

Every employer of seafarers on a New Zealand ship, along with people who are self-employed and people who hire self-employed people, must record all accidents, incidents and mishaps that cause (or could have caused) harm to people in the place of work – the boat. This means that the details need to be written down and kept on the boat.

The skipper also needs to notify all accidents resulting in the death of, or serious harm to, a person, or any accident and incident, to Maritime NZ through the Rescue Coordination Centre New Zealand as soon as practicable (by phone or VHF Channel 16). A written report then needs to be filled out and sent in.

The reason accidents, incidents and mishaps need to be recorded on the boat is not only to ensure that reporting requirements are met, but also to help meet the responsibility of the employer under the HSE Act to review hazard identification and control processes to make sure that the same accidents aren't going to keep happening.

LEGAL REQUIREMENTS

Any Accident, Incident or Serious Harm Injury needs to be reported to Maritime NZ as soon as practicable after it occurs. This requirement applies to all New Zealand vessels.

This initial notification must be followed by a written report within 7 days.

It is the skipper's responsibility to report under legislation. If the skipper cannot notify Maritime NZ, due to death, injuries or other good reason, the operator of the ship (e.g. the owner or responsible person ashore) must do so.

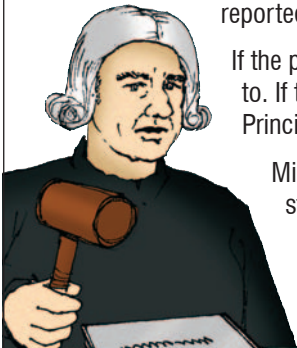
The words 'as soon as practicable' mean as soon as possible in the circumstances. After ensuring that the vessel, crew and passengers are not in immediate danger, reporting an accident, incident or mishap to Maritime NZ should be the skipper's first priority.

In the case of a serious harm injury on board a vessel there is a further legal requirement for reporting under the Health & Safety in Employment Act 1992. In this case, the employer of the person seriously harmed must report the injury to Maritime NZ within seven days of it becoming known (although remember there is also the requirement for the skipper to have reported the serious harm injury as soon as is practicable after it occurred).

If the person harmed is self-employed, they must report the incident to Maritime NZ themselves, if able to. If the person injured was under contract at the time it happened, the person who contracted them (the Principal who is most likely the skipper) must report it to Maritime NZ.

Minor injuries, such as a small cut or sprain do not have to be reported to Maritime NZ, but their details still have to be recorded. Copies of the forms should be kept on board the boat.

Failing to report is an offence that carries a fine up to \$5,000 for individuals and \$30,000 for companies. Employers, self-employed people and principals of contractors who fail to report serious harm injuries within seven days may be fined up to \$250,000.



How do I report?

Phone Maritime NZ's Rescue Coordination Centre NZ (RCCNZ) to let them know **as soon as practicable** about the accident, incident or serious harm injury.

RCCNZ has staff working 24 hours a day, seven days a week, who will record what happened and provide assistance if required.

RCCNZ Freephone: 0508 222 433

Alternatively, contact the Maritime NZ Maritime Operations Centre on VHF Channel 16. This Centre is also manned round the clock, and they'll immediately relay the information to RCCNZ.

After you make an initial verbal report, send Maritime NZ a completed Accident/Incident reporting Form MAR A14 or Serious Harm Form MAR A12 as soon as possible. These forms can be printed from the Maritime NZ website (www.maritimenz.govt.nz) or copies obtained by phoning Maritime NZ on **0508 22 55 22**.

Complete the form, and then fax it to RCCNZ:

RCCNZ: Fax: 04 914 8388

If you do not have access to a fax machine, mail the form to: RCCNZ, PO Box 30050, Lower Hutt (Attn: reporting form).

What's the definition of an accident, incident and serious harm injury (mishap)?

Accidents include events such as any damage to a vessel, which may affect its strength or seaworthiness, groundings, collisions, machinery failures and steering loss.

Incidents include a near collision or a near grounding. If there is any doubt as to whether an incident should be reported, the best thing to do is to report it to Maritime NZ.

Serious harm injuries (legally defined as mishaps) are defined in Section 21.

The full definitions of accidents, incidents, mishaps and serious harm injuries, can be found on the Maritime New Zealand website: www.maritimenz.govt.nz

Accident Registers

You are required to keep a register of all accidents and incidents and other occurrences of serious harm that arise from workplace hazards, on board the boat. The purpose of the register is to include details relating to the incident. The register must be up to date at all times. This is part of the Safe Ship Management manual.

Self-Investigation, Follow-Up and Review

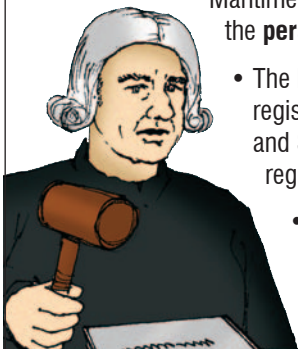
If an accident occurs that harmed, or might have harmed, any employee, all practicable steps need to be taken to find out what happened and to decide whether the accident arose from or was caused by a significant hazard.

If a significant hazard is new, you need to do something to control that hazard (see section 21). If the hazard isn't new, you need to decide why anything you were already doing to control that hazard didn't work in this case. If necessary, change how the hazard is being controlled. You need to write down what you are doing to stop the same (or similar) accident happening again.

The accident and serious harm register needs to be reviewed periodically to identify accident and injury trends. This means you should have a look over the accidents and injuries that have happened, and see if the same or similar things are happening frequently. This information needs to be made available to managers, supervisors, and employees.

LEGAL REQUIREMENTS

- The Maritime Transport Act (s 31) requires **skippers** to report any accident, incident or serious harm injury to Maritime New Zealand as soon as practicable.
- In the case of a serious harm injury on board a vessel there is a further legal requirement for reporting under the Health & Safety in Employment Act 1992. In this case, the **employer** of the person seriously harmed must report the injury to Maritime New Zealand within seven days of it becoming known. If the person harmed is **self-employed**, they must report the incident to Maritime New Zealand themselves, if able to. If the person injured was under contract at the time it happened, the **person who contracted them** (the Principal) must report it to Maritime New Zealand.
- The Maritime Transport Act (s30) requires employers of seafarers on a New Zealand ship to maintain a register of accidents, incidents and mishaps and to record particulars relating to those events. The Health and Safety in Employment Act (s25) requires employers, the self-employed, and principals to maintain a register of accidents and serious harm. The same register can be used for both.
- The Health and Safety in Employment Act (s7) requires employers to take all practicable steps to investigate accidents and serious harm to determine whether they were caused by or arose from significant hazards and, if so, to address those hazards.



Summary Points

- Make sure all skippers are aware of reporting requirements and have the contact details for RCCNZ handy.
- Ensure that you have an accident register that is easy to fill out (this should be in your SSM Manual).
- Make copies of the accident reporting forms easily available in the accident register.
- Make sure you have a set process that you go through when an accident happens. This should include sitting down with all those involved to talk about what went wrong and how you can prevent similar things happening again in the future. Write down the details of what you talked about and what you're going to do – and remember to check that what's been agreed to happens.
- Set aside a regular time for reviewing accidents in the register. This should occur at a time that is relevant to your operation – for example at the end of a season, before a season is about to start, and at regular intervals during the season. Write down the results of your review – this doesn't have to be extensive.
- As a general rule, if you open the first aid kit, you probably need to record it! Note the details in your accident register.

Where can I find out more?

To find out more about accident reporting and investigation, including how to carry out your own internal investigation of accidents, contact the Maritime New Zealand Chief Investigator of Accidents, on freephone 0508 22 55 22, or email accidents.investigations@maritimenz.govt.nz.

Further information can also be found on the Maritime New Zealand website – www.maritimenz.govt.nz.