

NZ Marine Transport Association (Inc.)

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Consultation Coordinator
Maritime New Zealand
PO Box 27006
Wellington 6141

Dear Consultation Coordinator,

SUBMISSION: Maritime Rules Part 19 and Part 44

Thank you for the opportunity to submit comments on the draft MOSS rules Part 19 and 44.

The NZ Marine Transport Association has a responsibility to members to ensure they are fairly represented in discussions on regulation, including rule submissions where the outcomes may affect their day to day operation. This we do whilst being mindful of the need to maintain a high level of safety in our Industry. To that end, we comment mainly on those areas of the rules that affect our members and not the wider maritime community who will no doubt have their own views represented.

Based on our initial review of MR19, we would like to submit that we support the rule but with amendments. We do not however, support MR44 and this is based purely on our cost/benefit analysis and a degree of uncertainty by industry in Maritime NZ's ability to achieve the reported outcomes.

As indicated previously, the rule does offer some excellent concepts. It does not however, meet the objectives or promises we understood it would. Our comments are summarised more clearly below:

Documentation

Less paperwork and a more simplified 'manual' under MOSS was one of the perceived benefits. The format of an MTOP detailed in MR19, appears to be little more than an improved version of an SSM Manual. Over the past five years, SSM manuals have been modified by most operators to be less generic and now cover many of the elements required in an MTOP. We do support the need to fine-tune this area but believe that operators can achieve this more effectively with better material and guidance from MNZ than what is currently offered in this rule.



Consistent Survey Standards

MR44 does appear to offer this and we encourage MNZ to continue upgrading the surveyor management package. Reporting and administration does not affect most operators who are happy with what they currently receive from their surveyor. In the event that they are not, they have the option to change their SSM company or Surveyor at any point they wish to under the current system. The role of surveying being managed under private sector companies ensures a high level of service and responsiveness and many operators are nervous about whether they will receive this level of service in the future. They are also concerned that there is not enough information about costs for this crucial element of their operating budget. MNZ have stated in the ITC that they intend to charge more through the MSC for surveyor administration. Our concern is that this may benefit MNZ, be we do not see the perceived benefits of this directly to members.

Technical Support Services

MNZ have identified themselves as the future service delivery entity, offering improvements in such areas as technical and administration support. How will MNZ achieve this role in the future without significantly increasing their resources. If it is proposed that MNZ conduct this role, operators will no doubt bear the cost and, given previous experience, we have serious doubts that the service levels currently enjoyed in the private sector through SSM companies can be matched by the regulator. As has been the problem for many years with government departments, it is not only the number of staff employed, but the experience level they can offer our members.

Costs

The MOSS rules MR19 and MR44 show a significant increase in costs to our industry. We believe that for many operators, these are not sustainable. Nor is there adequate evidence that this 'change' offers value for money. Some operators may become more 'inventive' with the way they charter their vessels under MOSS, so as to avoid the significant increases.

As indicated above, Part 44 as currently drafted requires surveyors to **“submit survey summary reports to MNZ at the conclusion of each survey. The cost of processing survey summary reports is likely to be added to the Marine Safety Charge.”** Will this be a further charge to the MSC for MNZ administration? What is this cost likely to be and have industry been notified?

Operators are also concerned about the increase in surveying costs. Surveyors, like everyone else, will need to continue to maintain the income stream they currently enjoy. Under the new rule, their administrative costs will increase and this will need to be on-charged to the operators.

Safe Operating Plans

The reference to smaller owner operators having the ability to work under a Safe Operating Plan is a good concept, but there is no detail. Without adequate planning *before* the implementation of MOSS, many vessels will fall through the crack. There is also a serious risk that MNZ may approve experienced but inadequately qualified persons to inspect vessels for SOP without adequate planning and consultation with industry. MNZ have already stated that SOP persons may be considered for a variety of vessels. We fear that this may reduce surveyor standards significantly and in all probability, drive many of the experienced surveyors out of our industry.

An example of this can be demonstrated in reference to comments made at the recent MOSS Road Show, where it may be considered that a Cat 1 surveyor, currently inspecting sailing craft for offshore voyages, could become a SOP inspector for commercial sailing craft.



These inspectors are very experienced, but many do not have the required qualifications to determine such things as hull integrity, inclining, buoyancy, welding, engineering and other such technical requirements that ensure a vessel is structurally sound. Many Cat 1 surveyors in fact, do not require a vessel to be taken out of water. Rather they are only there to carry out the minimum prescribed inspection of safety equipment carried and general overview of the running rigging and sailing gear plus general tidiness of the vessel. These inspectors would not in our view, be qualified to undertake a full survey of sailing craft.

We support the concept of SOP for many smaller vessel but have concerns that MNZ do not currently have the technical capability to make such assessments without industry input.

Recommendations

MOSS, as with SSM, seems to cater for the larger commercial marine operations in our domestic market.

MTA would like to propose that MOSS be restructured to include a separate Sub Part for small charter and work boats. If this concept were considered, the MTA would like to request the establishment of a small working group made up of MTA committee members and MNZ personnel, to establish the criteria for this group.

The objective of the group would be to write a new subpart within MR19 that better reflects the operational needs of a *defined* group of vessels, whilst continuing to work within the existing suite of rules relevant to each sector, for manning, HSE, LSA and Collision Regulations.

Summary

We believe that the maritime industry has been weighed down by bureaucracy for far too long. This extends to all sectors, including fishing, international and domestic shipping.

The vast majority of operators that fall under the current SSM umbrella are either owner operators, who have a desire to show local and international tourists, the beauty of our country from the water through such activities as sport fishing, chartering or light sailing. The other type being the small business operator who may have a fishing quota, or needs to get from A to B to complete his lawn mowing run on an island in the Marlborough Sounds.

Vessels of say under 15 metres who operate less than 120 days should not be compared to the operating criteria of say a commercial fishing vessel or passenger ferry.

To date, we don't consider that either Maritime Rules 21 or 19 have been written with these operators in mind. We would like MNZ to seriously consider that MOSS be further developed to ensure this sector is better represented and that a derivative of SOP be considered.

Thank you once again for considering our views and we look forward to your feedback in due course, so that we as an industry, may work constructively with MNZ to develop the new rules.

Yours faithfully,

Jeremy Ward
President
NZ Marine Transport Association

