

25 September 2020

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H. E. Mr Kitack Lim
Secretary General
International Maritime Organization
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D20/30628
By email

Dear Secretary General

New Zealand would like to draw your attention to our management of the COVID-19 pandemic. New Zealand's response has consequences for maritime activities and up to date guidance is being issued regularly through the Ministry of Health [website](#).

We ask that you please disseminate this information to all other member states.

New Zealand Strategy to COVID-19

New Zealand has successfully implemented an elimination strategy for COVID-19 achieved through:

- controlling entry at the border to just New Zealanders with few exceptions
- disease surveillance
- physical distancing and hygiene measures
- testing for and tracing all potential cases
- isolating cases and their close contacts
- broader public health controls depending on the level of risk.

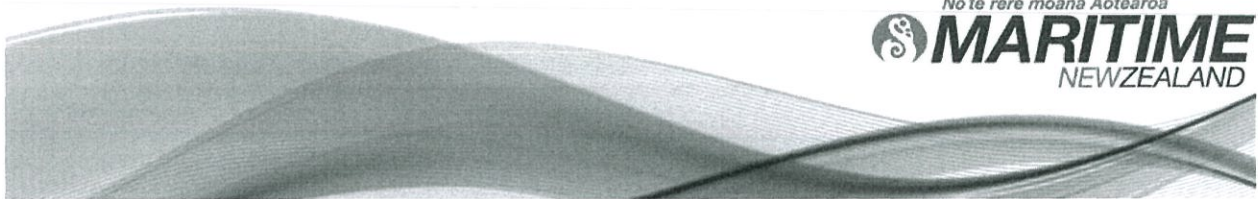
Our national strategy can be seen on the Ministry of Health website (<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-current-situation/covid-19-elimination-strategy-aotearoa-new-zealand>).

Maritime Border Restrictions

The New Zealand Government, for the purposes of preventing and limiting the risk of an outbreak or spread of COVID-19, is

- (a) restricting which ships may arrive in New Zealand; and
- (b) putting in place isolation or quarantine requirements for people who arrive in New Zealand by sea.

Ships are not permitted entry to New Zealand unless exempted as detailed in the "COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020" which is available at: <http://legislation.govt.nz/regulation/public/2020/0240/latest/LMS403466.html#d10390270e3145>. A cargo ship that is arriving in New Zealand for the purpose of loading or unloading cargo is an example of such an exemption.



The right of innocent passage through the territorial sea, and transit passage through straits used for international navigation is unaffected.

These maritime border restrictions will remain in force until further notice and may be amended or updated at short notice. The latest information, which includes advice on when and how to apply for exemptions, is available on the Ministry of Health's website: <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-resources-border-sector/covid-19-maritime-sector>

Supporting Seafarer Welfare

The New Zealand government recognises the important role the maritime community plays in maintaining global supply chains and has been a strong multilateral advocate during the COVID-19 pandemic.

Border restrictions in many countries are preventing ship's crew leaving the ship which may exacerbate the health and resilience challenges these essential maritime workers now face. These workers support the wellbeing and prosperity of New Zealanders by keeping supply chains and the economy flowing. The New Zealand government has, therefore, taken steps to enable seafarers to disembark from their ship in New Zealand.

Guidance on the testing and quarantine criteria for disembarkation can be found at <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-resources-border-sector/covid-19-maritime-sector>

The website also provides information on specific protocols to enable crew changes whereby seafarers can be repatriated at the first available opportunity (noting the currently reduced availability of flights and border restrictions internationally).

Additional welfare support is also available to crew while in New Zealand ports including:

- offering on-board pastoral care, counselling and mental health support
- providing communication on-board for online counselling and communication to home, and
- ensuring seafarers have essential supplies, such as personal grocery needs delivered.

A full list of assistance services in New Zealand ports is available from the relevant Port management.

Further action to reduce risk

There is the potential for COVID-19 to be spread between seafarers and port workers. New Zealand has therefore implemented a comprehensive surveillance testing regime for port workers to ensure any infections are rapidly detected and isolated. In return we ask that ships report any signs of illness amongst crew and wear PPE in spaces on-board where non-crew are working.

This program is supported by updated guidance on appropriate practices and use of PPE by port workers. NZ ports will be implementing this guidance as part of their obligations under the Health and Safety at Work Act so it is strictly enforced.

Safety first

Restrictions at the maritime border have been developed to manage the health risks posed by the COVID-19 pandemic. They do not, however, override the fundamental premise of safety of life at sea.

The Director General of Health has discretion to admit ships and crew into New Zealand ports in limited circumstances where a compelling need has been established, which includes humanitarian grounds, although these will still be subject to strict risk management measures.

Seafarer fatigue is also a significant factor in safety management. Now that crew change processes are established New Zealand will be looking closely at compliance with the Maritime Labour Convention (MLC). Ship owners/operators with seafarers whose Seafarer Employment Agreement is near or over the 11 month maximum allowable employment period, will need to have evidence of credible plans for repatriating these crew. Those lacking appropriate evidence will be subject to Port State Control action under the MLC.

New Zealand would like to take this opportunity to thank you and the IMO secretariat for your ongoing efforts to ensure shipping and seafarers can continue to safely support global supply chains. As a member state we appreciate the information sharing IMO has facilitated which has supported our ongoing efforts to improve our border management for everyone's benefit.

Yours sincerely

Keith Manch

Director and Chief Executive

Maritime New Zealand

6 August 2021

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Dear Secretary-General

New Zealand's support of seafarers impacted by the COVID-19 pandemic

In response to communications from New Zealand seafarers to the IMO Seafarer Crisis Action Team, New Zealand wishes to reconfirm our management of the COVID-19 pandemic and New Zealand's support of seafarers impacted by the COVID-19 pandemic.

Supporting Seafarer Crew Change

New Zealand continues to facilitate and enable crew changes, providing a robust process that allows international crew to arrive by air and be safely transferred to the awaiting vessel. A similar process is used for crew wishing to leave a vessel and be repatriated to their home country. Our government border agencies work together to ensure crew changes are safe, seamless and dignified for seafarers.

For onsigning crew who arrive in New Zealand before the vessel, they are provided with accommodation at one of our Managed Isolation Facilities (MIF). These MIFs are converted high-end hotels, where guests are provided with three meals a day, medical care, wellbeing checks and opportunities for regular exercise. Offsigning crew are also allocated a space in a MIF if there is a delay between when they leave the ship and when they catch their flight home.

To keep crew safe, New Zealand provides COVID-19 testing facilities for crew arriving by air, and for all crew departing New Zealand.

Seafarer Welfare Support

New Zealand, through the Seafarers' Welfare Board for New Zealand continues to provide welfare support to crew which includes:

- offering on-board pastoral care, counselling and mental health support;
- providing means of communication on-board (such as portable wifi units) for online counselling and communication to home;
- ensuring seafarers have essential supplies, such as personal grocery needs delivered; and
- providing transport to and from welfare centres and town for those who are able to take shore leave.

Should a crew member fall ill or suffer an injury, New Zealand has put procedures in place to provide appropriate medical assistance to the crew member. This includes medevac for critical cases, and arranging medical support for non-critical cases.

Funding the Seafarers' Welfare Board for New Zealand

The Seafarers' Welfare Board for New Zealand (the Board) coordinates seafarer welfare activity among the charitable seafarer's welfare organisations¹.

The Board has been largely funded by charitable donations since it was established in 1964. COVID-19 created a significant shortfall in funding for the Board.

The New Zealand Government responded by providing funding in the 2020/21 financial year while amendments were made to relevant legislation to enable seafarer welfare activities to be funded through maritime levies. This amendment came into force on 1 July 2021. Prior to that, funding was made available through alternative sources to fund seafarer welfare activity by the Board over the 2021/22 financial year.

Shore Leave

The New Zealand Government has put in place procedures to facilitate shore leave in a way that mitigates risk to the safety of crews and the New Zealand public. Crews intending and eligible to take shore leave are COVID-19 tested, and on confirmation of all on-board crew providing negative results, shore leave can be undertaken (providing the vessel is no longer under quarantine restrictions).

Interactions with Non-crew at Ports

Throughout this pandemic, all New Zealand sea ports have continued to maintain a high level of COVID-19 safety precautions. Port workers (including shipping agents) that may board a vessel or interact with crew are required to wear suitable PPE, practice physical distancing and sanitising and also undergo frequent testing for COVID-19. This level of precaution provides an additional layer of safety for all international crews berthing at New Zealand ports as it reduces any potential cross contamination between vessels by port workers.

MLC Complaints approach

When a MLC complaint or issue is raised, that affects a New Zealand ship or a foreign ship in New Zealand waters, either through our on-line MLC reporting form or from the International Transport Workers' Federation (ITF), after an initial appraisal, a Port State Control Officer is nominated to investigate. To date, it has not been necessary to detain a vessel on a MLC matter. Additionally the Seafarers' Welfare Board is notified, so as to offer support, where necessary. A record of complaints and the actions taken is recorded. Our close working relationships within the Tokyo MOU mean that MLC compliance matters are shared with other administrations even after vessels may have departed New Zealand jurisdiction.

Repatriation of Seafarers on Expired Contracts

Since March 2020, the New Zealand Government continues to advise those based in New Zealand to not travel overseas due to the COVID-19 pandemic, the associated health risks and widespread travel restrictions.² Due to the difficulty travellers are experiencing returning to New Zealand, some New Zealanders overseas may need to stay safely where they are until they can return home. For those who are able to travel to New Zealand, they must obtain a voucher for managed isolation and quarantine via the online Managed Isolation Allocation System. There are a finite number of spaces in our managed isolation facilities which are in constant demand.

While New Zealand encouraged the return home of as many New Zealand seafarers as possible at the beginning of the pandemic, New Zealand is conscious that there may be a small number of that initial group of New Zealand seafarers needing assistance from the New Zealand government to get home.

¹ in compliance with Regulation 4.4 of the MLC

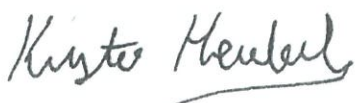
² Safe Travel Advisory website, available here: <https://safetravel.govt.nz/covid-19-coronavirus#Do%20Not%20Travel%20overseas%20at%20this%20time>

In an effort to protect their own borders and citizens, we are aware that some states will only allow crew changes on proof of flight tickets that enable seafarers to leave the state in a timely manner. This has resulted in some seafarers unable to off-sign when their contract ends.

COVID-19 has provided new and significant challenges internationally. New Zealand remains committed to meeting our obligations to seafarers under the Maritime Labour Convention. Where seafarers have not been able to return home since the beginning of the pandemic, and it is impacting on their safety, health and wellbeing, the New Zealand government will work to support their speedy return home. An application for an emergency allocation at a MIF can be made³. These seafarers are able to apply under Category - 2c⁴ of the Emergency Allocation process.

Thank you for providing an opportunity to update you on the ongoing support New Zealand is providing to seafarers.

Yours sincerely



Kirstie Hewlett
Director and Chief Executive
Maritime New Zealand | Nō te rere moana Aotearoa

³ www.miq.govt.nz – Emergency Allocation - 1a) New Zealand citizens or residents where a serious risk to health or safety exists for the applicant

⁴ www.miq.govt.nz – Emergency Allocation under Category - 2c) New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand

Maritime NZ's contribution to the Weekly Report to the Minister of Transport Relevant excerpts

5 October 2020

COVID-19: Further to the flyer that was distributed to maritime related organisations in the Pacific to pass on to yachts and small craft, detailed guidance for small craft was circulated through the same channels at the beginning of October. It stated that the border is closed and provided instructions on how to apply for an exemption for foreign craft.

Maritime NZ, along with its other government partners, has published two key pieces of guidance in the past week. The first piece of guidance was the 'Covid-19 Guidance for the Maritime Industry', which applies to all international ships and maritime crew entering New Zealand. The second was the 'Covid-19 Guidance for ships' crew changes in New Zealand', published for the shipping industry to support seafarers who have had their crewing schedules impacted by Covid-19.

26 October 2020

COVID-19: 'Information and guidance for NZ workers aboard international ships', was sent to maritime industry stakeholders during the week, to provide direction around how workers behave to protect themselves when visiting international vessels.

In addition, Maritime NZ is working alongside the other maritime border agencies to feed into the Ministry of Health's review of current maritime border settings. In the meantime, scheduled crew transfers are being tightly managed by Ministry of Health, Maritime NZ, Immigration New Zealand, Managed Isolation and Quarantine, and local district health boards on a case by case basis.

The first phase of engagement with maritime industry and ports' stakeholders on improving the implementation of the Required Testing Order testing, as it applies to high risk workers, came to a close on Friday, 16 October. This programme of direct engagement has been helpful in developing consistency around the processes for testing and establishing the work that lies ahead. It has also resulted in a more engaged sector and improved confidence across the sector and government agencies.

We are continuing to consult widely as we use the sector's learnings to move from a case-by-case approach to a nationally recognised and consistent standard approach to enable continued movement of vessels (and protection of the supply chain) which is agreed by industry and the wider government sector.

9 November 2020

COVID-19: Following on from the case where a New Zealand marine engineer tested positive for COVID-19, a requirement to test replacement crew for international ships transiting New Zealand is being implemented. Maritime NZ is assisting the Ministry of Health by leading engagement with the sector on implementation.

Phase 1, now in place, includes testing all crew that spend time in a managed isolation facility (for any length of time), whether they are the replacement crew or the crew that has been replaced. Phase 2 will include all other crew, not using a managed isolation facility, but in New Zealand to transit directly to or from a vessel.

16 November 2020

COVID-19: During the week the Maritime NZ Covid Response Team worked closely with the industry and partner government agencies on proposals for testing and crew change processes. The focus was to ensure that proposals will work safely for all parties, while minimising the impact on maritime operations and maintenance of the supply chain. Included in this engagement were discussions on the correct use of PPE and finding solutions to the problems some workers experience with wearing PPE in hot environments on vessels. A special communication went out to stakeholders reinforcing the new face-covering requirements introduced on Monday 16 November 2020.

30 November 2020

COVID-19 – crew changes: Maritime NZ met with the Managed Isolation Facilities team, Ministry of Health and Ministry of Transport, and NZ Customs this week to discuss a standardised national approach to crew changes.

Currently crew changes are organised on a case-by-case basis, based on the position taken by individual ports and DHBs, which is causing significant frustration on the part of shipping agents and is impacting the wellbeing of foreign seafarers.

9(2)(b)(ii)

There was broad agreement to Maritime NZ's proposal for managing the end-to-end process, which was developed following discussions with ports and DHBs. A practicality test will now be undertaken with the sector. The process covers from the time exchange crews board flights to New Zealand and places are booked in managed isolation facilities, through to the time the pilot disembarks a departing ship or when an off-signer departs New Zealand.

9(2)(b)(ii)

7 December 2020

COVID-19 – crew changes: Maritime NZ is again meeting the Managed Isolation Facilities team, Ministry of Health, Ministry of Transport, and NZ Customs this week to advance a standardised national approach to safe crew changes. The initial draft process emerged from Maritime NZ's work with DHBs, PHUs and ports on a case by case basis.

The intended process takes into account Phase 3 of the required testing regime and testing requirements from other jurisdictions. It also seeks to make it simpler for crew changes to occur at a ship's last port of call in New Zealand, rather than midway through a ship's sequence of visits to a number of New Zealand ports.

Maritime NZ is leading this work, which is agreed between agencies as an urgent priority. The cross-agency meeting this week is designed to lead to concrete actions, after broad agreement between the agencies last week. Once the draft process is agreed upon, Maritime NZ will consult with port management and interested parties for any final refinements.

18 January 2021

COVID-19 – crew changes

out of scope

The current crew had reached the end of their contracts and while the replacement crew was in MIQ, one member tested positive to Covid-19. Under current agreements with Pacific Island nations, all replacement crews of ships travelling to the Pacific are asked to spend 14 days in managed isolation. Maritime NZ is currently working with the Ministry of Health to ensure that the COVID-19 Public Health Response (Maritime Border Order) supports this arrangement.

New Zealand has responsibilities under the Maritime Labour Convention for seafarer welfare, and this includes monitoring and enforcing adherence to length of crew contracts. While there was some lenience on this last year at the height of the Covid-19 lockdown, the international responsibility remains.

out of scope

Overall, 296 crew changes were completed in December. Maritime NZ continues to work with the Ministries of Health, Immigration and Transport, and MIQ and Customs, to ensure that the risks of crew change and transmission of COVID-19 are clearly identified and that mitigations are in place.

The aim is for the Ministry of Health to provide a brief to Minister Hipkins by the end of February on options to provide additional assurance on the process and its management, having consulted industry, ports and DHBs on the mitigations which may range from guidance through to policy changes.

9 February 2021

Covid-19 – repatriation of New Zealand mariners: There has been some media interest around the repatriation of New Zealand seafarers on foreign-owned vessels overseas and, in particular, experiencing trouble finding MIQ space. The Ministry of Transport is exploring Government's options around this and Maritime NZ is participating in discussions, including New Zealand's responsibilities as a signatory to the Maritime Labour Convention.

Current estimates are that this issue impacts approximately 100 New Zealanders on foreign vessels, including cargo ships, ships servicing specialised needs/the oil and gas industry and super yachts

22 February 2021

COVID-19 – repatriation of New Zealanders working on international ships: We continue to hear from the Merchant Services Guild and their members about the inability of Kiwi mariners working on foreign-owned vessels internationally to be repatriated to New Zealand.

The Union and individuals have indicated the increasing distress of mariners who cannot re-join their families.

MNZ understands this is an issue for MBIE to resolve, and is working with MoT to assist MBIE in achieving a resolution.

26 July 2021

COVID-19: MNZ has been advised by MBIE that the Ombudsman notified them on 23 July that he will be investigating the allocation system for MIQ beds in relation to New Zealand domiciled seafarers. The notification includes reference to advice provided by MNZ to MBIE on this issue. This follows the difficulties New Zealand seafarers working abroad are reporting in securing rooms at MIQ to allow them to return to New Zealand after their contracts. MNZ and MBIE managers have met to ensure alignment in approach and have also identified some opportunities to ensure that seafarers are assisted in making applications for emergency assistance when the relevant criteria is met. MNZ has indicated to MBIE our availability to assist them in providing input into the investigation.

2 August 2021

COVID-19: Maritime NZ is continuing to receive Maritime Labour Convention complaints from seafarers who have been unable to book a bed in MIQ and cannot return home after an extended period overseas. Radio New Zealand have run a number of items on this issue,

however, the position remains that no extra beds will be available for returning seafarers. Complaints have been made to the Ombudsman who will continue working with MBIE/MIQ on this and other MIQ issues.

30 August 2021

COVID-19: MNZ officials met with an industry advocate to discuss concerns around the ability of New Zealand seafarers to return from overseas. It was agreed that the advocate will continue to act as a conduit for information from individual seafarers about their applications to come to MNZ, so that MNZ can then work with Managed Isolation and Quarantine (MIQ) to ensure that all information is provided in the easiest manner possible to allow decisions to be made. MNZ is also working with MIQ to determine ways to improve the current system, and preparing internal advice around next steps to protect New Zealand seafarer's who participate in the international supply chain.

Thank you for the opportunity to provide Maritime NZ's view on whether the current MIQ emergency allocation system is adequately meeting need, whether there are any practically implementable changes that should be considered.

Status quo and current challenges

The system appears to work where the seafarer meets the strict criteria. However, the criteria themselves frequently don't fit seafarers' normal circumstances and means some needs are going unmet.

Seafarers experience particular difficulties that prevent them from making use of the Managed Isolation Allocation System (MIAS). Uncertainty around departure dates and limited access to internet and easy communications largely leaves the Emergency Allocation System (EAS) as the only, or primary, means of returning for seafarers.

Risks

There are substantial risks to the physical and mental health of individual seafarers when they are unable to predictably and consistently make use of MIQ allocation systems to return to NZ. These can also impact the operation of entire vessels and the safety of others.

There are also wider risks to our role and obligations in relation to maritime labour at large, and the global supply chain. One of the ways that we and other states are asked to support this is through ensuring the ongoing supply of seafarers to enable vessels to continue to operate. Additionally, these seafarers provide expertise to other areas of the sector such as Port Operations, Pilots, Marine Officers, Shipping & Logistics operators etc. and they obtain this expertise by working internationally.

This means that as well as addressing individual cases, we also need to continue to play our part in ensuring that seafarers can complete tours of duty, return home and refresh, and then join new ships.

Changes for consideration

We are continuing to work with MIQ and MBIE to improve communications with seafarers, and are keen to support the development of changes to support seafarers.

Broadly, the allocation systems could support seafarers further by either recognising seafarers as essential workers with priority access, or through ensuring that the existing EAS is tweaked to allow individual cases to be enabled.

Some suggestions for the latter are set out below:

- In relation to Category 1(a):
 - give more weight to on-board medical advice and tele-medical advice when assessing serious risk to health and safety; and
 - give consideration to allowing mental health and associated safety risks to meet the threshold, particularly in relation to time aboard and the 12 month limit set out in the MLC.
- Amend the wording of Category 2(c) from "unable to *legally* remain in their current location" to "unable to *reasonably* remain in their current location". Seafarers may be put ashore in a country where they can legally stay, but have no support network, accommodation, access to healthcare etc. which might be considered unreasonable.

- Allow for seafarers to gain acceptance of their case to return, before they leave NZ (which might mean establishing a different application class or widening the definition of emergency).
- Resourcing dependent, consider implementing a technical advisory board, comprising of niche ship operation management expertise or similar, which could consider the unique circumstances of each case.