

23 June 2008

Dear Stakeholder

FOREIGN CHARTER VESSEL REVIEW

Overview

1 The purpose of this letter is to provide you with the details of the decision I have made with regards to the management of foreign charter vessels (FCVs) in New Zealand waters.

2 The New Zealand government supports the use of FCVs but that use must occur in a way that protects the integrity of the fisheries management regime while ensuring that Ministry of Fisheries (MFish) staff and contractors are provided with a safe working environment.

3 I commend those industry representatives that participated in the review, particularly their positive attitude and their willingness to work with MFish to address these problems – even when this may have resulted in increased costs to their operations.

4 I approved all the measures proposed in the advice paper because I believe that, as a package, they provide the best means to ensure the integrity of our fisheries management system is maintained and that the health, safety and wellbeing of our staff and contractors is provided for. Before doing so I carefully reviewed all the submissions received on the IPP and, therefore I was fully aware of stakeholder's views and concerns when making my decision.

Observer Standard

5 I am particularly pleased that there will now be a Standard setting out the minimum acceptable level of food, accommodation and amenities onboard vessels which must be provided for observers. A copy of the approved Standard accompanies this letter for your information.

6 This Standard will be formerly implemented on 1 July 2008 and will apply to all vessels greater than 46m in length, both domestic and foreign flagged. I approved this Standard because I consider the conditions that currently exist on some of the FCVs operating in the fleet pose a risk to the health, safety and wellbeing of MFish staff and contractors, and this is unacceptable. The successful implementation of the new Standard will mean that it will now be possible to place observers on all FCVs operating in New Zealand's EEZ. Vessel operators will have 12 months to ensure their vessels fully comply with all aspects on the Standard.

Minimum Head Height

7 I was provided with two options regarding the proposed minimum head height detailed in the observer Standard. Option 1 required that, after a five year period, all vessels greater than 46m

in length must provide a minimum head height of 1.90m across the factory, bridge and observer cabin. During this five year period, vessel operators would still be required to meet all aspects of the Standard including some interim measures around the head height issue. Option 2 required that the only minimum head height requirement would be for the vessel operator to provide an area in the factory that met the 1.90m head height, which the observer could use as their workstation. Under Option 2 all aspects of the Standard would be fully adopted by 1 July 2009.

8 I decided to choose Option 2 because I believe this adequately provides for observer safety needs by providing acceptable working and living conditions without resulting in unnecessary costs to vessel operators.

9 Fishery officers and observers will be monitoring performance against the new observer Standard and I remind all operators that failing to comply with the Standard is an offence under the Fisheries Act 1996 and may lead to prosecution.

Observer Safety Induction

10 To ensure the health and safety of our observers I have also given my approval to the proposal for a pre-trip safety induction and personal safety check for each observer placed on a FCV. The health and safety of our observers is of critical importance and I strongly believe that implementing this safety induction and maintaining a closer working relationship with Maritime New Zealand will ensure that a safer working environment is provided.

Registration process

11 I have also approved the implementation of a more robust registration application and approvals process. This new process will

- a) Include a pre-registration fishery officer inspection
- b) Set out the information that vessel operators must provide to support their vessel registration application, including valid Maritime New Zealand safety certificates. MFish is working with FishServe to produce an information sheet which will set out the steps a vessel operator must follow when wishing to register a FCV
- c) Increase the time available to MFish to review registration applications from 10 working days to up to 30 working days.

12 I believe this revised registration process will enable MFish to undertake an appropriate risk assessment for each vessel seeking registration. It will also provide vessel operators with greater transparency around the registration process. A new role of FCV Coordinator has been created in MFish to process registration applications and to act as a point of contact for both industry and FishServe. Don Syme has been assigned to this role and he can be contacted on 04 819 4634 or don.syme@fish.govt.nz. I encourage vessel operators to contact Don if they have any queries about the registration process.

13 I have also approved the use of shorter registration consent periods for vessels considered to be high risk. Until the power to revoke registration consent is made explicit in the Act, I believe alternative measures must be available to manage the potential increased risk that some FCVs will pose.

Risk-based Approach for Observer Coverage

14 The final advice paper also proposed the implementation of a risk-based approach for observer coverage onboard FCVs. I have approved this process because I believe increased observer coverage onboard high risk vessels is the most effective way to ensure the activity of these vessels does not compromise the integrity of our management regime. Applying a risk based approach will also ensure that those vessel operators that ensure their vessels pose only a low level of risk will be rewarded with less observer coverage and lower costs.

15 MFish will soon be consulting on a regulatory proposal to alter the commercial fishing regulations to allow for MFish to directly charge back, the costs associated with the placement of observers onboard high risk vessels.

16 Finally some initial analysis was done as part of this review on the issue of requiring permit holders wishing to use a FCV to provide MFish with a financial bond or third party guarantee. I believe further analysis on this management measure is warranted particularly given events around two FCV companies, both of which have recently gone into liquidation. MFish will continue to work on this proposal and intends to consult on a range of management options in July or August.

17 If you require any further information about the measures approved please contact, in the first instance, Aoife Martin on 04 819 4675 or aoife.martin@fish.govt.nz

Yours sincerely



Wayne McNee
Chief Executive

APPROVED STANDARD FOR ACCOMMODATION, FOOD AND AMENITIES FOR MINISTRY OF FISHERIES OBSERVERS ONBOARD VESSELS >46M IN LENGTH

This Standard has been approved by the Chief Executive of the Ministry of Fisheries as an approved Standard for the purposes of section 226 (1) of the Fisheries Act 1996.

This Standard will be implemented on 1 July 2008.

This Standard will apply to all vessels, domestic and foreign charter, greater than 46 meters in registered length.

All vessels greater than 46 meters in registered length must meet all components of this Standard by 1 July 2009.

Food:

1. Observers must be provided with sufficient potable water and wholesome food for the duration of the trip they are observing.

Further information on what is meant by wholesome food can be found in the New Zealand Food and Nutrition Guidelines developed by the Ministry of Health. Appendix 2 provides an overview of the Food and Nutrition guidelines. Wholesome food is in no way limited by cultural food preferences.

For the purpose of this standard potable water is defined as water (including treated water) that is suitable for human consumption as drinking water. To be suitable for human consumption the water must be adequately treated and stored in the correct manner and at the appropriate temperature and it must meet the New Zealand Food Safety Authority (NZFSA) requirements for potable water.

2. Neither MFish nor any observer should be required to supplement the food and water consumed by the observer during the trip. It is acceptable for MFish and the observer to provide additional food for the duration of the voyage to take into consideration the observer's food preferences.
3. All food and drinking water must be stored and handled in such a manner as to ensure its protection against contamination. Food preparation should occur in areas that can be kept clean and adequately sanitised. Vessel operators should ensure the kitchen crew are familiar with NZFSA food hygiene and safety requirements.

Accommodation:

Observers must be provided with sleeping accommodation of the following standard:

1. Emergency escapes must be provided from all observer accommodation areas. These emergency escapes must be clearly identified and remain unobstructed throughout the voyage.
2. Observers must be provided with sleeping accommodation that is for the exclusive use of observers throughout the duration of the trip. Observers of the same sex will be expected to share cabins although when male and female observers are placed on the same vessel

the decision to share is at the discretion of the individual observer.

3. Observer sleeping accommodation:

- a. Must be maintained in a clean condition prior to the arrival of the observer on board and should be kept free of goods and stores which are not the personal property of the observer. For assessment purposes a clean condition means free of insects, dirt and rubbish with cupboards and surfaces wiped clean. Observers will be responsible for maintaining their cabin in a clean condition during their placement.
 - b. Must be non-smoking when the observer is at sea.
 - c. Must be lockable.
 - d. Must provide clear floor space not be less than 1.0 m².
 - e. Berths must not be arranged side by side in such a way that access to one berth can only be obtained over another.
 - f. Each berth must be fitted with a comfortable mattress that is the correct size for the berth. The mattress should be clean and free from vermin and bad odour. If a foam mattress is provided it should be of a suitable depth and it must have a non combustible cover.
 - g. Each berth must be provided with the following clean fresh bed linen (fitted sheet, bottom sheet, pillow case) and a duvet and/or blankets. Fresh linen should be available every 7 days. It is acceptable for observers to wash their own bed linen provided there is a second set of clean bed linen available for their use.
 - h. Berths must not be arranged in tiers of more than two.
 - i. The lower berth in a double tier should be not less than 12 inches (.03 meter) off the floor.
 - j. The minimum inside dimensions for a berth to be occupied by an observer should be 1.90 meters by 0.68 meters (6 feet 3 inches by 2 feet 3 inches).
4. Observers must be allocated cabin space that provides accommodation for no more than two persons during the period when observers are onboard. Cabins with more than two berths are acceptable provided no more than two persons occupy the cabin.
5. A reading light (equivalent to the light emitted from 40 watt incandescent) must be provided for every berth in addition to the normal lighting of the sleeping room. A second reading light (to the light emitted from 40 watt incandescent) must also be provided over the observer's work area.
6. Observer accommodation must include the following furniture for exclusive use by the observer during the trip:
- a. Lockable clothes locker capable of hanging and storing clothes.
 - b. A drawer for papers and documents
 - c. Table/desk with appropriate seating. For the purpose of this standard appropriate seating is one where:¹
 - Seat depth is between 380 – 480mm
 - Seat pan minimum width should be 450mm
 - Seat height should be within the range 370 to 520mm
 - d. Book rack
 - e. Coat hooks.

¹ Approved code of practice for the use of Visual Display Units in the place of work. Occupational Safety and Health Service and Department of Labour. 1996

Access to cooking facilities:

1. Observers must be permitted access to the galley on request, except during scheduled meal preparation times.
2. Observer must be advised of the appropriate health and safety requirements before using the galley. It is the individual observer's responsibility to abide by any health and safety requirements in place in the galley.
3. The galley must be equipped with sufficient facilities, equipment and utensils to enable the observer to prepare hot and cold drinks and light meals. Facilities means bench space to prepare food, equipment means access to toaster, kettle, hob. Utensils mean access to cookware, cutlery and dinnerware. Observers are responsible for cleaning up and putting away the equipment they use during the preparation of supplementary meals leaving the galley in the same state they found it in.

Access to sanitary facilities:

1. Observers must have access to sanitary accommodation of the following standard during their trip:
 - a. A toilet that can be flushed after use.
 - b. Toilet facilities must be properly equipped with wash hand basins with running water and functioning soap dispensers. The wash hand basins must be located either within the toilet stall or adjacent to it.
 - c. Toilet paper must be supplied and its disposal managed in a hygienic manner that disinfects the waste paper and controls odours or flushes it to waste.
 - d. Functioning wash hand basins, soap dispensers with soap and hygienic towelling must be available for observer use on the factory floor and in the galley at all times.
 - e. Shower supplied with hot and cold fresh water – this could be a salt water shower with a fresh water rinse.
 - f. Sanitary facilities for use by the observer must be maintained in a clean and hygienic condition throughout the duration of the voyage.
 - g. Toilet accommodation must be ventilated either by direct access to fresh air or a functioning (fan) air removal unit.
 - h. Sanitary equipment and the floors in sanitary accommodation shall be made of durable material, must be easily cleaned, impervious to damp and must be properly drained. For the purpose of this standard durable material includes metal, plastic or a painted surface; durable material does not include wood, carpet, cardboard.
 - i. Private and lockable toilet and washing facilities must be provided.
 - j. Soil pipes and waste pipes should be fully functional during the voyage and constructed so as to minimise the risk of obstruction and to facilitate cleaning. They should not pass through freshwater or drinking water tanks
2. Observers must be guaranteed privacy and reasonable access, although not exclusive access, to sanitary facilities.

Factory workstation:

1. A work station must be provided in the factory for use by the observer and this work station must be:
 - a. Located in an area of the factory that provides for clear head room of no less than 1.90 meters. Throughout the rest of the factory, where obstacles reduce the head

- height below 1.9 metres (e.g. sea doors, pipes) they must be clearly marked and padded as appropriate.
- b. Located as close to the pounds as possible to minimise the physical movement of whole fish samples.
 - c. Situated at least 2m away from saws and augers.
 - d. Located so as to offer the best possible view of the factory – including discard chute(s) and processing lines.
 - e. At a height that is comfortable for the observer to work at. As a guide a comfortable height is likely to be within a range of 75 - 100cm off the floor or platform.
 - f. Of suitable size for the secure placement of observer scales and which allows enough space to lay out a 1.5 metre fish length measuring ruler.
2. If the work station, for head room reasons, is not located near the part of the factory the observer needs to work in, then the vessel crew must assist the observer to move samples from their (the samples) location in the factory to the observers work station.
 3. An observer may choose to work at a work station where the head height is lower than 1.90m.

Amenities:

1. Mess room accommodation, separate to the sleeping accommodation, must be provided with sufficient tables and seats to accommodate up to two observers in addition to the normal crew numbers.
2. Facilities for washing and drying clothes must be made available to the observer. These facilities must include a washing machine, freshwater and soap powder.
3. A designated area must be provided, in addition to the observer's cabin space, for the storage of wet weather gear and equipment.
4. The MFish Observer programme must be advised of any notifiable disease present on the vessel before an observer is placed on that vessel. The operator is also required to advise the MFish Observer Programme if a notifiable disease is detected on a vessel that recently had an observer placed on board. In turn the MFish Observer Programme/individual observer will advise the vessel operator of any incidences of notifiable diseases amongst MFish observers. For the purpose of this standard notifiable diseases include those diseases listed in Appendix 1 to this standard.
5. The NZFSA requires vessel operators to provide notice of any disease events onboard the vessel. Vessel operators must also provide this to the MFish Observer programme irrespective of whether an observer is currently placed with the vessel.

Appendix 1: Observer Standard

Diseases Notifiable in New Zealand (include suspected cases)*

Notifiable Infectious Diseases Under the Health Act 1956

Section A – Infectious Diseases Notifiable to a Medical Officer of Health and Local Authority

Acute gastroenteritis **	Campylobacteriosis
Cholera	Cryptosporidiosis
Giardiasis	Hepatitis A
Legionellosis	Listeriosis
Meningoencephalitis – primary amoebic	Salmonellosis
Shigellosis	Typhoid and paratyphoid fever
Yersiniosis	

Section B – Infectious Diseases Notifiable to Medical Officer of Health

Acquired Immunodeficiency Syndrome	Anthrax
Arboviral diseases	Brucellosis
Creutzfeldt-Jakob disease and other spongiform encephalopathies	Diphtheria
<i>Enterobacter sakazakii</i> invasive disease	<i>Haemophilus influenzae</i> b
Hepatitis B	Hepatitis C
Hepatitis (viral) – not otherwise specified	Highly Pathogenic Avian Influenza (HPAI)
Hydatid disease	Leprosy
Leptospirosis	Malaria
Measles	Mumps
<i>Neisseria meningitidis</i> invasive disease	Pertussis
Plague	Poliomyelitis
Rabies	Rheumatic fever
Rickettsial diseases	Rubella
Severe Acute Respiratory Syndrome (SARS)	Tetanus
Viral haemorrhagic fevers	Yellow fever

Diseases Notifiable to Medical Officer of Health (Other than Notifiable Infectious Diseases)

Notifiable to the Medical Officer of Health

Cysticercosis
Taeniasis
Trichinosis
Decompression sickness
Lead absorption equal to or in excess of 10µg/dl (0.48µ mol/l) ***
Poisoning arising from chemical contamination of the environment

Notifiable Diseases Under Tuberculosis Act 1948

Notifiable to the Medical Officer of Health

Tuberculosis (all forms)

* During times of increased incidence practitioners may be requested to report, with informed consent, to their local Medical Officer of Health cases of communicable diseases not on this list.

** Not every case of acute gastroenteritis is necessarily notifiable – only those where there is a suspected common source or from a person in a high risk category (eg, food handler, early childhood service worker, etc) or single cases of chemical, bacterial, or toxic food poisoning such as botulism, toxic shellfish poisoning (any type) and disease caused by verocytotoxic *E. coli*.

*** Blood lead levels to be reported to the Medical Officer of Health (10µg/dl or 0.48µ mol/l) are for environmental exposure. Where occupational exposure is suspected, please notify OSH through the NODS network.

Appendix 2: Observer Standard

Summary of the New Zealand Food and Nutrition Guidelines

The New Zealand Food and Nutrition Guidelines (the guidelines) recommend that as a minimum the New Zealand daily diet consists of food from the four main food groups. The four main food groups and the daily recommended intake is described below:

- Vegetables and fruits (includes fresh, frozen, canned and dried): at least five servings per day. A serving² is equivalent to 1 average apple or banana or 2 plums or kiwi fruit.
- Breads and cereals (includes all bread, grains, rice and pasta): at least 6 servings per day. A serving is equivalent to 1 slice of bread or 2 weetbix or 1 cup cooked pasta
- Milk and milk products (includes cheese, yoghurt and ice-cream): at least two servings per day. A serving is equivalent to 1 pot of yoghurt or 2 scoops of ice-cream or 2 slices of cheese.
- Lean meat, poultry, seafood, eggs, nuts and seeds and legumes: at least one serving per day. A serving size is equivalent to 100g or 1 egg.

The guidelines also recommend that food is:

- Prepared with minimal added fat, especially saturated fat
- Low in salt
- Contains little added sugar.

² Serving information is give as an example only – fruit intake does not need to be limited to apples, plums or kiwi fruit.