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Committee Environment
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***Jody F Millennium* Casualty Report- Implications for Regional Councils as Harbour Authorities**

1. Purpose

To inform Council of the Maritime Safety Authority Report into the grounding of the bulk carrier *Jody F Millennium* at Gisborne on 7 February 2002 and of the implications of the recommendations of that report for the Regional Council as a Harbour Authority.

2. Background

Following the grounding of the *Jody F Millennium*, the Maritime Safety Authority published a lengthy report in April 2003.

The report shared the blame for the incident between the Gisborne Port Company, Adsteam Port Services Ltd (the contractors that provided the pilotage and towing services to Gisborne Port Co), the harbour pilot, the *Jody F Millennium's* master and Gisborne District Council (the harbour authority).

It stressed that severe weather, which saw waves reaching 8m high breaking over the *Jody F Millennium's* bows, was a factor in the events that unfolded that night.

However, aspects of the port operation - which the report says was in some respects dysfunctional - were strongly criticised.

The report said the harbour pilot should be severely censured for dereliction of duty, and the *Jody F Millennium's* master should be censured for failing to adequately discharge his duties of command.

“The investigation has revealed serious deficiencies in the management and operation of Port Gisborne and in the conduct of the Master and the Pilot. Whether or not these factors singularly or in combination, may have prevented the casualty is impossible to determine. They are nevertheless significant in nature and are of concern to the MSA.”

3. The Report's Recommendations and Implications for the Greater Wellington Regional Council

The report listed a number of recommendations for future action to prevent such an incident from re-occurring (see Attachment 1). The two recommendations that are directly relevant to this council as a harbour authority are discussed below.

5.5 *“The Director of Maritime Safety Authority write to Gisborne District Council expressing concern at Gisborne District Council’s failure to appoint a harbourmaster on terms and conditions that ensured that the statutory function of harbourmaster within the port was adequately discharged so as to give effective supervision of matters relating to navigational safety within the port. The letter should also seek confirmation that the existing terms and conditions of the Harbourmaster’s contract will be varied so as to ensure that the current situation is remedied.”*

Fortunately, Greater Wellington Regional Council has a full time harbourmaster and adequate resources to ensure that its harbour management functions are able to be carried out in a professional manner on a 24 hour a day basis. This was not the case in Gisborne. The harbourmaster there was on a part time contract only.

5.6 *“That the Director of Maritime Safety and the Ministry of Transport give consideration to the introduction of a port maritime safety code and/or appropriate Maritime Rules establishing a standard marine safety code for the operation of New Zealand commercial ports similar in nature to the United Kingdom Port Maritime Safety Code (and accompanying Guidelines) published by the UK Department of the Environment and the Regions (DETR) in March 2002.”*

If this recommendation to establish a port maritime safety code is followed, there would be a consistent standard for every aspect of port safety for all ports in New Zealand. Harbour authorities would be held accountable for safety, according to set standards. Such a code would be mandatory. It would apply to ports of all sizes, irrespective of resources or levels of traffic.

At present safety arrangements vary greatly. Legislative guidance is fragmented – a result of piecemeal reviews of maritime legislation and regulations since 1989.

We would welcome the introduction of such a safety code. It has worked well in the United Kingdom. The Harbours Department (and CentrePort Ltd) already substantially comply with the published U.K. Port Maritime Safety Code. However, there may be some increased audit and compliance costs, but the safety benefits accrued would warrant such expenditure. One of the assumptions contained in the Harbours Department’s proposed Operating Plan 2003-2013 is that there will be no significant cost increases arising from the introduction of a port maritime safety code.

4. Conclusion

The *Jody F Millennium* report is a thorough and detailed investigation of a serious maritime casualty incident.

The recommendations are sensible and welcomed. Only one recommendation would bring about any change to our harbour management – and our feelings at this stage it would not be substantial for this Council.

5. Communication

The *Jody F Millennium* incident has already received much publicity. No further communications from this Council are required.

6. Recommendation

It is recommended that the Committee:

- 1. receive the report; and*
- 2. note the contents*

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Attachment 1: Main Recommendations of the M.S.A. Report