety is maintained or enhanced	0	++	++
Changes are practical and economically viable	0	++	+
Overall assessment	0	++	+

Key for qualitative judgements:

- ++ Much better than doing nothing/the status quo/counterfactual
- + Better than doing nothing/the status quo/counterfactual
- 0 About the same as doing nothing/the status quo/counterfactual
- Worse than doing nothing/the status quo/counterfactual
- Much worse than doing nothing/the status quo/counterfactual

Preferred option
Option 2 is the preferred option as it balances the need for increased safety, clarity and alignment with costs of implementation.
What are the marginal costs and benefits of the preferred option?
Allowing for a lesser test requirement for small vessels while retaining testing for larger vessels and operations balances the need for increased safety, clarity and alignment with costs of implementation.

Marginal costs and benefits are discussed in the table below.

Table 9: Marginal costs and benefits of the preferred option

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Vessel owners, operators and surveyors	It may take some time to become familiar with new requirements	Low	Medium
Vessel owners, operators and surveyors	For larger vessels and fleets that already have a competent person carry out an examination, additional costs will be minimal. Smaller vessels currently may not be having these examinations and inspections. If they are not, at a minimum, the changes mean increased time and minimal costs incurred from needing to record inspections and examinations. In addition, there is likely to be an increased cost for a competent person to approve repairs if an issue is identified by the responsible person or surveyor. New record keeping and administrative	Medium	Medium

	costs are expected to be minimal and align with good practice already being undertaken by many in the fishing and marine farming industries.		
Additional benefits of the preferred option compared to taking no action			
Vessel owners and operators	Increased certainty about requirements for testing, examination and inspection will ensure increased safety for lifting appliances and working gear.	Medium	Medium

Questions:

- L 4.1 Do you agree with the proposed requirement for regular inspection, examination, and record keeping for working gear on fishing and marine farming vessels?

[Answers: Strongly agree; Agree; Neutral; Disagree; Strongly Disagree; No comment]

Why/why not?

- L 4.2 What costs or operational impacts would these new requirements create for your vessel or business (e.g. time, training, use of competent persons)?

[Answers: Please explain your answer, Don't know, No comment]

- L 4.3 Are there any aspects of working gear (e.g. types of equipment, inspection frequency, record keeping) where the proposed requirements are unclear or impractical?

[Answers: Yes, No, Don't know, No comment]

Please explain your answer.

Proposal 5: Clarifying requirements for undertaking inspection, maintenance, deployment and retrieval activities using a lifting device

What we are proposing

We are adopting a risk-based approach to lifting appliances, loose gear, and working gear. The intent is to ensure that all relevant equipment is captured, while applying requirements in a way that is proportionate to the level of risk. The current rules contain some gaps and areas of ambiguity which has led to the rules being applied inconsistently. These changes clarify expectations and improve consistency in how the requirements are applied.

We are proposing to clarify that vessels engaged in scientific research, marine surveying, seabed investigation, and the deployment, recovery, or maintenance of scientific equipment and moorings, are subject to the working gear requirements.

We also propose to clarify the requirements in relation to aquaculture vessels that use lifts to inspect marine farming lines and nets and shellfish backbones. We propose that lifts used for inspection type activities fall under the working gear for fishing vessels rules. Whereas loading or offloading aquaculture products from aquaculture vessels will fall under cargo lifting rules (discussed in proposal 4).

The changes proposed acknowledge that tenders (not being used as a lifesaving craft) and submersibles being launched or retrieved using lifting apparatus with people onboard are high risk activities where the consequence of failure is high. Five yearly proof load testing and an annual inspection by a competent person is the most appropriate test for these higher risk types of activities.

Table 10: Risk based approach to allocating requirements to lifting devices

Lifting device used for	Proposed rule category	Rational
Scientific equipment deployment, mooring inspection and aquaculture inspection of lines, nets, or backbones	Working gear	Routine, narrow, predictable, lower-risk activity; lower proof load testing burden may be proportionate
To launch or retrieve a tender (not being used as a lifesaving craft), submersible craft, or similar craft while a person is carried in or on the craft during launch or retrieval	Lifting appliance	Higher variability, heavier/unknown loads, dynamic forces, greater consequence of failure

and for loading or offloading aquaculture product		
Lifesaving appliances	Lifesaving rules / SOLAS / LSA Code	Emergency readiness and lifesaving function justify the most prescriptive regime

Lifting appliances under 300 kg may be able to apply the requirements for small and simple lifting appliances (see Proposal 1).

Table 11: Main differences in application of the proposed rules to lifting appliances and working gear

Requirement	Lifting appliance	Working gear
Policy intent	To ensure stronger requirements apply where lifting device and activity creates a higher consequence of failure and more formal assurance is needed.	To avoid unnecessary compliance costs for lower-risk activities, while still requiring lifting device to be properly maintained and used
Proof load testing	Periodic proof load testing is required as part of ongoing assurance.	Proof load testing is required before first use and after major modification, rather than periodically.
Examination requirements	Examination by a competent person required at least once every 12 months, unless qualifies for less than 300 kg exemption. Defects must be remedied to satisfaction of a competent person.	Competent person examination before first use, after major modification, and if a responsible person identifies an issue during an inspection.
Inspection requirements	None (because annual proof load testing and examination)	Responsible person inspection each time before lifting device is used.

Current environment and rationale for change

While the application of the current Part 49 lifting rules is “every lifting appliance on a New Zealand ship” the rules are not clear about lifting devices used in operations that don’t neatly fit into either fishing or cargo lifting device definitions. Examples include:

- Aquaculture vessels using lifting devices such as line lifting gantries and davits used for shellfish backbone inspection
- Mooring maintenance vessels lifting moorings for inspection, repair and installation

- Survey or research vessels deploying or retrieving items like weather buoys or seabed sampling gear
- Fisheries surveillance vessels using davits to lift craypots.

Whether Part 49 applies or not is unclear which in practice has led to inconsistent interpretation and application. Often, lifting devices used for these activities have been treated as cargo lifting appliances and have been subject to proof load testing, examination and inspection in line with Part 49.

Lifting devices used to inspect shellfish backbones, aquaculture nets and lines have been sometimes treated as either fishing lifting appliances under Part 40D or cargo lifting appliances under Part 49. Many of these types of operations have also been subject to the less than 300 kg proof load testing class exemption.

The current Part 42A lifesaving rules provide a specific and prescriptive maintenance regime for davits used to launch lifesaving appliances, based on SOLAS and the LSA Code requirement. Those requirements reflect the emergency function of lifesaving equipment and include regular, proof load testing, examination, inspection, maintenance instructions and record-keeping. This means the current rules are spread across three rule parts – Part 49, Part 40D and Part 42A – making it unclear how the requirements fit together and which rules apply in different situations.

The Part 49 Lifting Appliance and Part 40D fishing rules do not clearly explain how they apply to davits, gantries or other types of lifting devices used for non-lifesaving purposes. This can create uncertainty and similar lifting device arrangements have been treated differently depending on their use. It is also not clear which rules would apply to tenders (not being used as a lifesaving craft), and submersibles being launched or retrieved using lifting devices.

Impact of the proposed change

A risk-based approach has been applied to the allocation of requirements for lifting devices. It treats most operational lifts devices, including davits and gantries, as working gear where they are used for ordinary vessel operations, including mooring handling, scientific deployment or recovery, fishing operations, and aquaculture inspection. This recognises that these activities are low – medium risk and do not, by themselves, justify the full lifting appliances or lifesaving lifting appliances regimes.

Lifting appliance or lifesaving requirements would apply where the activity presents a higher risk or greater consequence of failure. For example, davits used to launch or retrieve a tender or submersible while a person is on board should be treated as lifting appliances. Another example is where lifting devices are treated as lifting appliances when the activity involves loading or unloading aquaculture products, rather than routine inspection. These uses require stronger assurance because failure could involve people, heavier or suspended loads, uncontrolled movement, or more serious operational consequences.

This approach is more proportionate than treating all operational lifting devices as high risk and subject to the lifting appliance requirements. It keeps the working gear pathway available for

lower-risk operational lifting activities, while providing for where the activity moves beyond routine operational handling and into higher-risk lifting.

This approach distinguishes equipment by its primary operational use and clearly defines which lifting activities should fall under working gear, lifesaving or lifting appliances. Overall, this provides a clearer and more practical rule structure and reduces uncertainty for operators, surveyors, and Maritime Officers.

Most of the proposed changes largely formalise existing practice, so overall costs are expected to be minimal for most operators. The main benefit is greater clarity and certainty about which rules apply to different vessels, operations and lifting activities.

In some cases, lifting devices may not currently be covered by the rules, or may be subject to inconsistent interpretation and application. Where the correct requirements are applied for the first time, there may be some additional costs. These could include increased survey, testing, examination, inspection or record-keeping requirements.

Many smaller lifting devices, such as those used for shellfish backbone inspections or lifting craypots, will continue to qualify for the under-300 kg class exemption from proof load testing, which will be written into the rule.

Options analysis

Three options were considered:

Option 1: (Status quo). All lifting devices are subject to the lifting appliance rules, excluding those used for catching fish. However, rules continue to be applied inconsistently with different and subjective interpretations of which rules apply to which vessels and lifting operations.

Option 2: All non-cargo lifting devices are subject to the working gear rules.

Vessels engaged in the deployment, recovery, or maintenance of scientific equipment, aquaculture activities, tenders, submersibles and moorings, are subject to the working gear requirements.

Clarify that lifting devices used for lifesaving are subject to the lifesaving rules.

Option 3 (preferred) Split option. Most lifting devices and activities are subject to the working gear rules, however higher risk activities subject to lifting appliance rules.

This means vessels engaged in the deployment, recovery, or maintenance of scientific equipment, aquaculture inspection and moorings would fall under the working gear rules. Higher risk activities of aquaculture product being loaded or unloaded and tender and submersible launching and retrieval when a person is onboard are subject to the lifting appliance rules.

Clarify that lifting devices used for lifesaving are subject to the lifesaving rules.

How do the options compare against the status quo

The following criteria have been used to assess the alternative option. Refer to Table 12 for an assessment against these criteria.

The changes provide flexible and adaptive regulation:

Options 2 and 3 clarify the rules and is adaptive regulation through codifying current practice. In this instance the rules are aimed at lessening flexibility of rule application to increase certainty.

Rules are clear and easier to understand and apply:

Options 2 and 3 clarify the rules for these types of vessels will support better application and compliance with the rules.

Maritime safety is maintained or enhanced:

Options 2 and 3 provide clear requirements for ongoing testing, examination and inspection requirements on these vessels will enhance maritime safety.

Changes are practical and economically viable:

For option 3 costs are expected to be neutral for most vessels as this is clarification of the current rules. Some vessels may have cost increase to meet rules where they previously had different requirements applied to them because of the rules being unclear and applied inconsistently across the country. Proof load testing would be required for small lifting devices on aquaculture vessels that do not need the same level of oversight as lifting devices used for cargo and loading and offloading aquaculture product.

Option 2 would be less costly, but at a considerable drop in safety and increased risk.

Table 12: Comparing options for clarifying requirements for undertaking inspection, maintenance, deployment, and retrieval activities using a lifting device against the status quo.

	1. Status Quo	2. all non-cargo lifting devices are subject to the working gear rules. lifesaving subject to lifesaving rules.	3. Split option. Lifting devices allocated to rules based on risk. lifesaving subject to lifesaving rules.
Provides flexible and adaptive regulation	0	+	+
Rules that are clear and easier to understand and apply	0	++	++
Maritime safety is maintained or enhanced	0	+	++
Changes are practical and economically viable	0	+	+
Overall assessment	0	+	++

Key for qualitative judgements:

- ++ Much better than doing nothing/the status quo/counterfactual
- + Better than doing nothing/the status quo/counterfactual
- 0 About the same as doing nothing/the status quo/counterfactual
- Worse than doing nothing/the status quo/counterfactual
- Much worse than doing nothing/the status quo/counterfactual

Preferred option
Option 3 is the preferred option as it provides greater certainty and clarifies that based on their risk profile which lifting device rules apply to inspection, maintenance, deployment and retrieval activities. It also clarifies that lifting devices used for lifesaving equipment are managed under the lifesaving rules and not subject to the lifting appliance and working gear rules.
What are the marginal costs and benefits of the preferred option?
As this is a clarification of the current rules, costs are expected to be neutral in most cases. However, because of inconsistent application of the current rules there will be some instances when the rule clarification means a vessel will have different rules applied to it than previously

and this may lead to some increased costs. This increase is expected to be mostly administrative and survey costs in most cases, so would be minor.

Marginal costs and benefits are discussed in the table below.

Table 13: Marginal costs and benefits of the preferred option

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Vessel owners, operators and surveyors	It may take some time to become familiar with new requirements.	Low	Medium
Vessel owners, operators and surveyors	Costs are expected to be neutral in most cases as this is a clarification of the existing rules. For a small number of vessels, the clarification may lead to increased survey, testing, examination, inspection and record keeping costs.	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Vessel owners and operators	Increased certainty about requirements for testing, examination inspection and record keeping for these vessels.	Low	Medium
Vessel owners, operators and passengers/ crew	Increased safety and security that lifts are being appropriately managed and maintained.	Medium	Medium

Questions:

L 5.1 Do you agree with how the proposed rules classify lifting activities based on risk?

[Answers: Strongly agree; Agree; Neutral; Disagree; Strongly Disagree; No comment]

Why/why not?

L5.2 Would the clarified rules change how your vessel or operation currently manages lifting devices?

[Answers: Yes; No; Don't Know; No comment]

Please explain your answer.

L 5.3 Are there any activities (e.g. scientific, mooring, aquaculture inspection) where it remains unclear which rules should apply? Please provide examples.

[Answers: Yes; No; Don't Know; No comment]

Please explain your answer.

How to have your say

The deadline for providing comment on these proposals is **5pm on Friday 25 September 2026**.

This document is part of a package of documents on the proposed changes to the design, construction and equipment rules. Information on this consultation will be available on Maritime NZ's website.

Subject to interest, Maritime NZ will hold online information sessions on the proposals during the weeks of **17 to 21 August and 7 to 11 September**. Please contact us at the email address provided below if you would like to attend a session or if you would like us to contact you to discuss any of the proposals.

We welcome any feedback you would like to provide. Submissions can be made by completing the submission form on our website (<https://www.maritimenz.govt.nz/about-us/consultations/dce-40-series-package-3>) or in any other written form, and:

- Emailed to us at 40.series@maritimenz.govt.nz; or
- Posted to the Regulatory Reform Projects Team, Maritime NZ, PO Box 25620, Wellington 6140.

This document includes questions to help you focus your feedback. Answering the questions is optional.

Submissions are public information

Please let us know if your comments are commercially sensitive or if for some other reason you consider they should not be disclosed. If your submission is subject to an Official Information Act (OIA) request, Maritime NZ will consider your confidentiality request in accordance with the grounds for withholding information set out in the OIA.

In addition, if you are an individual (that is your comments are made personally and not on behalf of a company or an organisation), please let us know if you have reasons that your identity should not be disclosed.

We will acknowledge all submissions that we receive. A summary of submissions will be published on our website.

Appendix 1: ‘Snapshot’ of the proposed Lifting Appliances, Loose Gear and Working Gear rule changes

Part 3A: Lifting Appliances			
Application		Part 3A would not apply to— SOLAS Ships; Novel Ships; Hovercraft; or Commercial Jet Boat Operations on rivers, pleasure craft, a warship of the New Zealand Defence Force or a warship of any other state. Fishing vessels of 24m or more in load line length. These would need to meet Part 404: Design, Construction, and Equipment - New Zealand Cape Town Vessels and Foreign Cape Town Vessels.	
Existing vessels		An existing vessel would have to comply with new rules.	
Main Changes	What would change	How proposal will apply	Rule/MTI ref
Reduced examination requirements for “small and simple” lifting appliances	Lifting appliances that are ‘small and simple’ (non-luffing, non-extendable, with a SWL of less than 300 kg) would have reduced examination and testing requirements. Instead of being examined by a competent person annually, these appliances would only be required to be examined every 5 years, when they first come into service or undergo a major alteration. A responsible person would be required to inspect the appliances annually.	These rules are for all vessels using lifting appliances.	Rule C2.2(4)

Clarifying survey requirements for lifting appliances, loose gear and working gear	We are proposing to include more detail in the rules about what surveyors would need to look at when they survey a vessel with a lifting appliance, loose gear or working gear. Surveyors would be required to inspect lifting appliances, loose gear and working gear and verify that all tests, examination and inspections have been conducted, and records are kept. These requirements would be included in Appendix 6 of the draft new Survey and Certification Rules, which are also being consulted as part of the Package 3 consultation.	These rules are for lifting appliances, loose gear, and working gear.	Part 1A Survey and Certification Appendix 6: section 8.
More detailed requirements for maintenance and inspection of steel wire rope	We are proposing more detailed requirements for the maintenance and inspection of steel wire ropes. This includes requirements for checking for general deterioration and mechanical damage and displacement from normal operating position prior to use, and to follow manufacturer's instructions on care and maintenance or at a minimum follow the ISO 4309:2017 standard.	These rules are for loose gear and working gear.	Rule C2.4 MTI appendix 2: Codes of practice and official standards

Requirements for testing, examination, inspection and record keeping for working gear and lifting appliances on fishing and marine farming vessels	We propose new rules for regular inspections of working gear on fishing vessels by a responsible person. Following inspection, the responsible person would need to record in a register of equipment any item of working gear that is found to be unsatisfactory. As under the current rules, operators must ensure that working gear is used within its load rating limit and tested by a competent person when the equipment first comes into service, after a major modification. What is changing is we are clarifying that records of these examinations and tests would need to be kept, and if a responsible person identifies an issue with the equipment, it must not be used until any defect is remedied to the satisfaction of a competent person. We are proposing to clarify requirements for lifting appliances used for offloading fish catch from a fishing vessel and loading and offloading aquaculture product from marine farming vessels.	These rules are for lifting appliances, loose gear and working gear.	Rule A2.3 Definition of cargo Rules C2.4, C2.5
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Clarifying requirements for undertaking inspection, maintenance, deployment and retrieval activities using a lifting device	Most non-cargo lifting devices would be subject to the working gear rules including vessels engaged in the deployment, recovery, or maintenance of scientific equipment, aquaculture inspection and moorings. The higher risk activities of aquaculture product being loaded or unloaded and tender and submersible launching and retrieval when a person is onboard, would be subject to the lifting appliance rules. Changes clarify that lifting devices used for lifesaving are subject to the lifesaving rules. The changes proposed are a clarification of the current rules which have substantially been carried over into the new.	These rules are for lifting appliances and working gear.	Rule A1.3 Definition of working gear, lifting appliance, davit and gantry.
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