

SafeSEAS CleanSEAS

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Big Angry Fish

takes to the water with lifejackets

Full story on page **12** ▶



SafeSEAS CleanSEAS



Welcome to the second issue of *Safe Seas Clean Seas* and *LOOKOUT!* for 2013.

It's been a busy year for Maritime New Zealand (MNZ) both on and off the water. Our Compliance Operating Model aims at maximising compliance with maritime regulations to prevent incidents and harm among commercial operators and recreational boaties.

We're also preparing to implement the proposed Maritime Operator Safety System (MOSS) that will improve maritime operator safety – with a planned in-force date of 1 July 2014. In this issue we outline some of the key components of MOSS and where to go for more information.

Meanwhile, a 10-strong contingent from MNZ and its Marine Pollution Response Service (MPRS) joined 500 delegates from 25 countries at Spillcon 2013 in Cairns. It was an opportunity to share experiences and lessons learned from the **Rena** grounding and other incidents across Australasia, and to discuss emerging issues in oil spill response.

Our “Don't be a clown – wear a lifejacket” campaign encouraged recreational boaties to wear lifejackets, with a survey revealing that lifejackets are now more likely to be carried on boats and worn by children. There's still more work to be done to get the lifejacket message across to adults, especially those in powerboats.

Our new partnership with *Big Angry Fish* anglers Milan Radonich and Nathan O'Hearn sets a new standard for promoting safe boating practices. The show's hosts will be wearing inflatable lifejackets whenever they are on the water and will role-model other safe boating practices, while they reel in the big fish.

We also give an overview of new maritime fees, charges and levies that took effect on 1 July 2013.

The *LOOKOUT!* part of this magazine includes stories about the importance of carrying emergency communications and lifejackets, an accident on a slipway, a successful prosecution of a company where two employees suffered frostbite from unloading fish, and a safety feature on keeping a lookout and being visible while engaged in on- and under-water activities.

This month MNZ celebrated 20 years of safer, cleaner and more secure seas, rivers and lakes. Maritime Safety Authority was formed in 1993 via the Maritime Transport Act and became MNZ in 2005. In May this year MNZ introduced a te reo Māori name – Nō te rere moana Aotearoa. This name accompanies te manaia – the guardian – in our logo. Together, they reflect our role as the guardian of New Zealand's flowing waters.

Achieving our vision of “a vibrant, viable maritime community that works and plays safely and securely on clean waters” requires commitment from all those who use the water, and will safeguard this valuable resource for future generations.

I hope you enjoy this issue.

Keith Manch

Director of Maritime New Zealand

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NewZealandGovernment

“Right tool at the right time”

– key to Compliance Operating Model

MNZ’s Compliance Operating Model aims to increase compliance with maritime regulations and prevent incidents and harm among commercial operators and recreational boaters.

MNZ Director Keith Manch said the model provides clear guidelines for the maritime sector – both about MNZ’s responsibilities as regulator and what MNZ expects from operators. “The model formalises our approach to compliance and will help ensure MNZ’s compliance decisions are consistent and our processes transparent,” Keith said. “We believe operators with good safety systems and operating plans will welcome this approach.”

Decisions about what action to take in response to non-compliance are based on four key factors:

- the extent of harm (or potential harm)
- the conduct of those involved
- the wider public interest
- the attitude to compliance of those involved.

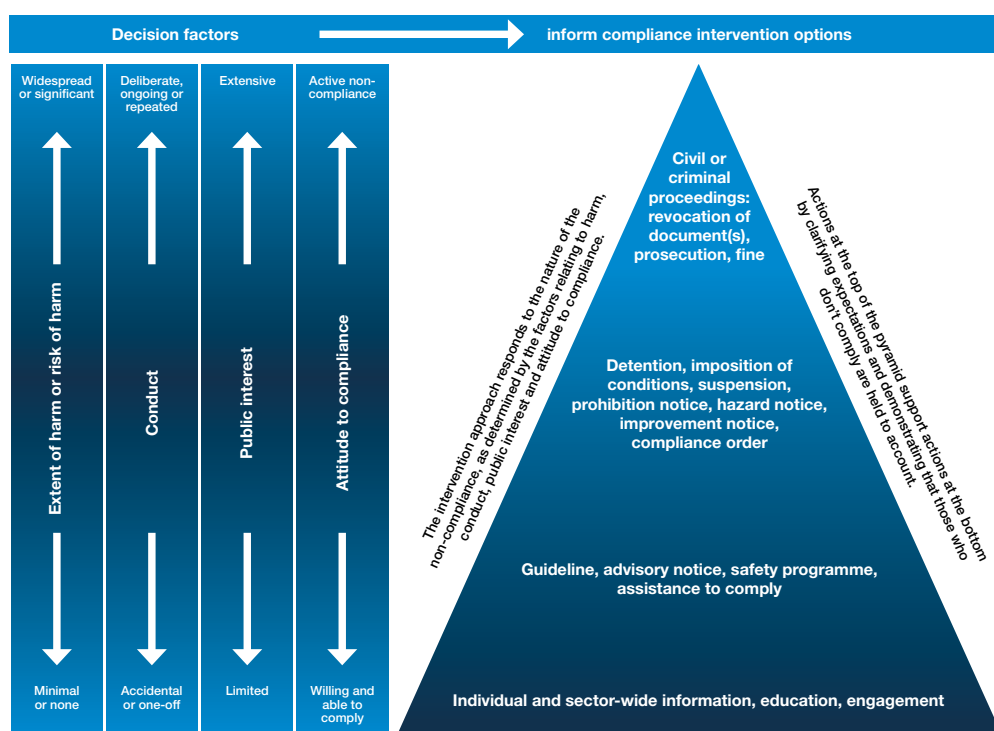
Compliance action will be tailored to meet each individual circumstance, and designed to achieve MNZ’s vision of a maritime environment that is safe, secure and clean. “The focus remains on preventing non-compliant behaviour that presents the greatest risk to worker health and safety, maritime security or the marine environment,” he said.

“As stated in our *Compliance Strategy*, the main question MNZ asks is “is this operator acting safely?”, rather than whether or not they have breached a minor rule. But that is not to say that MNZ won’t require an operator to fix even a minor breach in a timely manner.

“The guiding principle of the Compliance Operating Model is that MNZ uses the ‘right tool at the right time’, ranging from support and workshops – if that’s the best way of achieving compliance – to using the full force of the law,” Keith said.

As an example, there is likely to be considerable public interest in taking firm action relating to a health and safety issue in a commercial fishing operation, given the value of the industry to New Zealand and the potential for serious harm. A different approach may be appropriate for a one-off

Intervention Decision Guide



incident that caused no harm but was a breach of rules. A compliance intervention panel made up of MNZ managers will consider complex compliance issues, including those that could lead to prosecution.

As well as investigating individual accidents and incidents, MNZ will look to identify sector-wide behaviours that lead to breaches of regulations and increased risk and take action to address these. “We will be taking an intelligence-led approach – using all available information to identify potential risks. If it is clear a wider compliance issue exists across the industry, MNZ may decide on a zero tolerance approach.

“As regulator, our job is to maximise compliance – but it is obviously preferable to take action to prevent an accident or incident from happening in the first place,” Keith said.

The *Compliance Strategy*, *Compliance Intervention Guidelines*, and the *Compliance Intervention Panel Standard Operating Procedures* are available on the MNZ website.



what operators need to know

MOSS (Maritime Operator Safety System) is the proposed new system to improve safety in maritime transport operations. It builds on what has been learned from SSM (Safe Ship Management). Under the proposed rule, you will need to comply with the new MOSS rules from 1 July 2014.

The SSM rules introduced a concept of a system for the safe operation of a ship. MOSS will take a wider view, making it clear that your entire operation needs to be examined to ensure any safety risks are identified and managed.

As an operator, you know your own operation – the risks, hazards, and possible solutions – better than anyone. You are responsible for making sure that you are managing those risks to prevent harm. Currently, commercial ship owners are required to be a member of an SSM company, and are issued an SSM certificate (current for up to four years) for each ship.

Under MOSS, commercial operators will not have to be a member of an SSM company. Instead, MNZ will provide guidance to operators so they can develop their own safety system covering all the vessels in their operation.

There are also changes for surveyors, including survey performance requirements being raised and clarified. MNZ will be assessing the competency of surveyors who wish to work in the MOSS system, as well as setting standards by which surveys will be performed. Surveyors will no longer have to be employed by SSM companies.

What are the proposed changes to the rules?

The MOSS framework has required changes to the maritime rules. MOSS involves replacing parts of Maritime Rule Part 46 (which guides surveys, certification and maintenance) with Maritime Rule Part 44; and section 2 of Maritime Rule Part 21 (which guides the certification of maritime transport operators) with Maritime Rule Part 19.

Changes will be made to other maritime rules (specifically those in the 40 series) to make sure they are consistent with the new rules. The new rules that create the MOSS framework will tell you what is expected of you, and will require you to develop a safety system that is tailored to your operation.

Which operations are covered by MOSS?

MOSS is designed to cover most commercial operations in New Zealand waters, including those using barges carrying passengers, fishing ships, RHIBs, large vessels, foreign charter fishing vessels and non-SOLAS foreign-flagged vessels. If your operation is not covered by ISM, or an SOP, safety case or Barge Safety Certificate, it will be covered by MOSS.

What is meant by an ‘operator’?

Legally, the ‘operator’ will be the person who has overall responsibility for a maritime transport operation. For much of New Zealand’s domestic commercial fleet, this is likely to be the person behind the wheel of the vessel.

In larger operations, this is likely to be the company or organisation – but the person behind the wheel will always have a key role in making sure safety systems are put into practice.

Who needs to be a Fit and Proper Person?

Under Part 5 of the Maritime Transport Act 1994, individuals who exercise control over the operation are required to be Fit and Proper Persons. These may be skippers, owners, or those in charge of crewing requirements. Again, this is all about what is relevant to your particular operation.

What will you need to provide for MOSS?

To get into MOSS you will need to develop a safety system for your entire operation, document it in your Maritime Transport Operator Plan (or MTOP), ensure you have all required ship certificates and documents, and then apply for a Maritime Transport Operator Certificate (or MTOC). If your SSM manual is already tailored to your operation, you shouldn’t have any problems converting it into a good MTOP.

Moving from SSM to MOSS

On day one of MOSS, if you have a valid SSM certificate, it is proposed that your operation will automatically be in MOSS. You won't have to do anything new at that stage – as long as you continue to be a Fit and Proper Person, follow your SSM manual and keep your vessel safe.

This includes continuing to comply with Part 21 (other than the requirement to belong to an SSM company). Your SSM certificate will become a deemed MTOC until it expires, and the procedures and vessel, staff, and company details already in your SSM manual will be considered to be your MTOC.

These documents will remain valid until the expiry date on your SSM certificate (or if you have more than one vessel in your operation, the date your earliest SSM certificate expires) – and that's when you must **complete** the transition into MOSS.

When to start your entry into MOSS

You and your employees should begin developing your MTOC well before applying for your MTOC. Under the proposed new system, you should aim to have your documents completed and submitted to MNZ **three months before** the expiry date on your SSM certificate. MNZ will accept applications from **1 April 2014**.

If your operation has more than one vessel, you must complete the transition into MOSS on the day your **first** SSM certificate expires. You may choose to obtain an MTOC for each part of your operation (for example, different regions), or you may have one MTOC for the entire operation.

In exceptional circumstances, the Director of MNZ may agree to extend the expiry date for a deemed MTOC by up to 12 months.

Your ship's certification issued by an SSM surveyor (commonly called a 'fit for purpose' certificate) will be treated as a Certificate of Survey under MOSS until the day it expires, or the day its out-of-water inspection is due, whichever comes first after 1 July 2014.

On 1 July 2014, under the proposed new system, SSM companies will cease to have a statutory role under the maritime rules; however you may choose to maintain a commercial relationship with your SSM company – for example, if they decide to become a survey company.

How much will it cost to apply?

Being issued with an MTOC will require a one-off fee that is yet to be determined. A process of consultation on proposed fees will commence before the end of 2013. It is expected that the fee will vary depending on the size of your operation, and will include an MNZ site visit and application processing costs. Your MTOC is valid for up to 10 years.

YOU MUST

1. Develop your operation's safety system

Your safety system under MOSS will relate directly to your operation and people.

You're well on the way to having an effective safety system if you have:

- identified all possible hazards, safety risks and emergencies, and all relevant maritime and marine protection rules
- ensured your procedures and emergency responses related to your operation are appropriate, and are easy to understand and communicate
- ensured all relevant staff know, understand and can follow the procedures.

Ask yourself:

- Do my procedures and emergency responses relate to my operation?
- Will they be effective?
- Are they easy to understand and communicate?
- Do all relevant staff know and understand them?
- Can they follow the procedures?

2. Document your safety system in your MTOC (Maritime Transport Operator Plan)

Your safety system must be documented in your MTOC, which must cover your entire operation under MOSS. The MTOC will also include information about:

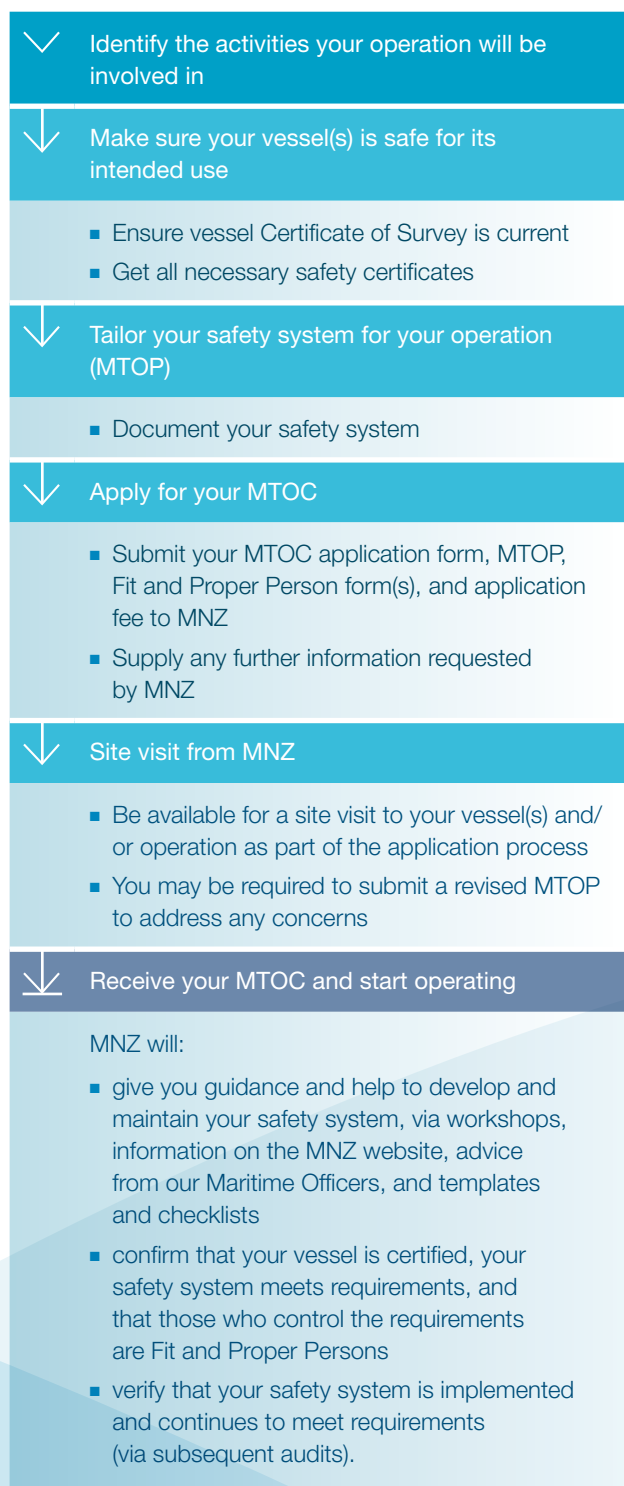
- the key people in your operation
- vessel details (including survey certificates and reports)
- survey and maintenance plans
- safety equipment and spare parts lists.

3. Apply for an MTOC (Maritime Transport Operator Certificate)

Under MOSS you must have an MTOC if you want to run a commercial maritime transport operation. You will be issued with an MTOC when your MTOC has been accepted by MNZ.

Your MTOC is valid for up to 10 years, as long as you continue to comply with the conditions on your certificate; your vessel(s) has a valid survey certificate and an approved MTOC; and all those on the MTOC remain Fit and Proper Persons.

How to apply for MOSS



Contacting MNZ

For more information about MOSS, visit our website:

maritimenz.govt.nz/moss

This will be your main source of information about MOSS.

If you would like to get regular MOSS updates by email, please subscribe at: maritimenz.govt.nz/moss-updates

You can also contact your nearest Maritime Officer for more information: maritimenz.govt.nz/offices

If you have any enquiries about MOSS, please email: moss@maritimenz.govt.nz

SeaCert™

Seafarer Certification

SeaCert – go live date planned for late January 2014

SeaCert, like MOSS, has been developed in consultation with industry. It has several advantages over the current system, including:

- a more streamlined certification process through maritime schools, which eliminates repetition
- increased recognition of New Zealand certificates overseas, making it easier for New Zealand seafarers to work in other jurisdictions
- better defining operational limits, in particular to comply with STCW and align with STCW-F
- the removal of unnecessary barriers to entry and career progression.

It is also worth noting that no operators will lose privileges under SeaCert – in fact, some will gain privileges as they transition from one certificate to another. More information about this can be found by visiting the MNZ website.

Crucial to the success of the project is ensuring MNZ has current details for all holders of maritime documents. If your details need updating, or if you have any questions about the project, please email qualifications@maritimenz.govt.nz

New information about SeaCert is being loaded onto the MNZ website on a regular basis. Recently, we've revamped the main page, including a "What's the latest" section, which will be kept up to date. A series of changes to the STCW revalidation process has been loaded up, and a comprehensive table on the transition of certification is available. This details current certificates, what they will transition to under SeaCert, and whether there are any operational or other changes involved.

There are also over 50 pieces of guidance being put together by MNZ, which will cover each and every certificate and endorsement, so no matter which qualification you hold, there'll be information developed specifically for it.

We are also producing a series of maps on operational limits, and these will be made available on the SeaCert homepage as they are completed:

maritimenz.govt.nz/seacert

New maritime fees, charges and levies take effect

Changes to maritime fees and charges took effect on 1 July. The changes affect fixed fees, hourly rates and Marine Safety Charges and follow a Funding Review by MNZ in 2011–12, which involved extensive consultation with the maritime sector.

MNZ Deputy Director Lindsay Sturt said the changes are designed to get the right balance between MNZ's sources of funding and the costs of the services it provides.

He said that, overall, the changes mean the Marine Safety Charge (a levy on commercial vessels) has reduced for most operators, while the costs (fixed fees and hourly charges) of services MNZ provides have increased. The new rates will ensure the costs of providing services are met by the people who use and benefit from them.

Funding from the Marine Safety Charge allows MNZ to maintain critical services that are vital to vessel safety and protecting the marine environment. These include navigation aids, the distress and safety radio network and safety education.

"The changes will not significantly affect the overall level of funding for MNZ," Lindsay said.

He pointed out that hourly rates had not changed for 13 years.

Most of the changes will be phased in gradually over a six-year transition period to 2018, to allow the maritime sector time to adjust. However, the full fees take immediate effect for environment protection services.

Fees that will apply to MOSS, the Maritime Operator Safety System, and SeaCert, the new seafarer certification system, are being consulted on separately.

Rates for the Oil Pollution Levy (OPL) also changed on 1 July, following a separate review by MNZ.

Read more about the changes to fees, levies and charges on MNZ's website: maritimenz.govt.nz/fees.





*MNZ General Manager Nigel Clifford's presentation focused on lessons learned during the community relations response to the **Rena** grounding.*

Lessons for all share

Lessons from New Zealand's response to the **Rena** grounding and oil spill were among the experiences shared during an international conference in Australia in April.

A 10-strong contingent from MNZ and its Marine Pollution Response Service (MPRS) attended the Asia-Pacific Oil Spill Preparedness and Response Conference (or Spillcon), held this year in Cairns, North Queensland. Also attending were others from New Zealand's regional authorities and MNZ's partner agencies.

Hosted by the Australian Maritime Safety Authority and the Australian Institute of Petroleum, the conference theme of "Global, Regional, Local" reflected the diverse but interrelated range of agencies and organisations who attended from across Australasia.

Around 500 delegates from 25 countries representing oil spill response agencies and the petroleum and maritime industries, attended the conference, along with spill equipment exhibitors.

"With hundreds of delegates from so many countries across the Asia-Pacific region attending, the conference was a great opportunity to learn, to share common experiences, and to discuss emerging issues that affect our precious marine environment and our ability to protect it," said MNZ Director Keith Manch.

"There were many excellent speakers and presentations that provided much food for thought and the opportunity for further discussion on how we can do things more effectively and efficiently," he said.

Among a panel to give presentations on behalf of New Zealand were MNZ General Manager Safety and Response Services Nigel Clifford, former MNZ Senior Media Advisor Ross Henderson, and Tauranga based communications consultant Bruce Fraser.



During the conference, delegates were treated to an aerial and on-water display of oil spill response equipment on the Cairns waterfront.

ed at Spillcon 2013

MNZ Authority Chair David Ledson chaired this panel, which discussed various aspects of the **Rena** spill response. The presentations focused respectively on lessons learned during the community, media and volunteer coordination roles performed during the response, and were well received by the other delegates.

More than 35 international speakers presented on a diverse array of topics. These ranged from recent developments in spill response compensation and regulation, to the ongoing and technically challenging salvage of the stricken cruise liner **Costa Concordia**.

Former MPRS General Manager Nick Quinn (now with the Australian Marine Oil Spill Centre) provided an interesting presentation on industry cooperation for offshore spills and former Northland Harbourmaster Ian Niblock (now Darwin Harbourmaster) presented on lessons from the **Eline Enterprise** incident in Darwin Harbour.

During the week-long conference, delegates were treated to an on-water and aerial display of oil spill response equipment on the Cairns waterfront, while a number of international exhibitors filled part of the Cairns Convention Centre to profile the latest spill response equipment and technology. A series of workshops held before and after the conference also allowed delegates to discuss important issues in more detail.

“Since the last Spillcon in 2010, there have been a number of marine pollution and salvage incidents, including the **Rena** grounding, that have occurred across Australasia, so it was a timely opportunity for all of us involved in preparing and responding to these incidents to come together to share our experiences,” Keith said.

“MNZ will also continue to work with its local, regional and global partners to ensure New Zealand’s spill preparedness and response mechanisms remain relevant, safe and effective.”

Clown safety message gets serious results

A survey measuring the results of last summer's safe boating campaign reveals that lifejackets are now more likely to be carried on boats and worn by children, but there's still more work to be done.

MNZ commissioned market research company IPSOS to research whether boaties' attitudes towards wearing lifejackets had improved in response to the advertising campaign developed by MNZ with the National Pleasure Boat Safety Forum.

The campaign ran from December 2012 to the end of February 2013 and reprised the clown lifejacket commercial used to great effect in 2011/12. Respondents to an earlier survey had found the advertisement memorable and effective, and said it had prompted them to change their behaviour on the water.

The research objectives for the most recent survey were to measure current behaviour in the recreational boating sector, and to gauge whether the advertising is having an impact on people's attitudes to boat safety.

The survey set out to measure attitudes and actions relating to all four key safety messages for recreational boating: always wear a lifejacket, know the weather, carry two communications devices and avoid or limit alcohol.

Respondents were drawn from advertisements on the MetService, TradeMe and Fishing websites, which invited people to take part in the survey. All 760 people who completed the survey were New Zealand residents aged over 15, who owned or had spent time on a boat under

6 metres in the past year. They were sorted into four groups: users of powerboats under 4 metres; users of powerboats between 4 and 6 metres; users of sailboats; and users of kayaks, jet skis or dinghies.

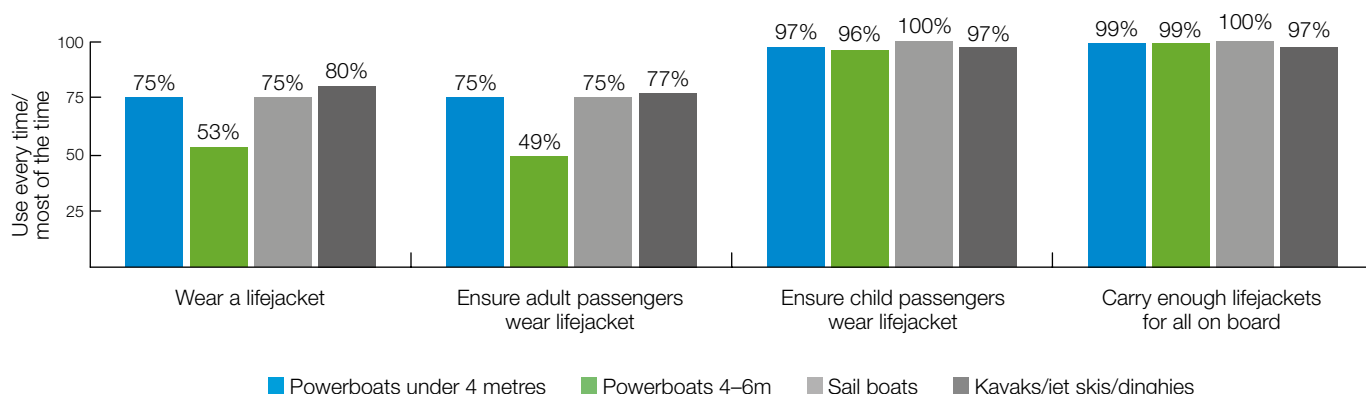
The results showed very high rates of lifejacket carriage by all and lifejacket wearing by children, but larger powerboat users were least compliant with lifejacket wearing behaviour.

Most people responded favourably to MNZ's "Don't be a clown – wear a lifejacket" advertisement about wearing lifejackets. Almost all of those surveyed (95%) were aware of the ad, and a majority liked it and considered it relevant. Nearly one-third (29%) of respondents said they had been encouraged to wear lifejackets by MNZ's campaign. More than two-thirds (70%) said the ad made them feel better about asking others to wear a lifejacket and one-fifth (22%) had held a conversation about lifejacket wearing as a result of the ad.

In other survey findings, larger powerboats are more likely (94%) to regularly carry two means of calling for help, whereas people using smaller vessels are less likely to do so.

Only half (51%) of those using kayaks, jet skis and dinghies make a habit of carrying two emergency communications devices. Most of those surveyed check the weather before setting out on the water (96%).

Lifejacket carriage and wearing by type of vessel





Attitudes to drinking alcohol on board boats were similar for all groups, with about four-fifths (83%) of respondents stating that they regularly avoid drinking alcohol when out on the water.

Other promotional measures supporting the summer advertising campaign included pushing the lifejacket message to boaties as they headed to the water, by distributing 20,000 Free Safe Boating Packs through Z service stations. Messaging on posters and bait bags at the service stations encouraged people to wear lifejackets, and the “Don’t be a clown” ad was played on site.

A tagline in televised weather reports served as a reminder to wear lifejackets on the water, and advertisements placed on weather and TradeMe websites directed people to an auction page where they could buy lifejackets and to the MNZ website.

Māori and Pacific Island radio stations also played the “Don’t be a clown” ad and ran safety messages in different languages.

In other water safety initiatives, MNZ sponsored Waikato Regional Council to develop a ‘Marine Mate’ mobile application for boating bylaws, boat ramps, rules and regulations and safety information. Water Safety New Zealand was sponsored to run programmes for Māori and Pacific Islanders, and a water safety programme, Folau Malu (Journey Safely), was run through Pacific Island churches. New Zealand Search and Rescue was also funded to translate boating safety information into 12 different languages.

KEY SAFETY MESSAGES



Wear your lifejacket



Take two forms of waterproof communication equipment



Check the marine weather forecast



Avoid alcohol



**DON'T BE A
CLOWN.
WEAR A
LIFEJACKET.**

maritimenz.govt.nz/lifejackets



New Zealand Government



Big Angry Fish

takes to the water with lifejackets

MNZ says the TV fishing show *PlaceMakers Big Angry Fish* is setting a new standard for promoting safe boating practices.

The latest series is being sponsored by MNZ as it ramps up its campaign to get more boaties wearing lifejackets. The show's hosts, world-class anglers Milan Radonich and Nathan O'Hearn, will be wearing inflatable lifejackets whenever they are on the water and will role-model other safe boating practices, such as checking the weather before setting out, having the skipper hand out lifejackets to those on board and taking care when crossing bars.

MNZ's Education and Communications Manager, Pania Shingleton, said the show will help reinforce and normalise the idea of boaties wearing lifejackets. She issued a challenge to other media and entertainment outlets to promote safe boating practices and help save lives on the water.

"Our research shows that people who wear lifejackets on the water are much more likely to survive if something goes wrong," she said. "Many of those who die in recreational boating accidents each year – mostly men aged 40 and over – could have been saved had they been wearing a lifejacket."

Pania said the results of a survey following MNZ's "Don't be a clown – wear a lifejacket" safety campaign also show that the people least likely to wear lifejackets are those in powerboats between 4 and 6 metres.

She says MNZ is actively using the results of its research into attitudes and behaviour in the recreational boating sector to inform its safety campaigns, and *Big Angry Fish* fits naturally with those strategies. "It's a celebration of the great outdoors, and really demonstrates how much fun two guys can have safely messing about in boats.

"These are real Kiwi blokes, experts in boating and fishing, who also recognise the importance of wearing lifejackets," Pania said.

Set in idyllic locations, including two episodes filmed in Thailand and Canada, the show reels in a wide audience. But Pania says its safety messages are targeted at a particular demographic. "We know there's a group of men who resist the idea of wearing lifejackets because it goes against everything they think fishing stands for – freedom to do as they choose, being at one with nature, pitting themselves against the elements, and having fun ... But wearing a lifejacket is proven to save lives and you can't argue with that," she said.

The research findings show that many people won't wear lifejackets because they consider them either uncomfortable or uncool or both. But Pania says those excuses don't hold water, with inflatable and hip-belt models of lifejacket like those worn on *Big Angry Fish* now widely available. "These are really versatile – small, light and compact," she says. "They're ideal for fishermen, because they aren't bulky and don't get in the way of what you're doing."

As well as sponsoring *Big Angry Fish*, MNZ is working with the National Pleasure Boat Safety Forum on a new 2013–14 summer advertising campaign and strategy, to keep pushing the need for boaties to wear lifejackets and keep safe on the water.



Main photo: Nathan O'Hearn (left) and Milan Radonich will wear lifejackets, use safety equipment and model safe boating practices while they reel in the big fish.