



THE NEW ZEALAND MERCHANT SERVICE GUILD

Industrial Union of Workers Incorporated



8 December 2009

Catherine Taylor
Director
Maritime New Zealand
PO Box
WELLINGTON

Dear Catherine

Thank you for meeting me and Lew Henderson last Wednesday to discuss matters raised in our letter of 27 November 2009. We have considered all the responses you and your advisors provided at the meeting, and we update and amend our letter accordingly below.

But firstly, we ask Maritime NZ to pay urgent attention to the following problems:

1. After Wednesday's discussion, we agree that the relevant NZ maritime rules being applied to *Anatoki*, and *Rangatira* are unsatisfactory and do not comply with STCW. You advised us that these vessels comply with the NZ rules, but after checking these again, and in light of your explanations that modifications to the ship brought *Anatoki's* load line length within the 45 meter rule, we don't understand how drilling holes and building a new bulkhead shortens the load line length of a ship. Can you please explain how the owners of *Anatoki* were able to comply with the NZ Maritime Rules?

2. The NZ Offshore Master tickets issued under the STCW Convention have a limit of 500 gross tonnes - this is written clearly on the ticket, and is the basis of our interpretation of the rule that *both* criteria (45m and 500 gt) must be applied to these vessels. Can you please check the officers' certificates who work on the following vessels, which are, as we understand it, more than 500 gt: *Anatoki*, *Pelican* and *Rangatira*. Also, in our view, any exemptions from the 500 tonne limit on the Offshore Master ticket would need to comply with STCW 95/98, as well as the NZ rules. In addition, we think any exemption would be seen by other operators as some kind of favouritism, and could invite further criticism of Maritime NZ. A further matter in relation to the *Pelican* is the issuing of a new crewing document with a 15 nautical mile limit and its relationship, if any, to the limits of the Australian Master Class IV certificate. We are not sure we understood your explanation about the reason for this limit having been inserted, and would appreciate if you could once again confirm its rationale.

3. To complete investigations into the *Pelican*, namely: her voyage in October 2009 from Nelson to Timaru, (and to use Maritime NZ's powers to penalise the master and the company under several sections of the rules/Act); and the confined space entry incident. Please note that the master/Project manager of the vessel who was involved in this incident is now the General Manager/Project Manager of NZ Dredging and General Works Ltd, and in our opinion through this incident has demonstrated no understanding or desire to familiarise himself with NZ's health and safety laws such as the Health and Safety in Employment Act.

As soon as the above matters have been attended to, we will withdraw our letter of 27 November.

Further amendments/updates to our letter of 27 November:


- Based on your assurances about *MV Jaguar*, this vessel is removed from our list of five vessels.
- Our view remains that describing 200 nautical miles as "near" coastal, is seriously straining the natural meaning of the word 'near', and this is an opportune time to remedy that anomaly in the rules.
- Our reference to the financial abilities of *Anatoki's* owner to clean up a major oil spill were intended as an example only. The comment was not based on any knowledge of that company's financial resources. We believe that the bill for a major clean up would be beyond the resources of any single operator. But we realise the potential for our comment to be misconstrued and taken out of context, and we therefore withdraw it.
- Regarding the Nelson Polytech Second Mate bridging course being taught by only two tutors, the Nelson college brochure lists the subjects covered in the course: "maths, physics, ship stability, cargo operations, ship construction, meteorology, compass, chart work and passage planning, BRM, electronic navigation, radar, seamanship, and security and regulations". The brochure claims that "the demand for this course has come from the fact that [...] there is a huge worldwide shortage of qualified deck officers in all sectors", and that the qualification gained at Nelson "could one day allow them to be Captain of the *Queen Mary*". Our concern is to ensure that the high standards set by the NZ Maritime School are retained.
- Regarding *Awanuia*, we understand that the pilotage rules for tankers are currently being enforced on this vessel, and for the time being we see no issue. We do reiterate however, our opposition to the proposed amendment to the pilotage rule which you have confirmed is specifically proposed to exclude *Awanuia* from the requirements of the rule. We believe the environmental risk outweighs any benefit to the operator, and we intend to put further effort into trying to persuade Maritime NZ not to proceed with this proposed rule change.

Other matters:

- You asked about the "IMO Steering Group Inaugural Meeting" which I explained had prompted our letter of 27 November. This was a group of Maritime NZ officials, Ministry of Transport Officials and industry owner/operator representatives, which appears to have been gathered together on 19 October 2009 to discuss the regulatory framework of the maritime industry. As I mentioned on Wednesday, one of the meeting's outcomes was to explore how you as Director, could be given the power to exempt from international conventions.
- Qualifications review: we are reassured by your advice that no decisions have been made about anything, including the suggestion to extend "near coastal waters" out to the entire EEZ.

I look forward to establishing more regular contact between Maritime NZ and this union. To this end we will be extending an invitation to you and your officials to meet the Guild's Committee of Management in February 2010 as soon as a date can be finalised.

Yours sincerely



Helen McAra
GENERAL SECRETARY