

NEW SYSTEM FOR MARITIME OPERATOR SAFETY

The long-awaited review of safe ship management and surveyors has been released for discussion and comment. This summary is intended to assist operators and to encourage the industry to participate in the consultation process.

Maritime New Zealand is developing a proposed new framework to improve maritime operator safety. They are calling this framework the maritime operator safety system, or MOSS.

To achieve this, they are proposing to change the rules that guide what is currently known as the safe ship management (SSM) system: Rule parts 21 and 46.

The system was introduced in 1998, and several reviews since then have found faults with the system. It is now evident that the framework has a number of serious weaknesses that need addressing:

- it is confusing and unduly complex
- it does not provide Maritime NZ with an effective and efficient means for overseeing SSM organisations (as regulatory service providers) or commercial vessel operators, and
- it is associated with a mediocre safety record.

To assist operators, Maritime NZ has developed a consultation pack that includes everything they need to know on their preferred option for replacing the SSM system and how they can have their say.

Proposed Rule 19

- A draft of Rule part 19 (to replace section 2 of Rule 21), which guides the certification of maritime transport operators.
- An invitation to comment on the proposed Rule part 19, which outlines the key proposed changes and the ways to make a submission.
- An advisory circular explaining how to comply with the proposed rule.

PROPOSED RULE 44

- A draft of Rule part 44 (to replace section 2 of Rule 46), which guides surveys, certification and maintenance of domestic commercial vessels.
- An invitation to comment on the proposed Rule part 44, which outlines the key changes and the ways you can have your say.
- An advisory circular explaining how to comply with the proposed Rule part 44.

ARE YOU ARE AN OWNER OR OPERATOR

If so, Maritime NZ's preferred option for certifying maritime transport operators and commercial vessels will have implications for you. Some of the major items of interest to operators are:

- no need to belong to an approved SSM organisation
- vessel certification remains valid on sale or transfer
- recognised surveyors conduct surveys and issue vessel certification
- Maritime NZ conducts audits and issues operator certification
- survey cycles extended to five years for all vessels and the audit cycle is reduced to three years
- propeller shaft and rudder stock inspections are at the discretion of the surveyor
- combined audit and survey costs remain the same for the majority of operators

- SSM certification does not expire with commencement of MOSS, but is allowed to run until its full term
- provisions made for recreational use of commercial vessels, and
- you will need to convert your SSM manual to a maritime transport operator plan, or MTOP.

ARE YOU A SURVEYOR?

If so, Maritime NZ's preferred option for certifying surveyors and commercial vessels will have the most impact on you. Some of the major items of interest to surveyors are:

- no need to belong to an approved SSM organisation
- can continue to operate independently under a certificate of recognition issued by the director of Maritime NZ
- new competency and practice requirements
- new code of ethics requirement
- new survey reporting requirements
- recognised surveyor certification does not expire with the commencement of MOSS, but is allowed to run until its full term, and
- survey cycles are extended to five years for all vessels.

Do you manage or own an SSM organisation approved under Maritime Rule part 21?

If so, Maritime NZ's preferred option for certifying maritime transport operators and vessels will have implications for you. Some of the major items of interest to SSM organisations are:

- status as an approved SSM organisation is no longer available
- audit responsibility transfers to Maritime NZ
- can continue to employ or contract recognised surveyors
- can continue to offer other, non-regulatory services on a normal, commercial basis
- organisational audits by Maritime NZ and ISO 9001 status are no longer required.

GETTING THE REGULATORY SYSTEM RIGHT

The current system was derived from a framework designed overseas for regulating large, international shipping operations. The system was poorly aligned from the beginning. The reality is that New Zealand's domestic shipping industry was (and still is) dominated by small owner/operators working around the coast and the inland waterways.

Several reviews of the system have highlighted these weaknesses. For example, the Thompson Clarke review¹ concluded that the system was "too complex for a significant proportion of operators of smaller, less sophisticated vessels".

That review also found the system did not provide Maritime NZ with an effective and efficient regulatory oversight of New Zealand's commercial maritime industry.

A subsequent report by the Transport Accident Investigation Commission² expressed similar concerns.

Ultimately, the system is not improving our safety outcomes. "More than a decade after the system was introduced, we have seen no reduction in fatalities and an increase in serious harm incidents in our commercial maritime system," says Maritime NZ.

MNZ'S PREFERRED OPTION

Maritime NZ has therefore developed a preferred approach to

changes to the system, in consultation with the industry, and has drafted new rules based on this approach. This preferred approach involves replacing the SSM system with MOSS.

This proposal involves replacing Maritime Rule part 46, which guides surveys, certification and maintenance with the proposed Rule part 44 and Maritime Rule part 21, which guides the certification of maritime transport operators, with the proposed Rule part 19.

The principles guiding MNZ's proposed system are:

- **Improve safety by putting a greater focus on safe operations.** Most fatalities and serious injuries over the past 10 years have been caused by human error.³ Maritime NZ's approach will therefore place greater emphasis on vessel owners and operators operating safely.
- **Create clearer lines of responsibility.** The Maritime Transport Act states that owners and operators are responsible for safety. The proposed rule changes will simplify and clarify this responsibility for the day-to-day safe operation of vessels.
- **Provide effective and efficient regulatory oversight.** The proposed changes will align maritime rules with the Maritime Transport Act, which is essential to enable us to deliver a more relevant and effective means of regulatory oversight.
- **Provide clearer guidance for the certification of operators, vessels and surveyors.** The new rules, combined with easily understood guidance material and a greater emphasis on industry support, will make it easier for operators, surveyors and Maritime NZ staff to support safe vessels and safe operating practices.

MARITIME NZ WANTS TO HEAR FROM YOU

Maritime NZ says it wants to make sure it gets the changes to the rules guiding operators and vessel safety right. To do that they need your input.

You can tell Maritime NZ what you think of the proposed changes by making a written submission between now and July 2. Those who wish to provide an oral submission will need to advise Maritime NZ before May 28. Please read the invitations to comment for full details of the submission process.

The director of Maritime Safety says Maritime NZ staff will read every submission, analyse common themes and revise the proposed rule changes, if necessary. They have made a commitment to write to every person who has made a submission to let them know the outcome of the consultation process.

Once the consultation process is complete, consideration will be given to any key issues and recurrent themes arising from the written and oral submissions. Further consultation may also be undertaken with selected stakeholders during this period, should further clarification or feedback be needed.

It is anticipated that this stage will take until the end of October. It is anticipated that the Minister of Transport will consider and approve the rules in time for their introduction on October 3, 2011.

Electronic copies of the consultation pack and access to the electronic submissions process can be found at www.maritimenz.govt.nz/moss.

Or you may call Maritime NZ on: 0508 22 55 22 (04-473 0111).

1 *Review of Safe Ship Management Systems* (2002), Thompson Clarke Shipping Pty Ltd.

2 Report 06-204, fishing vessel, *Kotuku*, capsized and sinking, Foveaux Strait, 13 May 2006, Transport Accident Investigation Committee

3 *Review of Safe Ship Management Systems* (2002) Thompson Clarke Shipping Pty Ltd, p75; MNZ accident data analysis 2004 – 2008.



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