

From: Pelin Davison <Pelin.Davison@maritimenz.govt.nz>
Date: Monday, 7 December 2015 11:19 am
To: Helen McAra <helenm@nzmsg.co.nz>
Subject: RE: Safety concerns: Brage R

Good morning Helen,

Thank you for raising your concerns in your email 3 December 2015.

As you are aware Maritime New Zealand is investigating alleged cases of overloading of the Brage R. This is an on-going investigation. As such I am not at liberty to discuss the details of that investigation at this time.

Maritime New Zealand takes safety very seriously but in this case found there was no reason to detain the vessel.

Regards,

Pelin Davison | Regional Compliance Manager **Maritime New Zealand** |
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SeaCert Seafarer Certification
MOSS Maritime Operator Safety System

From: Helen McAra [<mailto:helenm@nzmsg.co.nz>] **Sent:** Thursday, 3 December 2015 10:02 a.m. **To:** Pelin Davison **Subject:** Safety concerns: Brage R

Hi Pelin

We understand that Maritime NZ observed Brage R operating overloaded

yesterday. But it appears that the ship is still operating today and has not been detained. The question is why? As you know, overloading is a very serious criminal offence and now there is clear evidence of at least two deliberate overloading offences, plus numerous collisions with buoys in the harbour, but Maritime New Zealand appears to be taking a very gentle approach with this company for some reason. Is MNZ waiting for a catastrophe to happen?

Regards

Helen McAra

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From: Helen McAra <helenm@nzmsg.co.nz> **Date:** Wednesday, 18 November 2015 5:07 pm **To:** Pelin Davison <Pelin.Davison@maritimenz.govt.nz> **Subject:** Re: Safety concerns: Brage R

Thanks very much for that, Pelin.

But bureaucracy's alive and well it seems, and perfectly timed to allow this rogue vessel to depart New Zealand waters in December when it's campaign ends! Are you trying to say that if a foreign flagged ship comes to New Zealand with e.g. a cargo of containers, and there has been an obvious clear breach of rules and regulations, MNZ will allow the ship to continue to sail while it conducts its investigation for several weeks/months, like the Australians did with Rena? What about the lookout? The undermanning in pilotage waters? Are these breaches to continue?

Gerard mentioned that the only evidence MNZ has of the routine overloading at the moment is an undated photo from us. When I saved the photo it somehow removed the date, but I have attached the original which has the date 14/11/2015 at the top.

Regards
Helen McAra
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From: Pelin Davison <Pelin.Davison@maritimenz.govt.nz> **Date:**
Wednesday, 18 November 2015 4:29 pm **To:** Helen McAra
<helenm@nzmsg.co.nz> **Subject:** RE: Safety concerns: Brage R

Hi Helen,

Thank you for your email.

Recognising you are the complainant in this matter, I will keep you informed on matters as they arise and where appropriate. What I can tell you at this stage is that we have collected information from the vessel and over the next few weeks we will be analysing that information and making any other inquiries that may be needed. Once we have a clear understanding of all the facts, we will determine an appropriate response in line with our Compliance Operating Model which can be found at <http://www.maritimenz.govt.nz/About-us/The-way-we-work/default.asp#overview>

Kind regards,

Pelin Davison | Regional Compliance Manager **Maritime New Zealand** |
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From: Helen McAra [<mailto:helenm@nzmsg.co.nz>] **Sent:** Wednesday, 18 November 2015 8:10 a.m. **To:** Pelin Davison **Subject:** Safety concerns: Brage R

Hello Pelin

I understand MNZ visited the vessel yesterday. Can you advise the outcome?

Please also note that the other safety breaches and concerns with this vessel, i.e.

1. Operating with no lookout during night or day time (poor visibility can be during daylight hours), but bearing in mind that the ship is operating 24/7 in New Zealand's busiest port, we believe it should have a continuous dedicated lookout regardless of darkness/daylight or visibility;

2. Serious undermanning for dredging operations (a) - obvious inability for skeleton bridge crew (Master and Chief Officer working 12 on/12 off between them) to perform safety checks (fire extinguishers, life rafts etc, or correct charts) –

3. Serious undermanning for dredging operations (b)- because the Master and Chief officer, working 12 on/12 off between them, hold Pilotage Exemption Certificates, they are required to be on the bridge continuously in the harbour limits/pilotage area (and the discharge area is still inside the harbour limits/pilotage area, or perhaps only just outside, in the high traffic entrance zone to Tauranga harbour where all ocean going cargo ships, coastal vessels, pleasure crafts share the only entrance to Tauranga harbour), there is an obvious lack of provision for toilet breaks during their 12 hours of pilotage.

According to the Collision Regulations, in such areas (heavy traffic areas) the lookout must be extremely vigilant;

have still not been addressed.

We believe that any member of the public would understand what is going on with this operation.

Regards
Helen McAra
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From: Helen McAra <helenm@nzmsg.co.nz> **Date:** Tuesday, 17 November 2015 10:04 am **To:** Pelin Davison <Pelin.Davison@maritimenz.govt.nz> **Subject:** Re: Brage R

Thanks Pelin, that's great.

Regards
Helen McAra
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From: Pelin Davison <Pelin.Davison@maritimenz.govt.nz> **Date:** Tuesday, 17 November 2015 10:02 am **To:** Helen McAra <helenm@nzmsg.co.nz> **Subject:** RE: Brage R

Thanks Helen.

My team will look at whatever records are relevant.

Regards,

Pelin Davison | Regional Compliance Manager **Maritime New Zealand** |
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From: Helen McAra [<mailto:helenm@nzmsg.co.nz>] **Sent:** Tuesday, 17
November 2015 9:58 a.m. **To:** Pelin Davison **Subject:** Re: Brage R

Hi Pelin

Here it is. Has the marine officer been dispatched to the vessel to check all the vessel's records since commencing operations in Tauranga and Gisborne? Please note that some of these records could be held by Tauranga port company. Please advise the marine officer to ensure that the vessel's records reconcile with the port's records. Thanks.

Regards

Helen McAra

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From: Pelin Davison <Pelin.Davison@maritimenz.govt.nz> **Date:**
Tuesday, 17 November 2015 9:48 am **To:** Helen McAra
<helenm@nzmsg.co.nz> **Cc:** Blair Simmons
<Blair.Simmons@maritimenz.govt.nz> **Subject:** RE: Brage R

Hi Helen,

Can you please forward me a copy of the photo you reference in your below email.

Many thanks,

Pelin Davison | Regional Compliance Manager **Maritime New Zealand** |
Central Region *N? te rere moana Aotearoa*

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From: Helen McAra [<mailto:helenm@nzmsg.co.nz>] **Sent:** Tuesday, 17 November 2015 8:19 a.m. **To:** Keith Manch **Cc:** Pelin Davison **Subject:** Re: Brage R

Thanks Keith

Regards
Helen McAra
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From: Keith Manch <Keith.Manch@maritimenz.govt.nz> **Date:**
Tuesday, 17 November 2015 8:08 am **To:** Helen McAra
<helenm@nzmsg.co.nz> **Cc:** Pelin Davison
<Pelin.Davison@maritimenz.govt.nz> **Subject:** RE: Brage R

Dear Helen

Thanks for your email. The Maritime Compliance Team will follow up

on the compliance issues you have raised.

Pelin Davison, Central Region Compliance Manager will be dealing with this.

Kind regards

Keith

Keith Manch | Chief Executive and Director **Maritime NZ** | Wellington
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engagement at the International Maritime
Organization
<http://www.maritimenz.govt.nz/IMO>

From: Helen McAra [<mailto:helenm@nzmsg.co.nz>] **Sent:** Monday, 16
November 2015 1:26 p.m. **To:** Keith Manch **Subject:** Brage R

Dear Keith

Thank you for your letter of 9 November 2015 advising that MNZ's interpretation of Maritime Rule part 90, which allowed the foreign dredger *MV Brage R* to operate in Port Gisborne without a pilot or pilotage exemption certificate, was incorrect and is now withdrawn.

As you are aware, this foreign operated dredger has also previously operated in breach of the New Zealand and international maritime rules and regulations (in the port of Napier in 2012).

We have also conveyed to Maritime NZ our concerns regarding the vessel's manning (only 1 person on the bridge for 12 hours), and our belief that this is unsafe for dredging operations in New Zealand's busiest port. We have recently heard that the vessel is now required to have another crew member acting as Lookout during the hours of darkness. This is a positive development, but one which follows at least 4 separate collisions of this vessel with buoys in the harbour, developments MNZ may not be aware of. However, the company's new idea to have a lookout on board at night

still does not address the need for a lookout during periods of poor visibility (such as fog or heavy rain) during the hours of daylight. The posting of a dedicated lookout during hours of darkness is a requirement of the STCW Convention, and the decision to start doing this is tacit acknowledgement of previous unlawful practices and breaches.

You will also have seen today's correspondence between ourselves and Programmed Total Marine about the lookout situation. The company's attempts to coerce the supernumerary officer into carrying out lookout duties is a clear indication that the vessel does not have adequate manning for dredging operations. We believe Maritime New Zealand must stop the vessel until such time as a dedicated lookout is employed.

We are now also writing to advise you that we understand further serious and regular breaches are being committed by MV *Brage R* in the Port of Tauranga. As we understand it, the vessel is regularly operating while significantly overloaded. The attached photo shows just one occasion, but we understand this is a regular daily occurrence. With Tauranga being a salt water port, the dredging freshwater loadline (DRF) should be clearly visible. You'll be aware that this is an extremely high risk breach of national and international rules and regulations, which has the potential for catastrophic results including loss of life or injury of the vessel's crew, loss of life or injury to the crew of other vessels in the vicinity, environmental damage, damage to the vessel or other vessels in the vicinity. We are speaking about New Zealand's busiest port. This breach would also of course cancel any insurance coverage for an incident or accident. We note that the breach constitutes a criminal offence under the Maritime Transport Act 1994.

The vessel operator, RN Dredging, is a foreign company operating a foreign dredger with foreign master and foreign mate on board, working 24/7 between them. As we have said previously, this unsafe skeletal manning arrangement is appropriate for getting a vessel from A to B, but is absolutely not safe for dredging operations, working in a narrow channel in New Zealand's busiest port. With this manning arrangement there is not even an opportunity for the solitary person on the bridge to take a toilet break during his 12 hours, and there is apparently no helmsman and until now, no lookout.

It is not understandable why Maritime NZ is allowing this company to do whatever it wants and flout NZ and international rules and regulations. We believe it is incumbent upon Maritime NZ to take enforcement action against this company and vessel for the breaches outlined above.

Regards

Helen McAra

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