



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Regulators Muck In With Industry

Maritime regulators on both sides of the Tasman are working collaboratively with their industries to best manage compliance requirements and facilitate ongoing trade, alongside ensuring the health and safety of all parties within COVID-19 containment measures.

Although the offices of both the Australian Maritime Safety Authority (AMSA) and Maritime New Zealand (MNZ) remain closed during the pandemic to limit face-to-face interaction, staff continue to operate remotely and are contactable by phone and E-mail.

Australia

The [AMSA Website](#) confirms the agency is “open for business” and continuing to provide regulatory services to customers and the wider community.

“We are also committed to reducing the regulatory burden on Australian and international maritime industries,” it states.

“We have a number of exemptions that may assist during this time and are working with industry on a case-by-case basis.”

AMSA provides the following informative links:

- [Australian domestic commercial vessel \(DCV\) industry](#)
- [international maritime industry](#)
- [what Australia is doing during the COVID-19 pandemic](#)

Shipping Australia deputy chief executive Melwyn Noronha confirms proactive measures have been adopted.

“AMSA has thus far issued a [Marine Notice](#) extending the validity of seafarer certification,” he told *Semaphore*.

“This applies to foreign-flagged vessels as well.

“In terms of remote surveying, AMSA are undertaking International Safety Management Document of Compliance Audits (applicable to Australian-flagged vessels only) remotely.

“In discussion with the local AMSA office in Sydney, they advise that during the current COVID-19 crisis, AMSA are adopting a pragmatic approach for all ships’ certification, including foreign-flagged vessels. This applies to the annual certification of lifting equipment. The six-monthly checks and maintenance records for lifting equipment’s would be inspected.

“Noting that the annual survey of most ships’ certificates allows for a three-month grace period, AMSA will not enforce these times frames in the current environment, with the ships’ inability to undertake these surveys considered.

“Also, AMSA have recently commenced with ‘abridged Port State Control inspections’, limiting entry into the ships’ accommodation and focusing only on vital ships’ equipment – fire pumps etc – as well as essential Maritime Labour Convention requirements associated with seafarer welfare – food and salary.”

New Zealand

During New Zealand’s Alert Level 4 lockdown, MNZ director Keith Manch praised the sector for “keeping New Zealand operating during these difficult times”.

“Many in the maritime industry are putting themselves in dangerous situations to keep our country’s hospital and industry supply chains open,” he said.

“Much of the maritime sector is defined as essential services because of the contribution you make to our country’s economy.

“Up to 99% of goods imported and exported from our country are transported on ships. Our ports are crucial to both the economy and the everyday lives of New Zealanders. All ports are open and port companies, their staff and all the others involved in the supply chain are working hard to keep them open.

“The Cook Strait ferries are the vital link between the North and South Islands. They are crucial to moving supplies within our country and holding us together.

“Commercial fishing – that’s the thousands of small businesses and the big operators – are going out every day to help feed us and provide almost \$2 billion dollars of exports.

“There are hundreds of other operators providing coastal and harbour services that connect people and businesses. You are all playing your part to keep our country functioning, safely.”

Due to the pandemic, the agency recently granted temporary exemptions to maritime rules regulating lifting appliances on foreign ships, specifically relating to the:

- annual examination of every lifting appliance on the ship and every item of loose cargo gear carried by the ship (Maritime Rule 49.6(1) [GE-04-20])
- certificate of test of ship’s lifting appliance and loose cargo gear (Maritime Rules 49.5 and 49.11 [GE-09-20])

“The exemptions are for annual examinations due between March 11, 2020 and June 30, 2020 and for certificates of test that expire between those dates,” it stated.

“In all cases the vessel’s lifting appliances and loose gear will need to be safe for use and will be subject to the normal testing procedures conducted by New Zealand stevedores or their representatives.

“If vessels meet all the conditions listed on the MNZ Website they can be given a three-month extension from the expiry date of the annual examination or test certificate.”



MNZ director Keith Manch

Upon entering Alert Level 3, MNZ provided the following updated guidance for industry:

- [COVID-19](#)
- [commercial](#)

The agency states its Compliance Systems Delivery group has found innovative new ways to help operators whose audits are due and seafarers whose certificates need renewing.

“Certificates are still being issued, exemptions are still being considered and audits are still going ahead – all without people leaving their own homes. We’re reviewing digital copies of documents and, in some cases, using video calls to conduct vessel audits.”

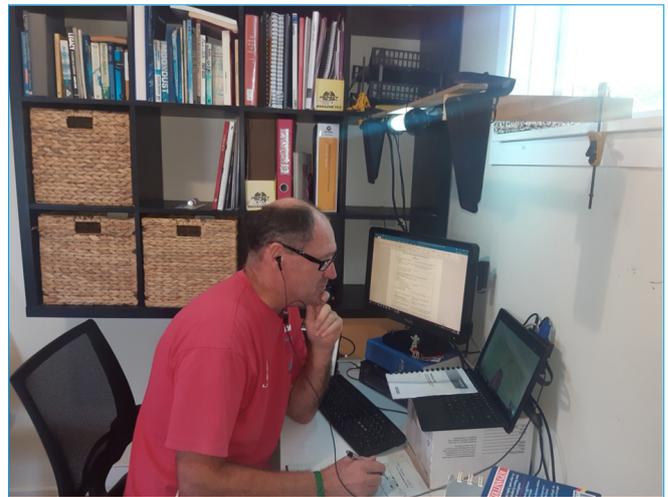
MNZ maritime officer Sean Patterson has reportedly used video calls to complete Maritime Operator Safety System (MOSS) audits with some operators.

“Sean said he has a discussion with the operator before the audit and together they create a specific list of areas to be examined. This allows the operator to prepare and understand what’s involved to help the process run smoothly.”

Meanwhile, MNZ staff are understood to be continuing to attend significant incidents to conduct investigations.

“Safety is a first consideration for our staff and they work remotely as much as possible and weigh the risks before going to an incident scene.”

Although working remotely, it is understood MNZ staff can issue any seafarer certificate and provide it in an electronic format.



Maritime officer Sean Patterson completes a MOSS audit via a video call

“If needed, we’ll send you physical documents when lockdown measures lift.”

MNZ advises it is focusing attention on ensuring that essential services – for example ferries, response vessels and freight operations – can keep moving.

“The team continues to maintain the New Zealand Register of Ships, including registering transactions and ships, so they can depart once lockdown restrictions have ended.

“Our processes may take longer than usual because we’re accessing our databases remotely.”

Given capacity limitations the agency is requesting that contact is made via the following E-mail addresses:

- seafarer queries/applications – seafarers@maritimenz.govt.nz
- MOSS and vessel related queries/applications – operators@maritimenz.govt.nz
- ship registration queries/applications – ship.registration@maritimenz.govt.nz
- exemption related queries/applications – exemptions.officer@maritimenz.govt.nz

MNZ certification manager Stephanie Frame says the team appreciates being able to continue serving the maritime community during this time.

“We’re totally committed to keeping our seafarers working so they can continue to support themselves and their families,” says Ms Frame.

Ms Frame adds that any seafarers who may have held back on submitting an application because they could not source a particular document or have something witnessed, should send an E-mail to the team outlining their situation.

“In many cases, we can find solutions that don’t involve physical contact with other people.”

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