

Status update on TAIC safety recommendations

Report from the transport sector on activity for 1 July 2023 to 30 June 2024

The Ministry of Transport, the Civil Aviation Authority, Maritime NZ and the rail sector supply the information for this report.

TAIC collates the information into a single document, but does not validate, analyse, or alter the contents in any way.

Summary

Purpose

This report is an update from the Ministry of Transport (MoT), the Civil Aviation Authority (CAA), the rail sector, and Maritime New Zealand (MNZ) on the status of recommendations issued to them by the Transport Accident Investigation Commission (TAIC). Note that TAIC's recommendations are not mandatory.

The report informs you about:

- the numbers of recommendations issued over the reporting period and indicates whether they were
 - accepted (wholly or in part)
 - are under consideration
 - were rejected and will not appear in future reports
- a status report on
 - the decisions about recommendations that were previously reported as under consideration
 - the progress in implementing accepted recommendations.

Information sources

The information contained in this report is supplied by:

- the Ministry of Transport (MoT)
- the Civil Aviation Authority (CAA)
- Maritime New Zealand (MNZ)
- those in the rail sector with assigned recommendations:
 - Waka Kotahi New Zealand Transport Agency
 - KiwiRail
 - Transdev Auckland
 - the Ministry of Transport (MoT)
 - the National Rail System Standards Executive (NRSS-E)
 - Local Government NZ.

TAIC has collated the information into this document, but has not validated, analysed, or altered the contents in any way.

Ministry of Transport

Recommendations issued over the period 01-Jul-23 to 30-Jun-24

Number issued: 6

Number implemented:

Inquiry	Number	Issued	Recommendation	Response
Aviation				
AO-2018-009	016/24	15-May-24	On 15 May 2024, the Commission recommended that the Secretary for Transport and the Director of Civil Aviation resolve the ambiguity in the definition of 'crew members' in commercial transport operations and take steps to clarify the use of the term in associated rules and Advisory Circulars.	Under consideration
Rail				
<i>None</i>				
Maritime				
MO-2022-201	014/23	13-Jul-23	Work with SAR coordinators and providers of SAR air assets across New Zealand to identify opportunities for the supply and, if necessary, the storage of fuel for extended SAR operations in remote areas, and maintain a database of identified stored fuel and fuel supply logistics.	Accepted
MO-2022-201	015/23	13-Jul-23	Work with SAR coordination entities to ensure they have procedures for prompting the operator of air assets as to the maximum range of operation and opportunities for refueling for sustained SAR operations.	Accepted
MO-2022-201	012/23	13-Jul-23	Delegate responsibility to one or more entities, for the remit, jurisdiction and resources to set standards for search and rescue (SAR) assets and the training of their SAR crews and enter into service level agreements with other	Accepted

Inquiry	Number	Issued	Recommendation	Response
			agencies and operators for the provision of search and rescue assets.	
MO-2022-201	013/23	13-Jul-23	Coordinate across government and other appropriate agencies to identify and source air and maritime assets that are appropriately designed, equipped and crewed to meet New Zealand's full SAR requirements. Government agencies that have a potential dual use for these assets or who have existing assets that could provide a dual role should be considered.	Accepted
MO-2022-201	016/23	13-Jul-23	Work with SAR coordination authorities to identify SAR assets that are likely to be routinely called on to act as on-scene coordinators and develop a joint training program that will ensure that they work to the same framework and use the same terminology as the coordinating authorities.	Accepted

AO-2018-009

This recommendation is currently being addressed by the Civil Aviation Authority (CAA) as part of the Assorted Issues set of rules. The CAA has recently completed a second round of consultation on the Notice of Proposed Rule Making. Submissions are currently being analysed. Once complete, the Ministry will work with the CAA to make recommendations to the Minister of Transport.

MO-2022-201

These recommendations were accepted and are now with MNZ for implementation – refer to the Maritime NZ section of this document.

Update on recommendations previously reported as being implemented or under consideration

Number reported on: 4

Number implemented:

Inquiry	Number	Issued	Status at 30-Jun-23	Status at 30-Jun-24
Aviation				
AO-2022-001	001/23	30-Mar-23	Under Consideration	Under Consideration
AO-2015-005	028/17	28-Sep-17	Being implemented	Being implemented
AO-2012-001	012/13	11-Oct-13	Being implemented	Being implemented
Rail				
None				
Maritime				
MO-2021-204	003/23	25-Jan-23	Accepted	Being implemented

Civil Aviation Authority

Recommendations issued over the period 01-Jul-23 to 30-Jun-24

Number issued: 5

Number implemented: 0

Inquiry	Number	Issued	Recommendation	Response
AO-2018-009	015/24	15-May-24	On 15 May 2024, the Commission recommended that the Director of Civil Aviation revise the rule, notes and guidance provided for CAR Part 12: Accidents, Incidents, and Statistics to make it clear that a door opening in flight is a safety issue and to take steps to address door-opening-in-flight occurrences that are not being promptly reported to the CAA.	Accepted
AO-2018-009	016/24	15-May-24	On 15 May 2024, the Commission recommended that the Secretary for Transport and the Director of Civil Aviation resolve the ambiguity in the definition of 'crew members' in commercial transport operations and take steps to clarify the use of the term in associated rules and Advisory Circulars.	Accepted
AO-2022-002	033/23	25-Oct-23	On 25 October 2023, the Commission recommended that the Director of Civil Aviation at the Civil Aviation Authority of New Zealand review the suitability of hook and loop retaining straps as a means of securing emergency locator transmitters to airframes.	Accepted
AO-2021-003	029/23	27-Sep-23	On 27 September 2023, the Commission recommended that the Civil Aviation Authority of New Zealand, in consultation with stakeholders, resolve the ambiguity around night Visual Flight Rules and guidance to ensure they are fit for purpose.	Accepted
AO-2021-003	030/23	27-Sep-23	On 27 September 2023, the Commission recommended that the Civil Aviation Authority of New Zealand, in consultation with stakeholders, establish and clarify instrument currency requirements for night Visual Flight Rules flying.	Accepted

Report AO-2018-009, recommendation:

015/24 (Accepted) On 15 May 2024, the Commission recommended that the Director of Civil Aviation revise the rule, notes and guidance provided for CAR Part 12: Accidents, Incidents, and Statistics to make it clear that a door opening in flight is a safety issue and to take steps to address door-opening-in-flight occurrences that are not being promptly reported to the CAA.

A rules revision is outside of the Authority's statutory functions and duties, so the Authority cannot accept the recommendation regarding a revision of CAR Part 12. Any recommendation regarding a revision of the rules, would best be directed to the Secretary for Transport.

The Authority accepts the aspects of the recommendation relating to the revision of notes and guidance associated with CAR Part 12 and will commence work on adding aircraft 'doors opening in flight' to appendix A of AC12-11.

Report AO-2018-009, recommendation:

016/24 (Accepted) On 15 May 2024, the Commission recommended that the Secretary for Transport and the Director of Civil Aviation resolve the ambiguity in the definition of 'crew members' in commercial transport operations and take steps to clarify the use of the term in associated rules and Advisory Circulars.

The Notice of Proposed Rule Making (NPRM 23-01 Revision 1 Assorted Issues), which includes definition of a crew member was initially up for consultation on our website earlier in the year. Consultation closed on 25 March 2024 and then reconsulted and closed 9 August 2024. We are currently assessing the submissions.

We intend to complete the final rules by the end of September and then they will go to the Minister for signing in October.

Report AO-2022-002, recommendation:

033/23 (Accepted) On 25 October 2023, the Commission recommended that the Director of Civil Aviation at the Civil Aviation Authority of New Zealand review the suitability of hook and loop retaining straps as a means of securing emergency locator transmitters to airframes.

The Authority will review the suitability of hook and loop retaining straps as a means of securing emergency locator transmitters to airframes. We will inform you of the outcome of the review when it is completed.

Report AO-2021-003, recommendation:

029/23 (Accepted) On 27 September 2023, the Commission recommended that the Civil Aviation Authority of New Zealand, in consultation with stakeholders, resolve the

ambiguity around night Visual Flight Rules and guidance to ensure they are fit for purpose.

A review of the Part 61 Advisory specific to helicopters is currently underway. This review is part of the NPRM mentioned under Report AO-2018-009, recommendation 016/24. The focus areas of this review are:

- Night flying – including clarification and training guidance of Night VFR operations.
- Basic Instrument Flying (currency to be included in the BFR – currently only compass turns)
- Inadvertent IMC training (as above).

Report AO-2021-003, recommendation:

030/23 (Accepted) On 27 September 2023, the Commission recommended that the Civil Aviation Authority of New Zealand, in consultation with stakeholders, establish and clarify instrument currency requirements for night Visual Flight Rules flying.

Along with the above bullet points an industry helicopter working group has been convened and will, as part of their work, consider the issues raised in recommendation 030/23.

Update on recommendations previously reported as being implemented or under consideration

Number reported on: 3

Number implemented: 7

Inquiry	Number	Issued	Status at 30-Jun-23	Status at 30-Jun-24
AO-2019-005	021/22	7-Mar-23	Under consideration	Being implemented
AO-2019-005	022/22	22-Feb-23	Under consideration	Being implemented
AO-2019-006	013/22	1-Sep-22	Accepted	Being implemented

Report AO-2019-005, recommendation:

021/22 (Under consideration) The Commission recommended that the Civil Aviation Authority of New Zealand address the growing gap between New Zealand's minimum performance requirements and technical standards for NVIS and helicopter air ambulance operations and current international best practices.

The actions associated to this recommendation is also part of the NPRM above, which includes NVIS related pilot licensing requirements. We are now assessing the feedback.

We intend to complete the final rules by the end of September and then they will go to the Minister for signing in October.

Work on the associated Advisory Circular (AC91-13), will restart once the rules have been finalised.

We will monitor the NVIS related rule making and guidance updates and once finalised will consider whether to carry out related monitoring activities.

Report AO-2019-005, recommendation:

022/22 (Under consideration) Crew resource management competency is not yet an effective safety measure for helicopters operating under CAR Part 135. On 22 February 2023 the Commission recommended that the Civil Aviation Authority of New Zealand address this safety issue.

The issue relating to definition of a crew member is a complex issue which includes definition of NVIS crew member. The actions associated to this recommendation are the same as the actions for Report AO 2018-009, recommendation 016/24.

Report AO-2019-006, recommendation:

013/22 (Accepted) Promote ongoing understanding of 'simultaneous operations', including a published definition and how the practice relates to parallel runway operations at unattended aerodromes.

The Issue Assessment Panel reviewed this in December 2023 and agreed to the development of guidance to improve understanding of the existing CARs as they relate to simultaneous runway operations. This action is in train and will be progressed when resource becomes available.

Rail sector

Recommendations issued over the period 01-Jul-23 to 30-Jun-24

Number issued: 15

Number implemented: 3

Inquiry	Number	Issued	Recommendation	Response
To Waka Kotahi NZTA				
RO-2022-102	038/23	25-Oct-23	On 25 October 2023, the Commission recommended that Waka Kotahi reviews the operation of long-hood leading locomotives by all rail participants to ensure sufficient risk controls are in place.	Implemented
To KiwiRail				
RO-2023-102	012/24	24-Apr-24	On 24 April 2024 the Commission recommended that KiwiRail review its adverse weather response system and processes to ensure they are effective in maintaining a safe rail network.	Accepted
RO-2023-102	013/24	24-Apr-24	On 24 April 2024 the Commission recommended that KiwiRail place greater emphasis on training rail personnel in reporting unusual weather conditions (in accordance with KiwiRail's Operating Rules, Section 1 General Rules, rule 6(b)), to ensure they retain currency.	Rejected
RO-2023-102	014/24	24-Apr-24	On 24 April 2024 the Commission recommended that KiwiRail satisfy itself that all waterways within the rail corridor, including those owned by third parties, have effective and up-to-date maintenance programmes to ensure that the waterways can function as designed.	Under consideration
RO-2023-101	010/24	27-Mar-24	On 27 March 2024 the Commission recommended that KiwiRail review and improve the training given to track workers, to include identification of the risks associated with: <ol style="list-style-type: none"> 1. operating a HRV unsupervised when travelling to worksites 2. a HRV cab being a safety-critical area, to enable them to operate a HRV safely 	Accepted
RO-2023-101	011/24	27-Mar-24	On 27 March 2024 the Commission recommended that KiwiRail provide Gangers with the necessary resources to	Accepted

Inquiry	Number	Issued	Recommendation	Response
			enable them to supervise and train track workers safely and effectively while also completing work tasks	
RO-2022-104	001/24	22-Feb-24	On 22 February 2024, the Commission recommended that KiwiRail risk assess any regular propelling movements, including assessment of the locomotive cab ergonomic environment, to ensure the risks to both road and rail users are managed.	Under consideration
RO-2022-104	002/24	22-Feb-24	On 22 February 2024, the Commission recommended that KiwiRail ensure its Permit to Enter system enables safety-critical work at level crossings to occur in a timely manner and supports the maintenance of level crossings by road controlling authorities.	Accepted
RO-2022-102	035/23	25-Oct-23	On 25 October 2023, the Commission recommended that KiwiRail reviews its second person training approach to ensure: <ul style="list-style-type: none"> the document management of the training material is robust the training material is fit for purpose and consistent with the training provided to other safety-critical roles supervision during on-the-job training is adequate. 	Under consideration
RO-2022-102	036/23	25-Oct-23	On 25 October 2023, the Commission recommended that KiwiRail integrates fully with the technology on the Auckland Metro network, to ensure the safe operation of rail within a complex system.	Accepted
RO-2022-102	034/23	25-Oct-23	On 25 October 2023, the Commission recommended that KiwiRail undertakes a review of its non-technical skills training to ensure it provides adequate training on how to work together to manage threats.	Implemented
RO-2022-102	037/23	25-Oct-23	On 25 October 2023, the Commission recommended that KiwiRail provides first aid training and evacuation training to all rail personnel that work in rail vehicles.	Under consideration
RO-2022-101	039/23	25-Oct-23	On 25 October 2023, the Commission recommended that KiwiRail install smoke and fire detection systems in all auxiliary generator wagons in service to alert train crew and passengers to a fire at the earliest opportunity.	Implemented

Inquiry	Number	Issued	Recommendation	Response
RO-2022-103	032/23	27-Sep-23	On 27 September 2023, the Commission recommended that KiwiRail work with road controlling authorities to develop processes for notification, risk assessment and traffic management measures for unplanned level-crossing disconnections.	Under consideration
RO-2022-103	031/23	27-Sep-23	On 27 September 2023, the Commission recommended that KiwiRail adequately address the risk posed by disconnecting level-crossing protections, whether planned or unplanned.	Under consideration

Long hood leading (RO-2022-102 Rec 038/23)

All licence holders were contacted to determine who operates locomotives in a long-hood leading configuration. This identified 12 licence holders. Discussions were held to ensure that suitable risk controls were in place if needed. Three operators took this opportunity to revisit their operations and no longer operate locomotives long-hood leading. Others already have suitable controls in place such as compulsory locomotive assistants, route knowledge competency and assessment, speed restrictions and hazard awareness.

Adverse Weather (RO-2023-102 Rec 012/24)

There is an adverse weather TARP being developed which will cover this recommendation.

Training (RO-203-101 Rec 010/24 & 011/24)

Review is being conducted with the Learning and Development team in respect to the course content for HRV operators.

The business is working on determining the best way to manage the trainee/ganger ratio.

Permit to Enter (RO-2022-104 Rec 002/24)

KiwiRail is engaged with NZTA (Transport Services) in relation to this recommendation. It was also raised as an issue at this year level crossing hui, which resulted in closer local relationships being developed to further improve the process.

ETCS for locomotives in Auckland Metro (RO-2022-102 Rec 036/23)

Extension of ETCS to freight locomotives is underway.

Update on recommendations previously reported as being implemented or under consideration

Number reported on: 15

Number implemented: 6

Inquiry	Number	Issued	Recipient	Status at 30-Jun-23	Status at 30-Jun-24
RO-2021-105	005/23	26-Apr-23	KiwiRail	Accepted	Implemented
RO-2021-105	004/23	26-Apr-23	KiwiRail	Accepted	Implemented
RO-2021-102	019/22	7-Dec-22	KiwiRail	Under consideration	Rejected
RO-2021-103	020/22	16-Nov-22	KiwiRail	Accepted	Implemented
RO-2020-101	012/21	8-Dec-21	KiwiRail	Accepted	Being implemented
			WK NZTA	Accepted	Being implemented
RO-2020-104	009/21	8-Dec-21	KiwiRail	Accepted	Being implemented
RO-2020-103	008/21	24-Nov-21	WK NZTA	Under consideration	Being implemented
RO-2019-104	009/20	24-Sep-20	KiwiRail	Being implemented	Implemented
RO-2019-103	003/20	6-Apr-20	KiwiRail	Being implemented	Being implemented
RO-2017-101	019/18	23-Aug-18	KiwiRail	Being implemented	Being implemented
RO-2016-101	034/17	15-Dec-17	KiwiRail	Being implemented	Being implemented
RO-2016-101	033/17	15-Dec-17	KiwiRail	Being implemented	Being implemented
RO-2014-105	017/17	26-Jun-17	KiwiRail	Being implemented	Implemented
RO-2015-102	004/17	24-Feb-17	NRSS-E	Being implemented	Rejected
RO-2011-104	031/11	16-Dec-11	WK NZTA	Being implemented	Implemented

Level crossings - (RO-2020-101, 012/21, RO-2020-103, 008/21 and RO-2011-104, 031/11)

Waka Kotahi and KiwiRail continue to work on assessing level crossings and providing advice to Road Controlling Authorities for funding and forward planning considerations. This will help to determine the most appropriate safety considerations to be implemented. This includes level crossings where short stacking has been identified. Two high profile locations are currently in consultation phases for level crossing improvements (Wairarapa and Auckland).

Protection of track workers – (RO-2020-104 Rec 009/21)

KiwiRail is making substantial progress with the new Train Control system which does include engineering controls.

Cyclic track conditions – (RO-2019-103 Rec 003/20)

EM80 replacement project is underway which will further enhance the ability to identify cyclic track conditions.

Fatigue Management (RO-2017-101 Rec 019/18)

Fatigue management has been implemented and is being rolled out across the business

Signalling safety, Wellington (RO-2016-101 Rec 033/17)

6 Monthly updates are still being provided

Implemented (6)

RO-2021-105 Linkspan and shunting improvements (2)

RO-2021-103 Testing coupling of passenger wagons – update procedures

RO-2019-104 Worktrains following rules

RO-2014-105 Improving rostering and considering fatigue/relief

RO-2011-104 Addressing short stacking issues

Maritime NZ

Recommendations issued over the period 01-Jul-23 to 30-Jun-24

Number issued: 14¹

Number Implemented: 3

Inquiry	Number	Issued	Recommendation	Response
MO-2022-202/3	025/23	27-Sep-23	On 27 September 2023, the Commission recommended that Maritime New Zealand and WorkSafe (until 1 July 2024) ensure that their regulatory activity includes a proactive role (such as monitoring and assessment) in the safety of the stevedoring industry.	Partially accepted
MO-2022-202/3	024/23	22-Aug-23	On 22 August 2023, the Commission recommended that Maritime New Zealand works with industry stakeholders to improve safety standards for stevedoring operations through: <ul style="list-style-type: none"> • a) implementing an Approved Code of Practice for managing health and safety risks associated with stevedoring activity • b) establishing minimum training standards for stevedores • c) establishing a programme to facilitate continuous improvement of stevedoring safety standards, including the sharing of safety information amongst industry stakeholders. 	a) Accepted b) Partially accepted c) Accepted
MO-2022-206	021/23	26-Jul-23	On 26 July 2023, the Commission recommended that Maritime New Zealand use an appropriate mechanism that ensures the integrity and safety of fuel systems are being maintained and monitored through the survey system.	Implemented
MO-2022-206	022/23	26-Jul-23	On 26 July 2023, the Commission recommended that Maritime New Zealand alert all Recognised Surveyors: <ul style="list-style-type: none"> • to the importance of conducting and documenting inspections of a vessel's complete fuel system during surveys; and 	Implemented

¹ Includes recommendation 12-16/23 from MO-2022-201 transferred from the Ministry of Transport for implementation.

Inquiry	Number	Issued	Recommendation	Response
			<ul style="list-style-type: none"> to check vessels they are surveying have undergone a recent complete inspection of the fuel system. 	
MO-2022-206	023/23	26-Jul-23	Alert all industry stakeholders to the importance of inspecting a vessel's complete fuel system to assure its integrity and safety.	Implemented
MO-2022-201	017/23	13-Jul-23	Implement a formal system that: <ul style="list-style-type: none"> notifies surveyors of current and emerging changes to maritime rules for the construction, maintenance, and surveying of vessels clarifies, where needed, the intent and application of maritime rules and other relevant standards. 	Rejected
MO-2022-201	020/23	13-Jul-23	Introduce the requirement for commercial vessels to be fitted with automatic identification system (AIS) or equivalent when carrying passengers outside of inshore limits.	Under Consideration
MO-2022-201	018/23	13-Jul-23	Ensure that Maritime New Zealand has an adequate system for monitoring the performance of marine surveyors.	Under Consideration
MO-2022-201	019/23	13-Jul-23	Ensure that appropriate rules and/or guidance is available to marine surveyors and vessel operators on the risk of having all life jackets stowed in one place that might not be accessible during foreseeable events.	Accepted
MO-2022-201	16/23	13-Jul-23	Work with SAR coordination authorities to identify SAR assets that are likely to be routinely called on to act as on-scene coordinators and develop a joint training programme that will ensure that they work to the same framework and use the same terminology as the as the coordinating authorities.	Accepted
MO-2022-201	15/23	13-Jul-23	Work with SAR coordination entities to ensure they have procedures for prompting the operator of air assets about the maximum range of operation and opportunities for refuelling for sustained SAR operations	Accepted
MO-2022-201	14/23	13-Jul-23	Work with SAR coordinators and providers of SAR air assets across New Zealand to identify opportunities for the supply and, if necessary, the storage of fuel for extended SAR operations in remote areas and maintain a database of identified stored fuel and fuel supply logistics.	Accepted

Inquiry	Number	Issued	Recommendation	Response
MO-2022-201	13/23	13-Jul-23	Coordinate across government and other appropriate agencies to identify and source air and maritime assets that are appropriately designed, equipped and crewed to meet New Zealand's full SAR requirements. Government agencies that have a potential dual use for these assets or who have existing assets that could provide a dual role should be considered.	Accepted
MO-2022-201	12/23	13-Jul-23	Delegate responsibility to one or more entities, for the remit, jurisdiction, and resources to set standards for search and rescue (SAR) assets and the training of their SAR crews and enter into service level agreements with other agencies and operators for the provision of search and rescue assets.	Accepted

MO-2022-202 & 203 25/23 *On 27 September 2023, the Commission recommended that Maritime New Zealand and WorkSafe (until 1 July 2024) ensure that their regulatory activity includes a proactive role (such as monitoring and assessment) in the safety of the stevedoring industry.*

- Maritime NZ has partially accepted this recommendation

Over the last year Maritime NZ has continued to work with WorkSafe conducting proactive monitoring activities; including assessments and inspections focussed on critical risks on Ports and PCBUs. The assessments have provided us with important opportunities to engage with individual PCBUs on best practice and their safety systems. This is now being supported and developed further through our extended HSWA designation on ports, and upcoming proactive inspections. Our work with the sector through the PHSLG is further evidence of the regulators proactively working with the sector.

It is important that our work is done within the clear framework that HSWA puts in place. Our approach will be to monitor PCBU critical risks and PCBU health and safety systems. It will also be to work with the sector to facilitate the development and sharing of best practice, establishing standards where needed and taking compliance action where necessary. But it will not be to audit and sign off on a PCBU's safety management system. This is because HSWA is premised on the concept that it is the individual PCBU who is in the best position to understand and manage their workplace risks, and ultimately is responsible for, and must assure itself, that it is doing what is reasonably practicable, and operates in a manner that does not cause harm to people

MO-2022-202 & 203 24/23 *On 22 August 2023, the Commission recommended that Maritime New Zealand works with industry stakeholders to improve safety standards for stevedoring operations through:*

a) implementing an Approved Code of Practice for managing health and safety risks associated with stevedoring activity.

- Maritime NZ is implementing this recommendation

Through a tripartite approach with industry and unions, Maritime NZ has developed a Code of Practice on loading and discharging of cargo at port and on ships with the sector since December 2022. This has recently been approved by both Ministers Van Velden and Doocey and comes into effect on 29 November 2024. We have established an implementation project with six work streams to support the embedding of the ACOP across the sector.

b) establishing minimum training standards for stevedores

- Maritime NZ partially accepts this recommendation

As part of the PHSLG Port Sector Insights Picture and Action Plan (the Action Plan). The port sector have developed a micro credential aimed at equipping workers with a base level knowledge and understanding of risks in the port environment, as well as the factors that influence their performance. Alongside this the port are reviewing the Certificate in Port Operations, and looking at how they can provide the framework for a more sustainable port sector. This sits alongside broader work Maritime NZ is doing with the maritime sector on workforce issues. As part of that work, we are starting to explore mechanisms for regulatory backing of training standards; and already plan to explore this, in discussion with the sector. However, ultimately this will be a decision for Ministers.

c) establishing a programme to facilitate continuous improvement of stevedoring safety standards, including the sharing of safety information amongst industry stakeholders.

- Maritime NZ is implementing this recommendation

Maritime NZ are already doing this as part of the Action Plan with the PHSLG. We have already worked with the sector and Callaghan Innovation to develop a platform which provides the sector with information on new safety technologies. This sits on the Port Industry Association website. Additionally, under the Approved Code of Practice we are developing a more extensive programme of good practice guidance. The PHSLG Action Plan contains an action led by the PIA, but supported by Maritime NZ, to develop a repository of good practice.

MO-2022-206 21/23 *On 26 July 2023, the Commission recommended that Maritime New Zealand use an appropriate mechanism that ensures the integrity and safety of fuel systems are being maintained and monitored through the survey system.*

- Maritime NZ has implemented this recommendation

The final Surveyor Performance requirements and Standard Operating Procedure checklist changes were signed off on 10 June 2024, and the amended documents have been published on our website for our third-party regulators.

Surveyors have been informed of the final changes during the annual conference and the consultation webpage has been updated.

Additionally an article was also published in "Seachange" on the 27 June 2024 advising that there are "updated instructions for the survey of domestic commercial vessels to ensure that the integrity and safety of fuel systems is being maintained and monitored."

MO-2022-206 022/23 *On 26 July 2023, the Commission recommended that Maritime New Zealand alert all Recognised Surveyors:*

- to the importance of conducting and documenting inspections of a vessel's complete fuel system during surveys; and
- to check vessels they are surveying have undergone a recent complete inspection of the fuel system.

MO-2022-206 023/23 *On 26 July 2023, the Commission recommended that Maritime New Zealand alert all industry stakeholders to the importance of inspecting a vessel's complete fuel system to assure its integrity and safety.*

- Maritime NZ has implemented these recommendations

A safety alert was released on the 6/12/2023. The safety alert communicates to recognised surveyors (included authorized persons) and owners and operators of domestic commercial vehicles and those working in the commercial boating industry involved with inspecting, testing or repairing fuel tanks and piping systems the importance of inspecting a vessel's complete fuel system to assure its integrity and safety.

MO-2022-201 017/23 *On 13 July 2023, the Commission recommended that the Director of Maritime New Zealand: implements a formal system that:*

- notifies surveyors of current and emerging changes to maritime rules for the construction, maintenance and surveying of vessels
- clarifies, where needed, the intent and application of maritime rules and other relevant standard

- Maritime NZ rejects this recommendation

Maritime NZ has a number of mechanisms for keeping surveyors informed about a range of areas. This includes engaging closely with surveyors around rule and regulation changes and regularly providing clarification around the intent of rules. Surveyors, and the rest of the sector, are notified about all changes to rules (whether or not they relate to construction, maintenance and surveying of vessels). We do this through regular surveyor conferences,

seminars and regular industry updates on rule and technology changes. As well as providing technical advice and support on existing rules.

Maritime NZ works closely with surveyors on the development of new rules and amendment to rules (through, for example expert working groups – this has been a key element of our approach to our 40 series reforms and the implementation of MARPOL VI). Finally, we also note that Maritime rules are currently structured with the intent and application incorporated within the rule itself and Rules are notified in the gazette and available on our website.

Maritime NZ are therefore unsure exactly what further elements the ‘formal system’ suggested under this recommendation would entail and we were disappointed to see a recommendation with no recognition of what we currently do in this area. However, we will continue to consider ways we can improve our information flows to surveyors.

MO-2022-201 020/23 *On 13 July 2023, the Commission recommended that the Director of Maritime New Zealand introduces the requirement for commercial vessels to be fitted with automatic identification system (AIS) or equivalent when carrying passengers outside inshore limits*

- Maritime NZ is considering this recommendation

The potential to mandate AIS on a larger number of vessels is already a matter that is included in our rules programme for exploration. The driver for this exploration relates to safety as well as security. As with all rules work, the decision to proceed with a rules change will sit with Ministers

MO-2022-201 018/23 *On 13 July 2023, the Commission recommended that the Director of Maritime New Zealand ensures that Maritime New Zealand has an adequate system for monitoring the performance of marine surveyors.*

- Maritime NZ is considering this recommendation

As highlighted in discussions with TAIC, Maritime NZ already assesses surveyor performance when issues arise and has working relationships with surveyors for training and certification. Maritime NZ is undertaking work to look at ways we can further strengthen our oversight of third parties, including surveyors. We have recently completed a funding review, which has successfully enabled an increase to our capacity to support this. We will consider this recommendation as part of this work.

MO-2022-201 019/23 *On 13 July 2023, the Commission recommended that the Director of Maritime New Zealand ensures that appropriate rules and/or guidance is available to marine surveyors and vessel operators about the risk of having all life jackets stowed in one place that might not be accessible during foreseeable events*

- Maritime NZ is implementing this recommendation

Maritime NZ is continuing to work on this recommendation. With the development of a harm prevention programme for the Domestic Commercial sector we want to ensure that what we implement is going to be the most effective in getting operators and marine surveyors to comply with the Rule. We will aim to put in place communications, education or guidance by the end of the 2024 calendar year.

MO-2022-201 16/23 *Work with SAR coordination authorities to identify SAR assets that are likely to be routinely called on to act as on-scene coordinators and develop a joint training programme that will ensure that they work to the same framework and use the same terminology as the coordinating authorities.*

- Maritime NZ is implementing this recommendation

Maritime New Zealand agreed to take the lead to implement the recommendations and will be supported by the New Zealand Police and the NZSAR Secretariat in providing suitable solutions to the recommendations. This will require a collaborative approach as the recommendations affect the search and rescue sector as a whole and accordingly.

An on-scene coordination training model is being scoped for delivery via joint NZ Police and RCCNZ effort and this is being discussed at a SAR Coordination workshop in August. Resourcing constraints mean this is unlikely to be fully developed until FY25/26.

MO-2022-201 15/23 *Work with SAR coordination entities to ensure they have procedures for prompting the operator of air assets about the maximum range of operation and opportunities for refuelling for sustained SAR operations*

- Maritime NZ is implementing this recommendation

Maritime New Zealand agreed to take the lead to implement the recommendations and will be supported by the New Zealand Police and the NZSAR Secretariat in providing suitable solutions to the recommendations. This will require a collaborative approach as the recommendations affect the search and rescue sector as a whole and accordingly.

We are awaiting the finalization of the SAR aviation standards while simultaneously developing RCCNZ-delivered aviation training and addressing the SAR aviation work stream through the SAR strategic review.

MO-2022-201 14/23 *Work with SAR coordinators and providers of SAR air assets across New Zealand to identify opportunities for the supply and, if necessary, the storage of fuel for*

extended SAR operations in remote areas and maintain a database of identified stored fuel and fuel supply logistics.

- Maritime NZ is implementing this recommendation

Maritime New Zealand agreed to take the lead to implement the recommendations and will be supported by the New Zealand Police and the NZSAR Secretariat in providing suitable solutions to the recommendations. This will require a collaborative approach as the recommendations affect the search and rescue sector as a whole and accordingly.

Work is underway in reviewing the existing contracts to identify opportunities for the supply and the storage of fuel for extended SAR operations in remote areas. This is a system wide issue that requires coordination across multiple agencies to address, and cannot be solved solely by MNZ resourcing.

MO-2022-201 13/23 *Coordinate across government and other appropriate agencies to identify and source air and maritime assets that are appropriately designed, equipped and crewed to meet New Zealand's full SAR requirements. Government agencies that have a potential dual use for these assets or who have existing assets that could provide a dual role should be considered.*

- Maritime NZ is implementing this recommendation

Maritime New Zealand agreed to take the lead to implement the recommendations and will be supported by the New Zealand Police and the NZSAR Secretariat in providing suitable solutions to the recommendations. This will require a collaborative approach as the recommendations affect the search and rescue sector as a whole and accordingly.

Maritime NZ has collaborated with subject matter experts to develop mission sets for locating, assisting, and rescuing individuals in distress. This includes identifying the types of assets needed for various scenarios. An initial gap analysis has been conducted, highlighting outcomes such as establishing minimum requirements for Maritime SAR mission sets and high alpine rescue missions. The next steps involve gathering additional feedback for this gap analysis and creating a project plan.

MO-2022-201 12/23 *Delegate responsibility to one or more entities, for the remit, jurisdiction, and resources to set standards for search and rescue (SAR) assets and the training of their SAR crews and enter into service level agreements with other agencies and operators for the provision of search and rescue assets.*

- Maritime NZ is implementing this recommendation

Maritime New Zealand agreed to take the lead to implement the recommendations and will be supported by the New Zealand Police and the NZSAR Secretariat in providing suitable solutions to the recommendations. This will require a collaborative approach as the recommendations affect the search and rescue sector as a whole and accordingly.

Workshop sessions with the Aviation focus group have been successfully completed, and the first round of the draft standard consultation is completed. The final draft of the aviation standards is now with the steering group for comments. Concurrently, we've initiated work with the legal team to determine the approach for auditing. Our next steps will focus on developing Service Level Agreements and Auditing Plans.

Update on recommendations previously reported as being implemented or under consideration

Number active over period: 10

Number implemented: 1

Inquiry	Number	Issued	Status at 30-Jun-23	Status at 30-Jun-24
MO-2023-201	009/23	30-Apr-23	Being implemented	Implemented
MO-2019-204	013/20	18-Nov-20	Being implemented	Being implemented
MO-2018-202	008/19	26-Sep-19	Being implemented	Being implemented
MO-2018-202	009/19	26-Sep-19	Being implemented	Being implemented
MO-2017-203	030/18	22-Nov-18	Being implemented	Being implemented
MO-2016-206	013/18	23-May-18	Being implemented	Being implemented
MO-2016-206	014/18	23-May-18	Being implemented	Being implemented
MO-2007-206	001/08	20-Mar-08	Being implemented	Being implemented
MO-2003-201	033/03	29-Aug-03	Being implemented	Being implemented
MO-2003-201	025/03	22-Jul-03	Being implemented	Being implemented

MO-2023-201 009/23 *On 30 April 2023, the Commission recommended that Maritime New Zealand alert all vessel operators using rubber expansion joints within a vessel's safety-critical system to the importance of taking into account the date of manufacture, in addition to the time in service, in their maintenance schedules to ensure they are fit for purpose*

- Maritime NZ has implemented this recommendation

A safety update was developed and published on the MNZ website in September 2023.

The safety update communicates to operators of domestic and international commercial vessels using rubber expansion joints within a vessel's safety-critical system, the importance of including rubber expansion joints in maintenance schedules to ensure they are fit for purpose. Including that the storage, installation, and length of service or rubber expansion joints are in accordance with manufacturers' recommendations.

MO-2019-204 013/20 *On 18 November 2020, the Commission recommended that Maritime New Zealand ensure that future Maritime Rules require appropriate stability, buoyancy, and survivability assessments with respect to a vessel's area of operation, and that information is made available for all domestic commercial passenger vessels.*

- Maritime NZ is implementing this recommendation

Cabinet has given approval for Maritime NZ to consult on reform of the Stability rules (and other rules that contribute to enhancing survivability) as part of the review of the 40-series rules. CAB-24-MIN-0277 refers. Consultation on draft stability proposals is expected in early 2025. Proposals are expected to include a requirement that all vessels have stability information, and that this information is stored on the vessel or is readily available.

MO-2018-202 008/19 *On 26 September 2019 the Commission recommended to the Director of Maritime New Zealand that they take any measures available to them to make post-2004 fishing vessels comply with as many of the design, construction and equipment standards prescribed in the current Rule 40D as are reasonable and practicable.*

- Maritime NZ is implementing this recommendation

The Fire proposals in the Design, Construction and Equipment Rules Reform include requirements for large fishing ships (over 24 metres in length) to have fire detection and alarm systems, fixed fire suppression systems and structural fire protection. The rules will include transition periods of 2 years or 5 year for structural fire protection. Subject to submissions and final decisions by the Minister, we expect that new rules will be in place during 2026.

MO-2018-202 009/19 *On 26 September 2019 the Commission recommended to the Director of Maritime New Zealand that they work with the Ministry of Transport to amend Rule 40D to put appropriate measures in place to ensure that aging fishing vessels are not permitted to remain in the system indefinitely without being required to meet contemporary safety standards.*

- Maritime NZ is implementing this recommendation

The Fire proposals in the Design, Construction and Equipment Rules Reform include requirements for large fishing ships (over 24 metres in length) to have fire detection and alarm systems, fixed fire suppression systems and structural fire protection. The rules will include transition periods for existing ships to comply - of 2 years, or 5 year for structural fire protection. Subject to submissions and final decisions by the Minister, we expect that new rules will be in place during 2026.

MO-2017-203 030/18 *Raise through the appropriate International Maritime Organization safety committee for its consideration, the implications for maritime safety of not having adequate minimum standards for the inspection, testing and rejection of pressure vessels that are part of a stored energy system.*

- Maritime NZ is implementing this recommendation

IMO currently has a moratorium on new initiatives, which we understand is proposed to be removed at the next Maritime Safety Committee (MSC 109). On the assumption that this is removed, we intend to submit a proposal for a new work item on stored energy systems at MSC 110 in May 2025. We continue to monitor the Correspondence Group set up to review the Requirements for Maintenance, Thorough Examination, Operational Testing, Overhaul and Repair of Lifeboats and Rescue Boats, Launching Appliances and Release Gear to determine if there is an opportunity to inject into this group the proposal

MO-2016-206 013/18 *The Commission is of the view that for commercial operations in exposed open waters, particularly when vessels are approved to operate out of bar harbours, the minimum requirement should be a type 401 lifejacket, and it should be required to have a crotch strap fitted. For the same reasons, Maritime New Zealand should place some emphasis in its safety campaigns on recommending that recreational users adopt a similar standard when intending to cross bar harbours or venture into exposed coastal waters.*

On 23 May 2018, the Commission recommended that the Director of Maritime New Zealand review the current requirements for the carriage of lifejackets on commercial restricted-limit vessels, and use an appropriate mechanism to ensure that the required lifejackets are of an appropriate type for the type and place of operation.

- Maritime NZ is implementing this recommendation

Cabinet has agreed to public consultation on an extensive reform of the Lifesaving Appliances rules as part of the Design Construction and Equipment Rules Reform. Consultation started on 7 August 2024. The proposals include compliance with Type 401 open-waters lifejackets as one of several options, and also include the wearing of lifejackets at all times when underway as part of an assessment for whether a liferaft is required for vessels operating in restricted limits. The proposals do not specifically address requirements for crossing a bar, which should form part of the vessel operator's safety system.

MO-2016-206 014/18 *On 23 May 2018, the Commission recommended that the Director of Maritime New Zealand use an appropriate mechanism to make it mandatory for crotch straps to be fitted to lifejackets required on board commercial vessels that operate out of bar harbours and off exposed coastlines.*

- Maritime NZ is implementing this recommendation

Cabinet has agreed to public consultation on an extensive reform of the Lifesaving Appliances rules as part of the Design Construction and Equipment Rules Reform. Consultation started on 7 August 2024. The proposals include compliance with Type 401 open-waters lifejackets as one of several options, and also include the wearing of lifejackets at all times when underway as part of an assessment for whether a life raft is required for vessels operating in

restricted limits. The proposals do not specifically address requirements for crossing a bar, which should form part of the vessel operator's safety system.

MO-2007-206 001/08 *Take the steps necessary to ensure that all dumb barges with no persons on board that are used commercially for the carriage of cargo are brought within the framework of the maritime rules with regard to the issuance of load lines and the provision of stability information.*

- Maritime NZ is implementing this recommendation

As previously noted, barges are regulated to the extent that they fall under the operator's safety system (refer Part 19), and this will not change. As part of the reform of the design, construction and equipment (DCE) rules, work on the rules that apply to barges is due to commence in 2024/25. This will include stability and freeboard requirements.

MO-2003-201 033/03 *When conducting any review of maritime rule part 40A (Design and Equipment – Passenger Ships SOLAS) undertake a cost benefit analysis to consider any existing restricted limit passenger ships with totally enclosed engine spaces to be fitted with a fire detection system and a remotely operated fire extinguishing system in the engine space.*

Where a cost benefit is demonstrated as positive, consider drafting an amendment to maritime rule part 40A for the Minister's consideration.

Any amendment of the rule to be phased so that existing passenger vessels above 15m, or carrying more than 36 passengers to be fitted with this equipment first.

- Maritime NZ is implementing this recommendation

Cabinet has agreed to public consultation on changes to the Fire Protection rules as part of the Design Construction and Equipment Rules Reform. These include fire detection and alarm systems, and fixed fire suppression systems for most ships. Consultation started on 7 August 2024. Subject to final decisions by the Minister, we expect that new rules will be in place during 2026.

The proposals include a transition period of 2 years for existing ships, including passenger vessels.

MO-2003-201 025/03 *Draft an amendment to maritime rule 40A (Design, Construction and Equipment – Passenger Ships SOLAS) for the Minister's consideration, that the new restricted*

limit passenger ships with enclosed ER spaces should be fitted with a fire detection system and a fixed fire extinguishing system in the engine spaces.

- Maritime NZ is implementing this recommendation

Cabinet has agreed to public consultation on changes to the Fire Protection rules as part of the Design Construction and Equipment Rules Reform. These include fire detection and alarm systems, and fixed fire suppression systems for most ships. Consultation started on 7 August 2024. Subject to final decisions by the Minister, we expect that new rules will be in place during 2026.

Appendix: Definitions

Response to issued recs	Definition	Further reporting required?
Accepted and implemented	The recommendation was accepted (wholly or in part) and has been implemented	No
Accepted	The recommendation was accepted (wholly or in part) and is being, or will be, implemented	Yes
Under consideration	The recommendation was neither accepted nor rejected. Further consideration is required	Yes
Rejected	The recommendation will not be implemented	No

Status of active recs	Definition	Further reporting required?
Implemented	The recommendation was implemented over the reporting period	No
Being implemented	The recommendation is in the process of implementation	Yes
Under consideration	The recommendation remains under consideration	Yes
No further action	The recommendation has been implemented in part, but no further action will be taken	No
Rejected	The recommendation was under consideration and it has been decided not to implement it	No