

SafeSEAS CleanSEAS

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**A new era
of health and
safety at sea**

Full story and photos on pages **03** – **07** ▶

**SafeSEAS
CleanSEAS**
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SafeSEAS CleanSEAS

Keith Manch on
Wellington's waterfront.

Welcome to the first edition of Safe Seas Clean Seas and *LOOKOUT!* for 2016.

The new health and safety at work requirements should now be 'top of the agenda' for all of us working in the commercial maritime sector. The Government has put a focus on improving New Zealand's poor record in workplace safety, and the reality is that we are working in a potentially dangerous industry. Fishing and aquaculture are among the country's five high-risk sectors.

New legislation can create uncertainty and anxiety. However, the maritime sector has a head-start over many other industries in coming to grips with the Health and Safety at Work 2015 (HSWA) legislation that came into force on April 4. The Maritime Operator Safety System (MOSS) introduced two years ago provides a solid platform for identifying and managing hazards and risks, and covers a number of the new HSWA requirements.

Maritime NZ continues its role as the regulator for health and safety on vessels that are workplaces. We've prepared guidance to help operators understand where MOSS and HSWA intersect, as well as the wider responsibilities of PCBU's (persons conducting a business or undertaking), officers, and workers under the new Act.

We've trained and warranted 35 maritime officers and other compliance staff as health and safety inspectors. They will inspect vessels and are an excellent source of information for operators about our guidance. They are knowledgeable about how requirements apply in different businesses, ranging from owner-operated fishing enterprises, to water taxis, ferries and non-passenger work boats. One thing to note is that while we will align HSWA inspections with MOSS visits, there will be no additional charge for the HSWA element.

I encourage you to have a close read of the guidance on the Maritime NZ website at: www.maritimenz.govt.nz/hswa, or talk to your local maritime officer. More guidance will be produced in the coming months.

Another area of major change for the sector is the new seafarer certification framework, SeaCert. In response to industry feedback, we are looking at ways to streamline the transition process, in an effort to reduce costs for individual seafarers. We are currently inviting comments on a range of options. For example, we propose that the holders of AB certificates (or Able Seaman) will no longer have to transition – they would continue operating on their current tickets. Holders of old and legacy certificates are urged to register with us (page 9) so we can keep them informed of options, including a proposal to ring-fence their tickets. That would mean they could continue doing what they are doing at no cost.

The proposals will require a change to the Maritime Rules, so take a look at the consultation section on our website and have your say.

New Zealand is joining others in the international maritime community in making some significant changes to the way we operate. We've signed up to Maritime Labour Convention (page 14); and along with the rest of the world will require containers to be weighed before leaving the port (page 13).

Meanwhile, stability issues in mini jet boats are at the core of the lead story in *LOOKOUT!* On page 13 we also have another sad reminder of why life jackets with crotch straps are essential in turbulent water. All too often we hear of life jackets riding up and not providing sufficient support for boaties and users of jet skis, kayaks and other adventure activity craft – with fatal consequences.

I wish you all a healthy and safe winter period on the water.

Keith Manch

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A new era of health and safety at sea

Maritime operators and the people who work for them have new health and safety responsibilities under the Health and Safety at Work Act (HSWA) that came into force on April 4. Responsibility for regulating health and safety requirements on ships remains with Maritime NZ.

Sharyn Forsyth, General Manager of Maritime Standards, says operators familiar with MOSS requirements or other safety systems will recognise many requirements under HSWA.

“While an operator’s current health and safety plan may not meet all the obligations under the new Act, the maritime sector has a head-start with MOSS and the international and small domestic safety systems,” she says.

The aim of the legislation is to have one system to manage workplace health and safety across the whole of New Zealand – and the overriding principles of the legislation remain the same, she says.

“The core objective under HSWA is for companies to operate safely by identifying and managing risks to ensure everyone gets home from work unharmed.”

HSWA contains some new terms that operators will need to get familiar with – most notably PCBU – a person conducting a business or undertaking. The word ‘person’ should not be taken literally.

Normally a PCBU is an organisation – e.g. a company, but the PCBU may also be a self-employed person.

One of the key points of HSWA is that whoever controls a workplace is responsible for health and safety in that workplace. In many cases, that may be shore-based management.

HSWA is part of the Government’s response to the Pike River mining disaster, and consequently it imposes a duty of due diligence on ‘officers’ – those who can exercise significant influence over the management of an operation.

Due diligence means officers must take steps to:

- keep up-to-date with knowledge of workplace health and safety matters
- understand the work of the PCBU and the hazards and risks associated with this work
- ensure that the PCBU has appropriate processes and resources to minimise risks



Cover Shot: Wellington fisherman Johnny Persico, on the **San Raffaele**, discusses the new health and safety requirements with maritime officer Andy Cox from Maritime NZ.



- ensure the PCBU has appropriate processes for receiving and considering information about incidents, hazards and risks
- ensure the PCBU has processes for complying with HSWA, and actually applies them.

At a practical level, officers should collect information relating to health and safety to a similar level of detail that they get financial details.

The position of a ship's master in HSWA is also likely to generate discussion in the maritime sector.

Under HSWA, masters who are owner operators will be an officer and may be a PCBU (depending on the way the business is structured). But they are considered a 'worker' if they are employed by, or work on contract to, a maritime operator.

"Regardless of whether or not they are a worker, the master remains responsible for the operation of the vessel when it's at sea and must not do something, or neglect to do something, that creates a hazard for others working on board," says Sharyn.

For a single-boat operator, without a crew, HSWA may mean little change.

The obvious difference is the *requirement* to liaise with other PCBUs – contractors or other businesses – working on the boat. The goal is to work together to avoid anyone on board getting harmed. In real terms, that means identifying and discussing health and safety risks, and agreeing how to manage those risks and who is responsible for what.

The new Act also requires PCBUs to involve workers. PCBUs must:

- engage with workers on health and safety matters and
- have effective, on-going ways for workers to participate in improving health and safety in their operation.

The requirement to engage with workers is broad. A PCBU must give workers reasonable and on-going opportunities to improve health and safety.

"Better decisions get made and the workplace is healthier and safer when workers actively engage and everyone in the workplace shares their knowledge and experience," says Sharyn.

A PCBU must take into account the workers' views on health and safety. Suggestions don't have to be adopted,

but the PCBU should keep communicating and explain the reasons why suggestions are not adopted.

Arrangements for engagement and participation can vary depending on the operation and the people involved. The workers do not need to be employed or engaged by the PCBU. The duty to engage extends to any worker who is directly affected by the operation – for example workers at the workplace employed or engaged by another PCBU.

The Act and the Health and Safety (Worker Engagement, Participation and Representation) Regulations 2016 set out detailed requirements for health and safety representatives, work groups, and health and safety committees.

The new Act also requires workers to be involved in planning safety procedures and systems. "After all, they are usually best placed to know the hazards they are working with," Sharyn says.

Important terms to understand

Officer – An officer is a person who has the ability to significantly influence the management of a business or undertaking. This includes, for example, company directors and chief executives.

PCBU – A PCBU is a 'person conducting a business or undertaking'. A PCBU may be an individual person or an organisation.

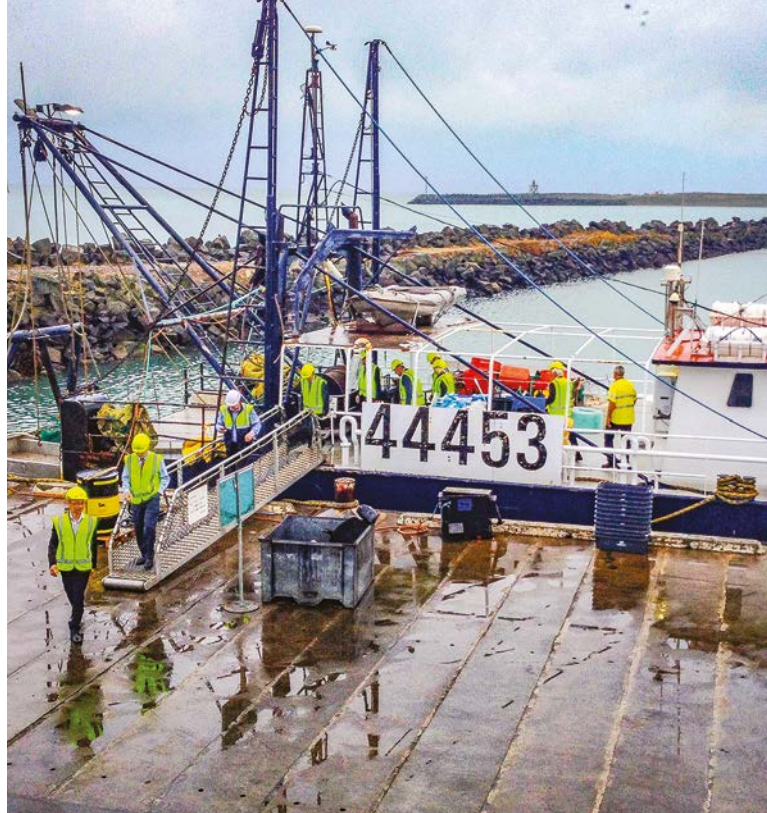
It does not include workers or officers of PCBUs, volunteer associations with no employees, or home occupiers that employ or engage a tradesperson to carry out residential work.

Worker – A worker is an individual who carries out work in any capacity for a PCBU.

A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an apprentice or a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (eg managers are workers too).



Sanford health and safety co-ordinators: Veronica McDonald, based in Auckland, and Gail Swanepoel, based in Tauranga.



Maritime operators on board with HSWA

Maritime operators, large and small, are preparing to meet the requirements of the new Health and Safety at Work Act (HSWA) that came into force last month.

“Our staff has undergone training and the new requirements for officers and workers are already in place. Not much changed for us on April 4,” says Dave Evans, group compliance manager for Sanford.

Sanford reports a marked increase in awareness about health and safety amongst all employees, as well as an increase in incident reporting. Last year Sanford carried out an independent audit of board governance, and health and safety systems, processes and performance in preparation for the Act coming into force.

Sanford’s board and executive team conduct periodic health and safety inspection visits to vessels and factories, where they have a first-hand opportunity to engage directly with line management and staff. Sanford management also regularly attend health and safety meetings with PrimePort, other port users, and both Maritime NZ and WorkSafe NZ representatives.

According to Dave, smaller operators are aware of the new Act but are uncertain what they need to do comply with it.

“There needs to be more engagement at the coalface. A lot of small operators don’t know what they need to do. People don’t have time to read a lot of complicated material

on a website – they need someone to talk to face-to-face,” says Dave.

Doug Loder, president of the Federation of Commercial Fisherman, agrees that small operators are not yet ready and have questions about what it means to them.

“We’ve been working closely with Maritime NZ and are looking to them to provide us with guidance. We’d like to see FishSafe initiated again. That should be the safety bible for fishermen. In the past, fisherman never had signs or identified hazards when people come on board. FishSafe and MOSS boosted awareness of hazards,” says Doug.

Maritime NZ director Keith Manch says “it’s good to see that sector leaders are on the front foot with these important health and safety reforms. It’s clear that we at Maritime NZ have more work to do in helping smaller operators understand their obligations – which will be somewhat different than the large players. We are developing guidance specifically for small operators that will feature scenarios of typical maritime operators, and explain how the new requirements apply to them”.

“Our aim is to provide clear direction through plain English guidance and the help, support and advice of our maritime officers,” says Keith.

An industry user group has been formed to provide input and help shape future Maritime NZ health and safety informational material.



Maritime staff trained up on HSWA

Maritime NZ has trained and warranted 35 health and safety inspectors in preparation for the Health and Safety at Work Act (HSWA), that is now in force.

Maritime officers will work closely with operators to help them understand their new requirements under the Act.

Maritime NZ director Keith Manch says “our maritime officers, technical advisors, guidance developers, investigators, regional and assistant regional managers now have a sound understanding of the new duties and how they apply to maritime operations. They’re an excellent source of information for operators who have questions about their new obligations.”

Many of the duties required under HSWA are already addressed in the Maritime Operator Safety System (MOSS)

and operators certified under MOSS will have a head-start in meeting HSWA requirements.

Maritime officers will carry out HSWA assessments when they conduct MOSS audits. There will be no additional costs to operators for the HSWA assessments.

“In the early stages of the Act coming into force, we’ll focus on supporting operators and helping them understand how the new requirements impact their operations,” says Keith. “However, we expect operators to either have plans in place, or be making plans, to meet these new requirements.”

“Many of the requirements of the new Act reflect what has been part of the previous legislation and/or is required by MOSS. Overall, we will take a risk-based and proportionate approach to compliance. Action taken in any specific situation will depend on the circumstances, as set out in our published compliance operating model.”

Guidance puts a maritime lens on HSWA

Maritime NZ has published guidance to help maritime operators understand their new obligations in preparation for the new Health and Safety at Work Act.

A suite of eight new guidance documents explains different aspects of HSWA, and how maritime operators can meet their new duties on due diligence, worker engagement, overlapping and upstream responsibilities, facilities, managing asbestos and surveying. The guidance is tailored to how these requirements apply in a maritime setting.

A user group of industry representatives has had the opportunity to ‘weigh in’ on the type of informational tools that will be most helpful to the sector. It is also considering the differences in the needs of large and small operators. Input from this group is being factored into future guidance and education materials.

“The new law has been a key driver in improved health and safety awareness. The focus of operators is on where the “rubber meets the road”,” says Doug Loder, Federation of Commercial Fisherman President, and participant in the industry user group.

More plain English information will be published over the coming months and an updated Health and Safety Guide, reflecting the new HSWA duties, will be produced by the end of the month.

HSWA guidance for maritime operators can be found on the Maritime NZ website at: www.maritimenz.govt.nz/hswa



What do small operators need to do?

Fred's Fish – a scenario

Fred is a sole operator who has his own fishing boat trading as Fred's Fish. Fred and his wife Kiri are both directors of 'Fred's Fish', which makes them 'officers'. 'Fred's Fish' is a business, which makes it a 'PCBU'. Fred is also a 'worker' because he works as a fisherman.

Fred's health and safety responsibilities haven't changed much since the Health and Safety at Work Act (HSWA) came into force. Fred's Fish operates under a Maritime Operator Safety Plan (MTO) signed off by Maritime NZ, which already addresses many of the things required under HSWA.

But Fred and Kiri know that their MTO doesn't address all health and safety requirements – for example it doesn't cover **workplace facilities**, such as access to a toilet and a place to wash hands. Fred and Kiri's boat, **The Starfish**, is an older vessel and doesn't have a toilet or hand-washing facilities. They know that the Act requires them to ensure, so far as is reasonably practicable, that there are adequate facilities on board. **The Starfish** is small and there is nowhere to install a toilet or hand basin. Due to the boat's size and configuration, Fred and Kiri have concluded that it isn't reasonably practicable to add a toilet. When Fred thought about what was reasonably practicable he took into account that he has no staff, only works during the day, and that there are toilets available onshore. When Fred goes fishing he takes along fresh water, a basin, soap and towel for hand washing.

Fred and Kiri need to meet their '**officers' due diligence**' duties as directors. They need to know about health and safety matters, understand health and safety risks, and make sure their business has processes in place to

minimise those risks. This isn't something new for Kiri. She has always worried about Fred being out at sea on his own. She regularly checks to make sure that Fred is paying attention to health and safety, and every so often they review their safety plan.

Fred's boat is maintained and repaired by ACME Marine. ACME Marine is a business, so it's also a PCBU. Fred needs to make sure that he discusses and manages health and safety with ACME Marine or anyone else who does work on the boat. This new requirement is called '**overlapping duties**'.

What about asbestos requirements?

Fred and Kiri have been planning some upgrades and maintenance on their boat during the next off-season. They need to think about asbestos because under HSWA all businesses have a **duty to manage asbestos** in the workplace. Their boat **The Starfish** is a workplace.

ACME Marine has told Fred that **The Starfish** could contain asbestos, and they should get this checked before the alterations can be made. Asbestos use in New Zealand was largely phased out in the 1990s. **The Starfish** was built in NZ in 1995 so it could contain asbestos. Kiri wants to be certain there is no risk – her uncle Bill got cancer after working with asbestos.

Kiri contacts her old school friend, Ngaire, who works for a company that specialises in asbestos sampling and testing. Ngaire takes some samples from around the boat and calls them a few days later with the results. The samples didn't contain asbestos. Fred and Kiri don't have to take any extra precautions, and ACME Marine can get on and make the planned alterations.

New Duties

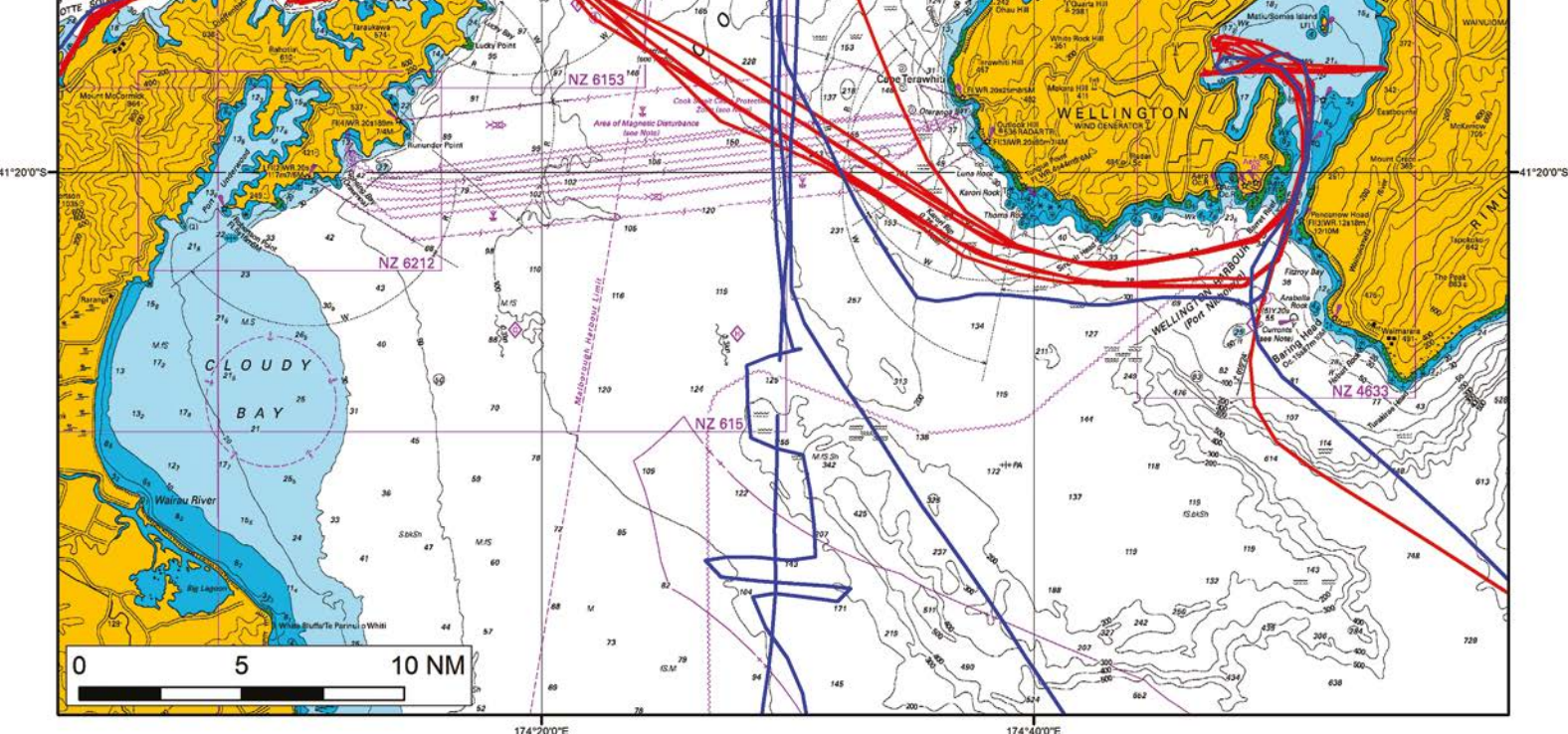
Sole operator operating to an approved Maritime Transport Operator Plan under MOSS

Duty to work with other businesses to manage health & safety (overlapping duties).

Duty to manage asbestos

Duty to provide facilities

Duty of directors and senior leaders to ensure their business meets health & safety obligations (officers' due diligence).



Sound framework for coastal navigation

Maritime NZ's review of coastal navigation safety found New Zealand has in place a sound framework to manage the movement of ships around the New Zealand coast. The framework includes procedures to assess risk and adjust safety measures if required.

Maritime NZ Director Keith Manch says the review, begun in April last year, was prompted by an anticipated increase in the number of ship visits to New Zealand, a trend toward larger ships, and technology changes in navigational aids.

Consideration was also given to a Transport Accident Investigation Commission (TAIC) recommendation, following the grounding of the **Rena**, that Maritime NZ collect data on shipping movements around the New Zealand coast, and monitor and control the use of virtual aids to navigation.

Recent access to ship tracking data based on ships' Automatic Identification System (AIS) enabled Maritime NZ to examine the routes taken by ships, Keith says.

"Previous studies indicate that ship volumes and other existing hazards around New Zealand do not meet international criteria for imposing shipping lanes or mandatory routes, and the review indicates that this is still the case.

"Incidents like the **Rena** grounding would not necessarily be prevented if shipping lanes were in place – in the case of the **Rena**, poor watch-keeping and navigation were identified as key contributing factors."

Following the review, Maritime NZ is undertaking work to improve the management of electronic systems that aid navigation. These systems alert ships to navigation hazards through their AIS systems, rather than using physical marks or beacons.

"This is a rapidly growing and changing area of technology. We are developing a strategy on how best to manage the use of this technology in New Zealand," says Keith.

The review identified two areas of potentially higher risk relative to other locations – the Hauraki Gulf and Colville Channel, and Cook Strait – when passenger vessels and other hazards were considered in combination.

"This review does not indicate an immediate risk to vessels or water users in these areas – but we will work with harbourmasters, pilots, ferry operators, and the coastal shipping industry to see how risks are managed and identify any gaps," he says

"Around 120 ships' masters, harbourmasters, pilots and other water users provided expert input into the review, and we're delighted with that response."

Other review recommendations include linking with Australia to improve the approach to port State control inspections carried out on foreign-flagged vessels – with more than 60 percent of ships arriving or leaving New Zealand waters also travelling to or from Australia.

"Australia uses a sophisticated data collection and risk profiling tool to manage port State control inspections, and we will be discussing with the Australian Maritime Safety Authority (AMSA) what can be done to join up our two systems," Keith says.

Have your say on changes to SeaCert

Maritime NZ wants to make it easier and cheaper for seafarers with older certificates to continue working now that SeaCert has been introduced.

Public consultation on proposed changes to SeaCert rules is underway, and closes on June 7 – see: www.maritimenz.govt.nz/consultation

There are a range of older certificates, or tickets, held by seafarers and issued under different regulations, mostly before the year 2000.

SeaCert rules currently state that if you have one of these tickets (known as old or legacy certificates) you must move to a new SeaCert certificate

- by December 31 if you want to move to an internationally recognised STCW certificate
- by March 31 if you want to continue to hold a domestic certificate or move to a STCW-F certificate.

Maritime NZ proposes that some seafarers could choose to have their certificates “ring-fenced”. This would mean that they could simply keep their old ticket and they wouldn’t have to transition into SeaCert – there would be no charge for ring-fencing.

Under the proposed change to Maritime Rule Part 32, seafarers would have to let Maritime NZ know by May 31, 2017, whether they wanted to ring-fence their current certificate or move into the new system.

They will be able to do this simply by registering their chosen option with Maritime NZ free of charge. If they miss this date, their certificate would expire and they would have to apply for a new one – which would come at a cost and need to be renewed every five years.

If seafarers with ring-fenced certificates want to get a higher level SeaCert certificate later, they would be able to apply to enter the SeaCert system.

If Seafarers with old or legacy certificates would prefer to move to a SeaCert certificate, instead of ring-fencing, they will be able to make that choice. Two timeframes are proposed for this:

- Certificates that can transition to STCW and STCW-F certificates will be able to transition between June 2017 and July 2018.
- Certificates that can transition to new national or STCW-F certificates will be able to transition between January 2019 and 31 December 2021.

It will not be possible to ring-fence some old/legacy certificates. These are:

- NZ Coastal Master
- NZ Offshore Master
- NZ Offshore Watchkeeper

These certificates will still have to transition to a new SeaCert certificate, but it is proposed to extend the deadline for transition beyond December 31 this year.

Other proposed rule changes are:

- Seafarers with ratings certificates would not have to transition at all. This affects AB (ILO) holders, IR holders, DWR holders, EWR holders. All seafarers who hold rating certificates can still choose to transition to the new STCW certificates if they want to.
- Seafarers with ratings certificates will no longer have to renew certificates every five years.
- It is proposed to amend the temporary seasonal endorsement so that it is granted for a specific purpose and extends through to the expiry date of a holder’s SRL certificate.
- We also propose to amend the requirements so skippers can carry up to 19 passengers without a passenger endorsement.

Maritime NZ Director Keith Manch says the changes are being proposed in response to industry feedback.

“We’ve listened to the feedback and we want to make the SeaCert process as straightforward as possible for seafarers, limiting the cost and time involved,” he says.

Specific advice for each certificate is now available on the Maritime NZ website at: www.maritimenz.govt.nz/legacy

Ancillary training essential – even if you delay transition to SeaCert

Seafarers affected by proposed changes to SeaCert rules should delay transition – but keep their ancillary training up-to-date.

Maritime NZ General Manager Maritime Standards, Sharyn Forsyth, says any seafarers holding STCW tickets, or planning to transition to STCW tickets (or apply for new STCW tickets), must have completed ancillary training by December 31, 2016 – if they have not already done so – or they won't be able to continue using their tickets.

The ancillary courses cover basic and advanced firefighting, and proficiency in survival craft (PISC).

"Our advice is that seafarers with tickets affected by the proposed rule changes should delay transitioning while the rule change process is completed, but they must complete the required ancillary training before the end of the year," Sharyn says.

"We are aware that not transitioning may mean some tickets pass their official expiry dates, but Maritime NZ will take a reasonable approach in responding to these issues – with the focus on ensuring safety is maintained."

However, if you are working outside of New Zealand you may be subject to overseas Port State Control inspections.

Maritime NZ is also changing the way it is handling STCW certificates that were issued with terms shorter than five years and given an expiry date of December 31, 2016.

"We are now extending these tickets to their full five-year term – but, again, relevant ancillary training must be completed by December 31," Sharyn says.

Maritime NZ needs to hear from seafarers holding these tickets to confirm the address that the extension notification should be sent to.

Seafarers should contact Maritime NZ by email at: **stcwextension@maritimenz.govt.nz**

Funding increase for regions – Safer Boating campaign

Maritime NZ has agreed to big increases in funding for regional initiatives aimed at lowering the annual recreational boating toll.

Maritime NZ director Keith Manch says regional funding will increase from the \$124,000 allocated last year to \$500,000 this year. The Government provides funding from the fuel excise duty paid by recreational boat owners.

"The NZ Safer Boating Forum has worked with us to review the national safety programme and it is time to introduce more local programmes targeting local safety issues," says Keith.

"Forum members recognise that TV advertising around lifejackets has significantly raised awareness and improved attitudes toward boating safety in New Zealand. The Forum has decided that it is the right time to build on that increased awareness through more direct interaction with boaties."

"The regional programmes will therefore replace national television advertising. Face-to-face contact will help change entrenched 'risk taking' behaviour amongst our target audience of middle-aged men and, increasingly, men under 30 joining the rapidly growing paddle craft sector."

Keith says these programmes will complement the regional safety programmes that Forum members already have

in place, including those of regional councils, the Police, Coastguard and other agencies and boating associations.

The safety focus of the Forum's recreational boating strategy will not change. It will continue to target unsafe boating behaviours through the window of *skipper responsibility*, including making sure that lifejackets are worn, that emergency communication equipment is a carried, that a marine weather forecast is obtained before going out on the water, and alcohol is avoided.

Nationally, Maritime NZ will continue to promote the Forum's safety messages through radio advertising, online and social media channels (Facebook, Twitter etc.), nationally-available safety apps, and the print media. It will also provide some collateral for national distribution, and sponsor television and radio programmes that role-model safer boating behaviours.

Maritime NZ will shortly call on regional councils and the wider boating safety community to submit proposals for grants. Funding will be allocated according to how well each programme aligns with the Forum's national strategy and associated priorities; the size and nature of the boating population that will be impacted by the programme; its likelihood of success; and the likely return on investment. Decisions will be made by the end of July 2016.



Above: The Cape Campbell lighthouse near Blenheim. Actors Michael Fassbender and Alicia Vikander on the porch of the lightkeeper's cottage. Below right: Props used to recreate the lightkeeper's 'office' in the tower.



Starring role for lighthouse

Cape Campbell lighthouse has a starring role, along with Michael Fassbender, in the film version of the book *The Light Between Oceans* which will reach our screens later this year.

The moving story, by Australian M. L. Stedman, is about a WWI war veteran who becomes a lighthouse keeper. Together with his young wife, they move to a remote island off Western Australia in 1926. One morning a row boat washes ashore carrying a dead man and a crying infant ...

After scouting Australasia for suitable locations, Dreamworks selected Cape Campbell lighthouse – 50 kilometres south-east of Blenheim – due to the iconic shape of the tower, sheer cliffs, sharp climb up from the beach, and period lightkeeper's cottage in the frame below the lighthouse.

The imposing 22-metre cast iron tower looms large in the trailer for the movie – out now. Fassbender and Alicia Vikander were among the cast and crew who filmed on and

off for four months at Cape Campbell in 2014. Rachel Weisz also stars back on the mainland.

The original Fresnel-designed optic lens was recovered from inside the base of the tower, and reinstated to recreate the look of early 1900s lighthouses, says Jim Foye, Maritime NZ's leader of Aids to Navigation. A kerosene lamp was borrowed from a private collector, and additional components were found at Castle Point lighthouse to provide all the equipment needed for the old lens to be lit up for the movie.

These first revolving lenses – rotated via a hand-wound clockwork mechanism with the light source provided via colza oil – were first introduced into NZ in 1865 at Dog Island. Many of these were converted to electricity in the 1950s. Around 40 years later, as the sites became fully automated, the last lighthouse keeper left Brothers Island in 1990.

During filming, the current operational light was temporarily housed externally on the balcony of the Cape Campbell lighthouse, to enable normal nightly warnings to go out to maritime traffic.

Fines imposed after passengers rescued from charter boat

Fines totalling more than \$16,000 have been imposed after the dolphin-watching charter vessel **Dreamweaver** was damaged by heavy seas on Auckland Harbour in February 2014, and more than 30 passengers had to be transferred to rescue boats.

Maritime NZ prosecuted the owner and operator of the vessel, the director of the company providing crew, and the master after the incident, which resulted in two passengers being knocked down and one of the vessel's hulls filling with water.

Dreamweaver Charters Limited was fined \$12,750 after admitting a charge under section 65 of the Maritime Transport Act (MTA) that it operated a ship in a manner which caused unnecessary danger or risk to any other person or property by failing to ensure training and safety procedures were implemented.

Kirsty McPherson, the owner, manager and sole director of Staffing Solutions Limited, which employed the crew onboard Dreamweaver, admitted the same charge. She was fined \$1,680 for failing to ensure crew received regular training drills and induction training, failure to ensure emergency briefings were conducted, and failing to ensure there was a system in place for monitoring passenger safety.

The skipper of the vessel on the day, Brian John Climo, was also fined \$1,680 after admitting a charge under section 64 of the MTA, that as the holder of a maritime document he caused unnecessary danger to persons or property by failing to ensure crew were adequately trained in emergency procedures, and failing to ensure passengers were clear of the bow prior to turning into rough seas.

At the time of the incident, the vessel was on a dolphin watching trip about 4.5km south west of Flat Rock when Mr Climo noticed a severe squall approaching from the west out of Whangaparaoa Bay.

After turning the vessel into the weather without warning two passengers standing on the forward deck, the Dreamweaver was hit by about three large waves, resulting in knee-deep water on the deck and the pair being knocked over.

The vessel battled seas for 15 minutes, as the skipper headed towards the Tiritiri Matangi passage, with passengers describing vicious juddering and large cracks and bangs.



When the bilge alarm began sounding and the port bow was low in the water, Mr Climo instructed a crew member to inspect the hull and was advised that it was full of water.

The skipper then issued a mayday call via Auckland Maritime Radio and ordered a crewman to activate the bilge pumps. However, the crewman was unfamiliar with the systems on board and could not open the two pickup bilge cocks, which would have allowed the bilge pump to be activated from the bridge.

Mr Climo ordered lifejackets to be distributed to passengers, who were told to gather on the starboard deck in an attempt to counter the listing port bow.

He then navigated the vessel to the shoreline of the eastern end of the Whangaparaoa Peninsula, and with rescue vessels in attendance, was able to reach sheltered waters. Passengers were then transported to Police and Coastguard vessels. The water in Dreamweaver's hull was pumped out by the Coastguard.

Maritime NZ director Keith Manch says it is essential that commercial maritime operators ensure crew are appropriately trained and able to handle emergency situations.

"This is particularly important when passengers are involved," he says.

"Paying passengers must be supported by crew who are well trained in safety procedures and equipment. That was clearly not the case in this incident."

- Charter operators also need to closely monitor the marine weather forecast, and 'err on the side of caution' when deciding if it's safe to take out groups or to proceed further from the coast for additional sightings.



Containers to need verified weights

All shipping containers for export from New Zealand will need a verified weight before they can be loaded on a ship from July 1 this year.

An amendment to the International Convention for the Safety of Life at Sea (SOLAS) means that verified weights will be needed for containers on all ships carrying international cargo that are subject to the Convention – which has more than 160 signatory countries covering 98 percent of the world's shipping tonnage.

Shippers will be responsible for providing the Verified Gross Mass (VGM) of the container on the shipping documents. The ship's Master cannot allow it to be loaded without this information.

The VGM can be determined by either:

- weighing the packed container, using calibrated and certified weighing equipment
- weighing all the individual contents of the container, including any packing material and dunnage, and adding it to the tare weight of the container.

The SOLAS amendments are intended to protect the safety of ships and seafarers.

Maritime NZ senior operations advisor Victor Lenting says misdeclared container weights make it difficult to plan the safe stowage of cargo on a ship; and can result in container stacks collapsing, the ship's structure being overstressed, or the ship itself becoming unstable.

"While there has always been a requirement for shippers to declare the weight of their cargo, some serious shipping

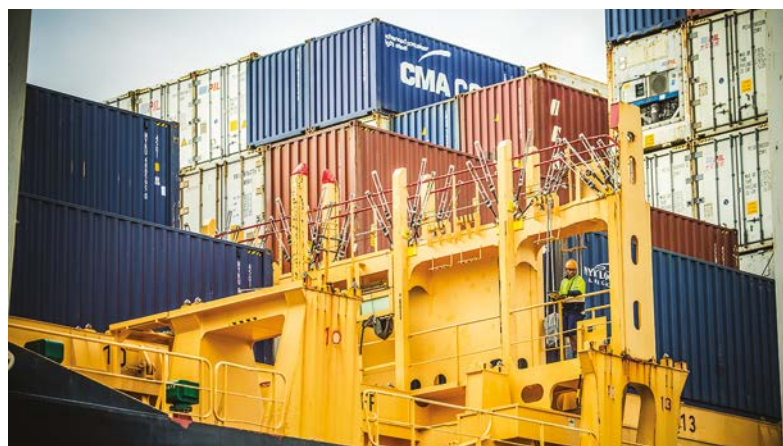
incidents in the past have shown that declared container weights are commonly inaccurate, or grossly understated."

Victor says port companies and shipping lines are developing their own operating rules for receipt of VGM information for export containers, including formats for electronic transmission and cut-off times for that information.

"In the first instance, businesses and other entities wanting to ship goods should contact their carrier or freight company to find out their requirements."

The Ministry of Business, Innovation and Employment (MBIE) Trading Standards Group approves and certifies weighing equipment in New Zealand including weighbridges.

More information can be found on the Maritime NZ website: www.maritimenz.govt.nz





New Zealand's Ambassador and Permanent Representative to the World Trade Organisation (WTO) in Geneva, Vangelis Vitalis, recently deposited New Zealand's instrument of ratification of the Maritime Labour Convention at the International Labour Organization (ILO). He is pictured here at the signing with ILO Director-General Guy Ryder.

MLC to protect seafarers' rights

Maritime NZ will be administering the Maritime Labour Convention – and enforcing it on New Zealand-flagged ships and on foreign ships visiting New Zealand ports – from March next year.

The Maritime Labour Convention 2006 (MLC) is an international treaty adopted by the International Labour Organization (ILO) that sets minimum standards for the health, safety and welfare of seafarers on larger commercial vessels.

Ratifying the MLC gives New Zealand the power to inspect and verify that crew on foreign ships carrying New Zealand goods are treated fairly and within internationally accepted standards. It will also create conditions of fair competition for shipowners, and helps protect the reputation of New Zealand exports – given that more than 99 percent of the country's export goods by weight are transported by foreign ships.

The operators of New Zealand ships will be able to obtain a Maritime Labour Certificate for their vessel. This certificate will enable them to easily demonstrate compliance, if operating overseas, to foreign authorities party to the Convention.

The Convention will apply to about 890 foreign commercial cargo and cruise ships visiting New Zealand annually, and about 30 New Zealand ships. It covers commercial vessels of 200 gross tonnages or more, which operate outside the in-shore limits. It does not apply to fishing vessels.

Around 10 percent of foreign ships visiting New Zealand are from states that have not ratified the Convention and so will

not have MLC certification. This number will reduce over time as more states complete the ratification process.

However, the Convention contains a "no more favourable" treatment clause, which means that even where a ship is flagged in a state that has not ratified the Convention, Maritime NZ can still inspect that ship against the Convention standards and take enforcement action if required.

Maritime NZ will check for compliance as part of its routine Port State Control inspections. A Maritime Labour Certificate and a Declaration of Maritime Labour Compliance will be prima facie evidence of compliance with the Convention. If a maritime officer has reason to suspect the ship does not comply, a more detailed inspection maybe carried out to assess working and living conditions on board the ship.

New Zealand is the 71st member State of the ILO to have ratified this landmark Convention.

In depositing the instrument of ratification, New Zealand ambassador to the World Trade Organisation, Vangelis Vitalis, says "as a small island nation dependant on maritime trade, New Zealand recognises the importance of ensuring not only the efficiency of shipping, but also the safety and wellbeing of those carrying it out".

The Convention will come into force in New Zealand on March 9 next year, along with the Maritime Rule changes required to give effect to the Convention in New Zealand law.

For any queries email MLC@maritimenz.govt.nz; or go to: <http://www.maritimenz.govt.nz/maritime-labour-convention>

Industry cooperation averts Chathams diesel drought

A potentially disastrous diesel drought on the Chatham Islands has been averted through a cooperative effort by transport industry operators and Maritime NZ.

Diesel supplies destined for the Chathams were delayed when the cargo vessel **Southern Tiare** lost power off Banks Peninsula in early March, and had to be towed to Lyttelton.

Given the likely timeframe for repairs, the lack of fuel would have spelled disaster for the Chathams' fishing industry. A replacement vessel, Coastal Bulk Shipping's **Anatoki**, was called into service, but it required a combined effort to make the delivery happen.

Empty 6.1 metre diesel containers had to be shipped from Auckland to Lyttelton, and then transferred to Timaru, where loading took place.

"The whole exercise of getting the diesel to the Chathams has attracted a lot of goodwill and input along the transport chain," says Doug Smith, general manager of Coastal Bulk Shipping.

"It's been a great cooperative effort – from Pacifica Shipping moving the empty containers from Auckland to Lyttelton, Hilton Haulage then moving them to Timaru and providing space in their yard to load them, Stark Brothers in Lyttelton assisting with a couple of their ISO tanks and providing air pumps and hoses, Timaru Container Terminal working with us to receive the containers and load them, and Maritime NZ providing an exemption for the **Anatoki** to carry diesel.

"It restores the faith a little bit that we are working in an industry that can all paddle in the same direction when required," Doug says.

Maritime NZ general manager Maritime Standards, Sharyn Forsyth, says safety remained the priority when putting plans in place to enable diesel delivery to happen.

"An exemption was issued to the **Anatoki** only after Maritime NZ was satisfied that this voyage, with this cargo, could be completed safely," she says.

"And that emphasis on safe operating procedures was also in evidence as the containers were loaded in Timaru – when a change in the loading plan was approved after advice from experts."

It was originally proposed to carry the containers stowed fore and aft on the basis that the contents would be discharged through a port at the bottom end of container.

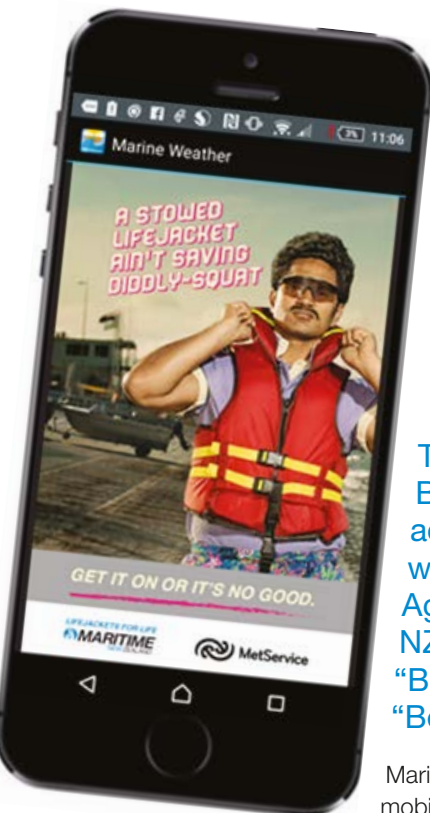
But advice from Hilton Haulage and SGS Timaru was that the simplest way to discharge the diesel from the containers was via a hose through a port on the top side, Doug says.

"This allowed the containers to be stowed athwartships – the safest option, as they slot neatly in the 6.3m wide hold – and it also reduced the chance of a hose blowing off the bottom port while pumping," Doug says.

Sharyn says the change to the approved loading plan was well managed.

"It was a good example of industry using its expertise to ensure that health and safety was managed in the most appropriate way."





NZ's lifejacket digital adverts – a world first!

This year's Safer Boating digital advertising campaign won the Communication Agencies' Association of NZ Beacon awards for "Best in Show", as well as "Best Use of Mobile".

Maritime NZ was well aware that mobile devices are recreational boaties' most commonly used

communications tool, on and off the water. So this summer, it used a new method to get lifejacket messages into boaties' heads while they were out boating – little did Maritime NZ know but what it was attempting was a world first.

"Using this new digital initiative has meant boaties around New Zealand's coastline have received more than 21.9 million messages while they are on or near the water. This message reminds them to 'wear your lifejacket'", says education and communications manager Pania Shingleton.

The campaign was organised in two parts. The first was aimed at increasing general awareness amongst boaties of the need to wear lifejackets; and the second, innovative

part, was creating a "virtual Coastguard" – so that boaties would receive a digital "wear your lifejacket" message as soon as they stepped off land onto their vessels.

Creating a "virtual Coastguard" meant mapping a series of points around the entire coast, each with a 15km radius, that have been geo-located.

"Virtual Coastguard" uses GPS to identify mobiles within the mapped area, automatically sending a lifejacket message via Facebook, Instagram, Google and 24 different advert networks received on mobile phones," says Pania. Boaties only had to be using anyone of the networks to receive the message.

She says Maritime NZ and MetService had already joined forces two years ago to create the hugely popular "MetService Marine" weather forecasting app.

Every time the app is opened it builds on other Joe Bro lifejacket adverts being broadcast on TV, radio and print, by encouraging boaties to "Get it on – or it's no good", as well as providing crucial weather information. Awareness-building relies on a consistent message being repeated across different channels.

The MetService Marine app has been downloaded more than 120,000 times and is now used more than 236,000 times a month. Maritime NZ lifejacket and safety messages are delivered through the app 760,000 times a month.

More lifejackets, fewer recreational boating deaths

With more than one million New Zealanders taking to the water in around 960,000 recreational boats each summer, it is heartening to see that more boaties seem to be wearing lifejackets, and death rates are declining.

Maritime NZ deputy director and chair of the Safer Boating Forum, Lindsay Sturt, says recent research shows boating safety behavior is improving. Seventy-eight percent of boaties said they always wear a lifejacket on the water, and 60 percent said they also ensure others on their boat do too.

Rates of lifejackets wear are highest for kayakers and canoeists, and lowest among users of powerboats more than six metres long.

Over the past 15 years, rates of recreational boating fatalities have been declining. Fatalities per 100,000 population have declined gradually, while, probably more importantly, the fatalities per 100,000 recreational craft have declined markedly.

While self-reported wearing of lifejackets is increasing, Maritime NZ and the Safer Boating Forum urge all boaties to stay safe on the water. "Always wear your lifejacket" is the message from Maritime NZ and the Safer Boating Forum, because at least two-thirds of recreational boating



“Check it inflates, mate!” – concerns prompt guidelines

This summer the Safer Boating Forum urged boaties to check their inflatable lifejackets with the line “Check it inflates, mate!”

New national guidelines and a Safer Boating Week mini-guide explain how and when to service inflatable lifejackets. The guidelines address concerns about lifejackets failing to inflate and boating confusion about servicing recommendations.

Maritime NZ deputy director and chair of the Safer Boating Forum, Lindsay Sturt, says for the first time we now have nationally agreed, clear, consistent information about safely using inflatable lifejackets in New Zealand.

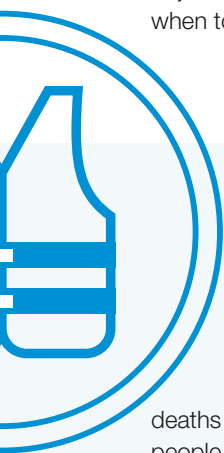
“The aim is to help save the lives of recreational boaties by helping them choose the correct lifejackets, and, crucially, to know how and when to service them,” Lindsay says.

The advice helps boaties decide what lifejackets to buy and use, and, for the first time, simple instructions for servicing that boaties can easily do themselves. It includes:

- pre-wear checks – what to do every time an inflatable lifejacket is worn
- self-servicing – do these checks at least once a year
- servicing by approved agents – do these as the manufacturer recommends.

The guidelines were distributed to manufacturers, importers and retailers to include on packaging, swing tags, instructions, websites and other material intended for the public. They are also useful advice for staff working with the public.

<http://tinyurl.com/lifejacket-guidelines>



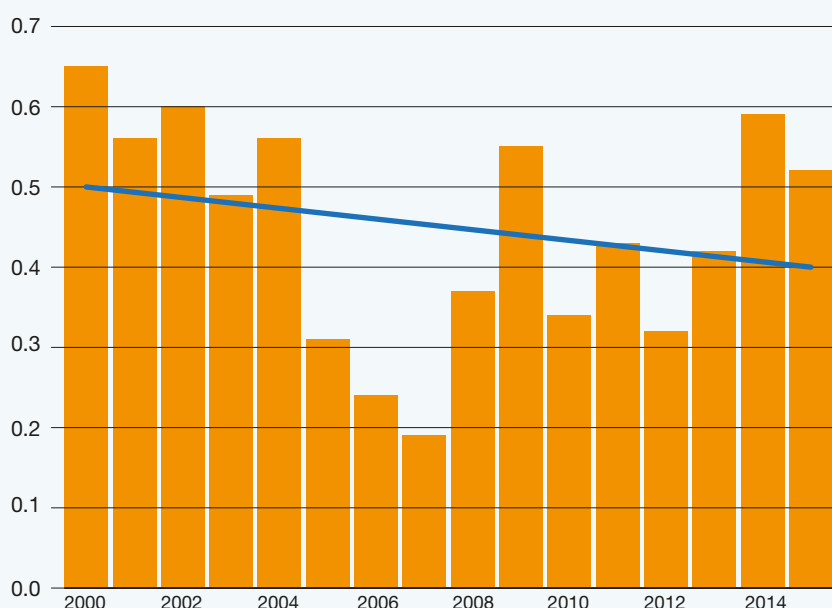
deaths may have been prevented if people wore lifejackets.

In 2013, 62 percent of recreational boaties reported that they wore a lifejacket the entire time on the water. In 2014, the number was 67 percent, and in 2015 it had grown to 78 percent.

“This 26 percent increase in reported lifejacket use since 2013 is a very satisfying result,” says Lindsay.

The 2015 research will be reported on Maritime NZ’s website in July 2016.

Recreational Boating Fatalities per 100,000 of Population



Changes are happening on 1 October



Maritime radio channels will change on October 1

Some maritime radio channels will change from October 1 – but the international distress channel 16 will remain the same.

New Zealand, along with a number of other countries, is required to change some maritime VHF repeater channels to make space for newly allocated international services for ship tracking and data services.

On October 1, New Zealand will move a few private VHF repeater services, all Coastguard VHF repeater services, and all NowCasting weather services. An updated radio handbook and frequency stickers will be available from August 1 with the new changes.

Although some maritime channels will change, the existing marine Channel 16 – used for safety, distress and calling purposes – will not change.

Current radios will be able to access all the available channels after the changes take place. However, you may need to switch to a new channel number to continue to access your local repeater or listen to the weather forecast.

The biggest change is the new 4-digit maritime channels for the Coastguard and NowCasting weather service. These 4-digit channel numbers are allocated internationally to new maritime channels. New Zealand will be using some of these new 4-digit maritime channels for the Coastguard and privately provided NowCasting weather services.

You will still be able to listen to the weather channels on your current VHF set by simply dropping the first two digits

and using the last two digits of the 4-digit channel number. For example, in the Waitemata Harbour where the new weather channel number is 2019, you only need to use channel 19.

For more information go to **retune.co.nz**

In New Zealand's coastal waters, maritime radio channels are used for many different purposes. These uses range from broadcasting weather information through to providing a method of communicating in the event of emergency.

Maritime NZ is the crown entity responsible for safe secure and clean seas in New Zealand. It continually monitors the safely distress and calling service on channel 16, via the Maritime Operations Centre – that works closely with the Rescue Coordination Centre of New Zealand.

Coastguard New Zealand is a voluntary organisation. It uses some of the maritime channels to provide services to members and help Maritime NZ when emergencies occur. Coastguard uses the maritime channels to broadcast weather information at key locations around the country. It also provides a breakdown service for members if they experience mechanical trouble on the water.

Radio Spectrum Management (which is a business unit of MBIE), is the organisation that manages radio spectrum on behalf of New Zealand.

Rena statutory notices withdrawn

The director of Maritime NZ has withdrawn two statutory notices relating to the wreck of the **MV Rena**, issued after the vessel grounded on the Astrolabe Reef in October, 2011.

The notices declared the wreck a hazard to navigation (under section 100A of the Maritime Transport Act) and a hazardous ship (under s248).

They required the owners of the vessel to undertake work to address the navigational hazard and discharge of harmful substances, and inform Maritime NZ of progress being made.

Maritime NZ director Keith Manch says salvage and clean-up work undertaken since the grounding meant there was now no proper basis for the notices under the Act. "Significant effort has gone into salvage and safe removal of harmful substances," he says.

"While some oil remains trapped in the wreckage of the vessel, most of the harmful substances contained within the ship have been discharged into the sea – and have either been removed or have been, and will continue to be, monitored under the plan provided for under the resource consent."

In terms of navigational safety, Keith noted that more than 22,000 tonnes of debris had been removed from the seabed.

"The information and evidence available to me indicates that all reasonable efforts have been made to remove entanglement hazards and wreckage, where possible. I have concluded that the wreck and remaining debris on the sea floor no longer constitute a hazard to navigation."

He says the lifting of the statutory notices represents a significant milestone in the response to the grounding.

"Maritime NZ has maintained a presence in Tauranga overseeing the work undertaken by, and on behalf of, the owners since the grounding – and wishes to thank all those involved for the efforts that have been put in," says Keith.

Refresh for Port and Harbour Marine Safety Code

Port companies, regional councils and Maritime NZ have collaborated on a revised New Zealand Port and Harbour Marine Safety Code (2004), which establishes a new governance structure with new expert panels to assess performance against the national standard.

The Code is a voluntary standard for the safe management of marine activities in ports and harbours, to support national and local legislation. It covers all activity associated with the movement of vessels entering, leaving and navigating within ports and harbours. It promotes a systems approach to safety management, based on risk assessment and ongoing monitoring of safety performance.

Maritime NZ led the Code's development in 2004, and all relevant councils and ports have since adopted it.

Director Keith Manch says that in the past Maritime NZ has monitored compliance with the standard, and approved the

safety management systems for ports and councils – but it's now time for a "fresh approach".

"The new tripartite steering group and assessment panels will focus on ensuring the current standard of safety management is sustained, and continuously improved over the longer term," he says.

"Together we have explored new ways of working to ensure more consistent and effective risk management of New Zealand's ports and harbours."

A new secretariat position, jointly funded by ports, regional councils, and Maritime NZ, will support the steering and working groups in overseeing the ongoing implementation of the Code, and manage an agreed work programme. This position means a dedicated resource is allocated to the Code for the first time.

Review panels drawn from a general pool of experienced harbourmasters, marine managers and pilots – nominated by council and port chief executives, and supported by a Maritime NZ representative – will undertake a programme of safety management reviews and site visits.