

Info Sheet - Proposed Cape Town Rules

Impacts on existing domestic fishing vessels operating in the unlimited area

Last updated: 15 September 2022

This document is uncontrolled if printed. Please refer to the Maritime New Zealand website for the latest version.

About this info sheet

Maritime New Zealand is currently consulting in order to finalise the proposed Cape Town Rules. This consultation seeks comment on the use of transport instruments for detailed and technical content such as prescriptive standards.

The purpose of this info sheet is to outline how the proposed Cape Town Rules will impact on existing New Zealand fishing vessels that are operating in the unlimited area, on or after the date that the Cape Town Agreement (the Agreement) enters into force. This will enable operators of such ships to provide informed feedback on the proposed Rules.

There is one other info sheet provided on the impacts of the proposed Rules. It covers foreign fishing vessels.

This info sheet applies to

Existing domestic fishing vessels that operate in the unlimited area. The majority of the Rules will apply to vessels 24 metres and more (with some applying to those 45 metres and more, and 60 and 75 metres and more). The Rules will apply once the Agreement is

in force, which is currently expected to be by October 2023. We note that this date will depend on certain global criteria being met as described below. Vessels that the Rules apply to will be able to transition to compliance with the requirements over either five or ten years from the date of entry into force.

Background

Following public consultation in 2015, the Government decided, in principle, to accede to the Agreement upon completion of the relevant review process at the national level. The Agreement sets internationally agreed minimum standards relating to the safety of sea going fishing vessels (mostly those 24 meters in length and more), thereby providing an international regulatory framework for fishing vessel safety.

The Agreement will enter into force 12 months after at least 22 States, with a combined total of 3,600 fishing vessels of 24 meters in length and over operating on the high seas, have acceded (expressed their consent to be bound by the Agreement).

Maritime Rules are needed to bring the Agreement into effect in New Zealand.

What are the proposed changes that impact existing domestic fishing vessels that operate in the unlimited zone?

Most of the proposed Rules only relate to **new** New Zealand fishing vessels built (or having undergone major conversion) on or after the date that the Agreement comes into force, and that operate in the unlimited area.

So:

- the new requirements in the proposed Rules around construction, watertight integrity and equipment, stability, machinery and electrical installations, electrical, fire safety, and crew protection do **not** apply to existing domestic fishing vessels.
- For these elements, Maritime Rules Part 40D must still be complied with.

The changes that **will** apply to existing domestic fishing vessels can be found in the Schedule to the proposed Cape Town Rules. The Schedule proposes to amend the following Rules:

- 23 – Operating Procedures and Training (with a five year transition period);
- 40D – Design, Construction and Equipment – Fishing Ships (with either a five or ten year transition period); and
- 45 – Navigational Equipment (with a five year transition period).

What are the proposed changes to operating procedures and training?

The proposed transition dates below are provisional and dependent on the date of entry into force of the Agreement as described above.

Capability of general emergency signal

From **October 2028**, for a fishing vessel **24 meters or more in length** operating in the unlimited area, the general emergency signal must be capable of being sounded on an electrically operated bell or klaxon or other equivalent warning system that is powered from the ship's main supply and the emergency source of electrical power required by Rule 40D.32.

Drills to involve equipment carried on a voluntary basis

From **October 2028**, for a fishing vessel **24 meters or more in length** operating in the unlimited area, where equipment is carried on a voluntary basis, it must be used in drills, and the drills must be adjusted accordingly when conducted.

Availability of training manual or audio visual guide

From **October 2028**, for a fishing vessel **24 meters or more in length** operating in the unlimited area, there must be in each crew mess room or recreation room, or in each crew cabin, a training manual or audio visual aid that complies with the training manual requirements of Rule 42A.41.

In addition, all members of the crew and the master must receive training in emergency procedures to the minimum standard set out in a new Appendix to Maritime Rules Part 42A.

Signaling equipment (new requirement)

From **October 2028**, for a ship **45 meters or more in length** operating in the unlimited area, there must be provided a full complement of flags and pennants to enable communications to be sent using the International Code of Signals.

Minimum training requirements

A new Appendix will be inserted into Maritime Rules Part 23, outlining minimum emergency training requirements. These cover:

- types of emergencies which may occur, such as collisions, fire, and foundering;
- types of life-saving appliances;
- the need to adhere to the principles of survival;
- the value of training and drills;
- the need to be ready for any emergency and the things that crew need to be constantly aware of;
- actions to be taken in respect of lifting persons from vessels and survival craft by helicopter;

- actions to be taken when called to survival craft stations;
- actions to be taken when required to abandon ship;
- actions to be taken when in the water;
- actions to be taken when aboard a survival craft;
- main dangers to survivors and the general principles of survival; and
- actions to be taken in respect of firefighting.

What are the proposed changes to design, construction and equipment?

Life Saving Appliances: Survival Craft – two way VHF radiotelephone (vessels 45 metres or more)

Appendix 1.1 of Maritime Rules Part 40D will be amended to continue the existing requirement until **October 2028**, and bring in a new requirement from that date.

The new requirement is that every fishing vessel **45 meters or more in length** must be provided with at least three two-way VHF radiotelephone apparatus. These must comply with performance standards acceptable to the Director. If a fixed two-way VHF radiotelephone apparatus is fitted in a survival craft, it must conform to performance standards acceptable to the Director.

The performance standards acceptable to the Director in both instances are contained in Schedule 2 as Acceptable Means of Compliance.

Radiocommunication equipment

Appendix 3.3 of Maritime Rules Part 40D will be amended to add a new requirement for NAVTEX from **October 2033** for fishing vessels **45 meters or more in length**.

The new requirement is for these vessels to have a receiver capable of receiving international NAVTEX service broadcasts if the vessel is engaged on voyages in any area in which an international NAVTEX service is provided.

Appendix 3.3 will also be amended to make changes to the existing requirement for a radar transponder or AIS-SART. The changes will:

- limit the existing requirement only to fishing vessels **less than 45 meters in length**; and
- add a new requirement for vessels **45 meters or more in length** to have a transponder conforming to standards acceptable to the Director:
 - on each side of the vessel in such locations that they can be rapidly placed in any survival craft; or
 - stowed in each survival craft.

The standards acceptable to the Director are noted at the end of the proposed Rules as Acceptable Means of Compliance.

What are the proposed changes to navigational equipment?

Magnetic compass

Maritime Rules Part 45 will be amended to require that, from **October 2028**, vessels **24 meters or more in length** that operate in the unlimited area must:

- be fitted with adequate means of communication between the standard compass position and the normal navigation control position; and
- be provided with means such as an azimuth mirror, azimuth circle, or sight vane for taking bearings as near as practicable over an arc of the horizon of 360°.

A steering compass is not required if the fishing vessel is fitted with

- a spare magnetic compass; or
- a gyro-compass that meets the requirements of IMO Assembly Resolution A.424(XI).

Positioning receiving systems for fishing vessels 75 metres or more in length that proceed into the unlimited area

Existing fishing vessels **75 meters or more in length** that operate in the unlimited area from **October 2028** must be fitted with a receiver for a global satellite system or a terrestrial radio-navigation system, or other means suitable for use at all times throughout the intended voyage to establish and update the ship's position by automatic means.

Signalling equipment for existing fishing vessels of any size that operate in the unlimited area

Existing fishing vessels **of any size** that operate in the unlimited area from **October 2028** must be provided with a daylight signaling lamp that is not solely dependent upon the main source of power, as well as a power supply that must include a portable battery.

Depth Finder for existing fishing vessels that operate in the unlimited area

Existing fishing vessels **of any size** that operate in the unlimited area from **October 2028** must be provided with a means of determining the depth of water under the vessel that is acceptable to the Director.

Note: Fishing vessels **45 meters or more in length** must already have an echo sounding device that meets the requirements of IMO Assembly Resolution A.224 (VII).

Do existing domestic fishing vessels that operate in the unlimited area need to be certified that they comply with the Cape Town Rules?

No – the certification requirements under the Rules will only apply to new domestic fishing

vessels **24 meters or more in length**, i.e, those built or having undergone major conversion on or after the date that the Agreement enters into force.