

CONFERENCE DEBATES CONTROVERSIAL ISSUES

BY ALAN MOORE



I have just returned from the Marlborough Sounds where the MTA held its annual conference.

This event has probably been the most successful we have held in recent years. This is mainly because there are a number of very controversial issues that are confronting our industry and these were raised and hotly debated. There were 35 members present and with sponsors and presenters a total of 70 people enjoyed the fine surroundings that is the Portage Resort Hotel. Despite the weather not behaving itself, there was an air of excitement due to the interest in the topics on the agenda.

MDC BY-LAWS

The Marlborough District Council are attempting to impose by-laws for the control of all commercial vessels that operate in the Sounds with regulations that, to say the least, are draconian. They have based their thinking on a report that was written by a commercial consultancy group that one could argue had a pecuniary interest in the outcome. Furthermore this report used anecdotal data that was gathered at least three years ago and is not only out of date but is also not relevant.

An example of this was that the report identified 38 instances of close quarters incidents in the area when all but three of them involved recreational craft. Basing proposed controls on commercial vessels using this data is totally flawed.

There is a proposal to force all commercial operators in their precinct to install Class "A" AIS Transponders. This is an absolute overkill. If it is decided that AIS equipment is needed, and there is a reasonable argument that this will enhance safety in the Tory Channel, then there are other options to consider.

Class A units cost in the vicinity of \$10K each and are already required on SOLAS vessels. Class B units can provide a similar transmission that can be read by all receivers and cost only \$3K. The MDC have not consulted with the industry to find this information out and refused the opportunity to attend the conference to hear the industry's views on the matter.

The Auckland Harbour Master has put in place a by-law that requires the use of AIS equipment. MTA have undertaken an in depth study of the situation, evaluated all the options, called for tenders on the supply in bulk to its Auckland members and have come up with an excellent deal that will benefit everyone concerned. In this process a lot was learned about the system and how best to make use of it. For MDC not to avail itself of this valuable knowledge is very unfortunate.

On the matter of pilotage and the new Rule Part 90 ... The MDC proposal was to reduce the lower limit for the purposes of requiring a pilot from 500 gross tones to 100 GT or 30 meters in length. This length limit was further exacerbated by the requirement to use the combined length of a tug and barge. Again, this by-law was devised on the basis of the flawed Marico Report.

If the harbourmaster had been present, not only would he have heard industry's complaints about the process but he also would have been informed about Maritime New Zealand's views on the matter.

In my opinion this was a very unfortunate situation. While the local harbourmaster may have thought that the conference delegates were on a witch-hunt for his blood, in fact, the MTA

had plans in place to hold a robust discussion on the matter allowing all parties to have their views considered. If nothing else, they would have heard all sides of the argument and been able to consider all points of view. It was a chance that will not repeat itself for a while.

The end result is that MDC will be holding public hearings over the by-law issue and have indicated that this will happen when Maritime New Zealand announce the outcome of consultations of the Rule Part 90, Pilotage.

Now the plot thickens. Maritime New Zealand, which had the foresight to attend the conference, reported their position over the Part 90 Rule and listened to the sound reasoning put up by the operators who were complaining about the lack of logic in the current proposals. All of the parts of the rule that were being considered were there directly as a result of arguments put up by MDC based on the Marico Report. Maritime New Zealand were able to identify that there were flaws in this report and have agreed to go back to the drawing board and redraft the rule to more appropriately reflect the view of industry. After all it is their duty to undertake consultation and consider the views of the users.

It did not take long for Maritime New Zealand to announce this and the result is very obvious. MDC will not now hold their consultation of their by-laws until Part 90 is promulgated. This will not occur until there has been full and proper consultation with all the stakeholders and agreement is reached of the shape and content of that rule.

This will mean that MDC's by-laws will be put on hold until that process is complete. That is unless MDC decide to fly in the face of the government, the Rules and the industry. I will quite unabashedly claim that, were it not for Peter Dawson of Dawson Law Nelson, the MTA and a number of seriously affected operators spending serious money on producing excellent submissions highlighting all of the concerns present in the by-laws, the Marlborough operators would now be saving up for new AIS units or closing down their operations because they could not afford the \$16,000 per year to get a Pilotage Exemption Certificate.

This has not come cheap and, if you feel guilty about the fact that you will get the benefit without the cost, you could contact MTA Governing Committee member Mark Evans at Cougarline Picton and discuss a contribution to the cause. It is interesting to note that there were 70 attendees at the meeting originally called to discuss these issues and of these only a handful attended the conference and put their views forward.

SAFE SHIP MANAGEMENT

Maritime New Zealand presented their proposals for the Service Delivery of Safe Ship Management. It had become fairly common knowledge that they have been promoting a revamped process where Safe Ship Management Companies, as they now exist, will no longer be part of the system. The concept is to authorise surveyors to inspect vessels, report directly to Maritime New Zealand who will take over the function of rule making, setting consistent standards, surveyor approval and audit. They state that they will be charging for the functions but claim that this cost will not be any greater than that which is ►

currently charged by safe ship management companies. Given that there is a fierce competitive element between SSMC's now, it is hard to see how a bureaucratic organisation will keep its costs competitive when they have eliminated the competition.

This process will take two years to consult over and then create and promulgate the necessary legislation and then a further two years for a changeover and implementation period. Therefore it will be 2013 before it is finally up and running. Once again we get a system that we just start getting used to and we have to relearn the process. I guess this keeps the bureaucrats in a job.

CELL PHONES USE ON A COMMERCIAL VESSEL

Keith Ingram produced a paper on the number of accidents and incidents that have occurred due to the use of cell phones. The most prolific cause was attributable to texting. Maritime New Zealand have come out with a recommendation that operators now have to identify the use of cell phones as a potential hazard in their Safe Ship Management Manuals and refer to the Maritime New Zealand Advisory Circular. This matter is the subject of a report in *Skipper Magazine* which you should read.

CHARTER BOAT CATCH REPORTING

Keith also reported that the issue of Catch Reporting for Charter Boats was still awaiting comment by the Minister of Fisheries. A number of delegates at the conference expressed concern that recreational fishers were being targeted simply because they chose to catch their fish from a charter boat. Their views were noted and will be passed onto MFish.

MEMBER DISCOUNTS: FUEL & OIL SUPPLIES

MTA members have for a long time been able to purchase discounted fuel from Caltex NZ Ltd. This service has come under threat due to Caltex disposing of their marine outlets.

MTA have negotiated a continuation of the service for all fuel supplies direct from Caltex Service Stations at the previous discounted rates but where the ownership of the marine outlet has changed hands, no longer will the discount apply. It is understood that at present, this will not affect the Waikawa Marina outlet but it has occurred at Orams in Westhaven.

To counter this, MTA have reached agreement with Gull NZ Ltd to obtain a discount of three cents per litre from the stated pump price at each outlet. Gull have marine facilities at Okahu Bay Auckland, at Whangamata Marine and at Tauranga.

Gull are already cheaper than Caltex at the pump so this represents a considerable reduction in fuel prices. Furthermore Gull have commenced using Biodiesel 5 which will contribute to reducing your carbon footprint. This service will become available in the middle of November at which time, having set up your credit arrangements with Gull you will, by quoting your membership number with Gull be able enjoy this benefit. For details about establishing an account contact Ulrik Olsen at Gull on 021 660 217 or e-mail him at ulriko@gull.biz or call me at 021 942 850.

AGIP OIL & FILTER EQUIPMENT

Transdiesel have entered into an arrangement with MTA which provides members with substantial discounts on supplies of AGIP Oil and a range of filtration supplies. This product is internationally known as a top quality lubricant and is available at prices on a par with wholesale suppliers. MTA will get a commission on all sales and we encourage you to use this product and support your association.

AIS PURCHASES

MTA have entered into an arrangement with Crystal Electronics

Ltd for the supply and installation of Class B AIS Transponders to conform with the Auckland Harbour Master's requirements for use by all commercial vessel capable of speeds in excess of 15 knots wishing to operate on the Auckland Harbour in conditions of restricted visibility. Essentially, this means when the HM closes the port due to fog or misty rain, nobody will be allowed to operate unless the transponder is activated. Eight of these units have already been purchased and will be installed by the deadline. Call Ron Kennedy at Crystal and quote your membership number to get the benefit of this product.

SOCIAL ACTIVITIES

As is traditional at the conference a lot of work is undertaken. All work and no play makes Jack a dull boy so there is always time found to do some socialising. The first night refreshments were supplied by MGE Engineering Ltd. This company has become part of the tradition which is the MTA Conference and it was thoroughly appreciated by all who attended.

This year, after a hard day's work and through the generosity of Mark Evans at Cougarline, the delegates endured the rain and cold to cruise the Sounds, hide away in a quiet bay and shoot some clay pigeons. This was the focus of the annual North South Contest and for the first time in a number of years, the north outgunned by the South. Transdiesel again supplied the wherewithal to make this happen and duly the Dalcon Shield was presented to the newest Governing Committee member Katherine Walker from Nelson Marine Technical Institute. Katherine is the first female member of the MTA GC and she was welcomed aboard with gusto. Having taken responsibility for the safe keeping of the trophy she soon found out what a burden this was as, within two hours, and in line with tradition, the shield went missing from her hotel room. I don't mind this frivolity as long as it appears at the next conference in September 2010 in one piece. Perhaps the burglar should also get the 2009 results engraved on to the shield.

Friday night, after a day starting with the AGM and then a very informative session with the Maritime New Zealand contingent, the delegates thoroughly enjoyed a superb dinner complimented by an amazing range of fine wines from the Forrest Winery Stable.

This dinner, supported by the team of sponsors, was a most enjoyable affair. The usual round of speeches ensued ... with some not knowing when to stop. The bar was then populated until very late and it is rumoured that some, not satisfied with the late hour or the closing of the bar, repaired to a nearby charter boat for nightcaps. It is also rumoured that some have got salt ridden wet clothes to explain away and others have a fair amount of barked skin to endure.

None of the work undertaken at the conference would have been possible without the support of sponsors and I wish to recognise that support.

They are: Transdiesel Ltd, MGE Engineering Ltd, Whiting Power Supplies Ltd, Volpower NZ Ltd, Hella Marine NZ Ltd, Vesper Marine Ltd, Kordia Ltd, Oxleys Rock Hotel, Cougarline Ltd, Maritime Management Services Ltd, Ports of Marlborough Ltd, Seafarer Marine Ltd, Allan Scott Winemakers, Maritimum NZ Ltd.

These companies support us. Please support them.



Katherine Walker and Catherine Taylor with the Dalcon Shield

