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# National Oil Spill Contingency Plan

## Chapter 13 - Places of Refuge



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## Overview

This chapter outlines how New Zealand will manage marine incidents where a “place of refuge” is required.

A “place of refuge” is defined as a location where a vessel needing assistance can be temporarily moved to, and where actions can then be taken to stabilize the vessel, protect human life, reduce a hazard to navigation, and/or protect sensitive natural resources and/or other uses of the area (e.g. subsistence collection of mussels, commercial fishing, recreational boating). A place of refuge may include constructed harbours, ports, natural embayments, temporary grounding sites, or off shore waters.

Following the T/V Prestige incident on the Northwest coast of Spain on 13th November 2002 the International Maritime Organisation (IMO), following on from earlier work acted to adopt Resolution A.949(23), Guidelines on Places of Refuge for Ships in Need of Assistance. This resolution is intended for use when a ship is in need of assistance but the safety of life is not involved. Where the safety of life is involved, the provisions of the SAR Convention should continue to apply. This chapter provides guidance on how Places of Refuge will be managed in New Zealand.

## Powers of the Director in relation to hazardous ships

Section 248(1) of the Maritime Transport Act gives the Director specific powers in relation to hazardous ships. If, in the opinion of the Director, a ship is hazardous the Director may from time to time:

- issue any instructions to the master, owner, agent of the ship, or to any person in charge of any salvage operation in respect of the ship and an employee or agent of that person, with respect to the ship, or its cargo, or both; and/or
- take any measures with respect to the ship, or its cargo, or both, including taking over control of the ship.

Sections 248(2) without limiting subsection (1) further authorizes the Director to take, or to require any person referred to in paragraph a) of that subsection to take all or any of the following measures:

- the removal of the ship to another place;
- the removal of cargo from the ship;
- the salvage of the ship, or its cargo, or both; and
- the sinking or destruction of the ship, or its cargo, or both.

Given these powers the Director has accountability and responsibility in a hazardous ship incident and the Director’s Advisory Team (see Annex 3) provides expert advice and assistance to the Director to support him in making decisions.

Harbourmasters who are usually employed by Regional Councils have powers under the Local Government Act 1974 and/or navigation by laws. To ensure there is no conflict between the Director and the actions of a Harbourmaster (conflict which is likely to arise when a particular Port or Harbour is being considered as a place of refuge) the Maritime Transport Act makes it clear that the Director’s instructions shall prevail.

## Managing a place of refuge incident

The responsibility for managing a Place of Refuge (PoR) incident lies with the MIRT.

## Determining a Place of Refuge

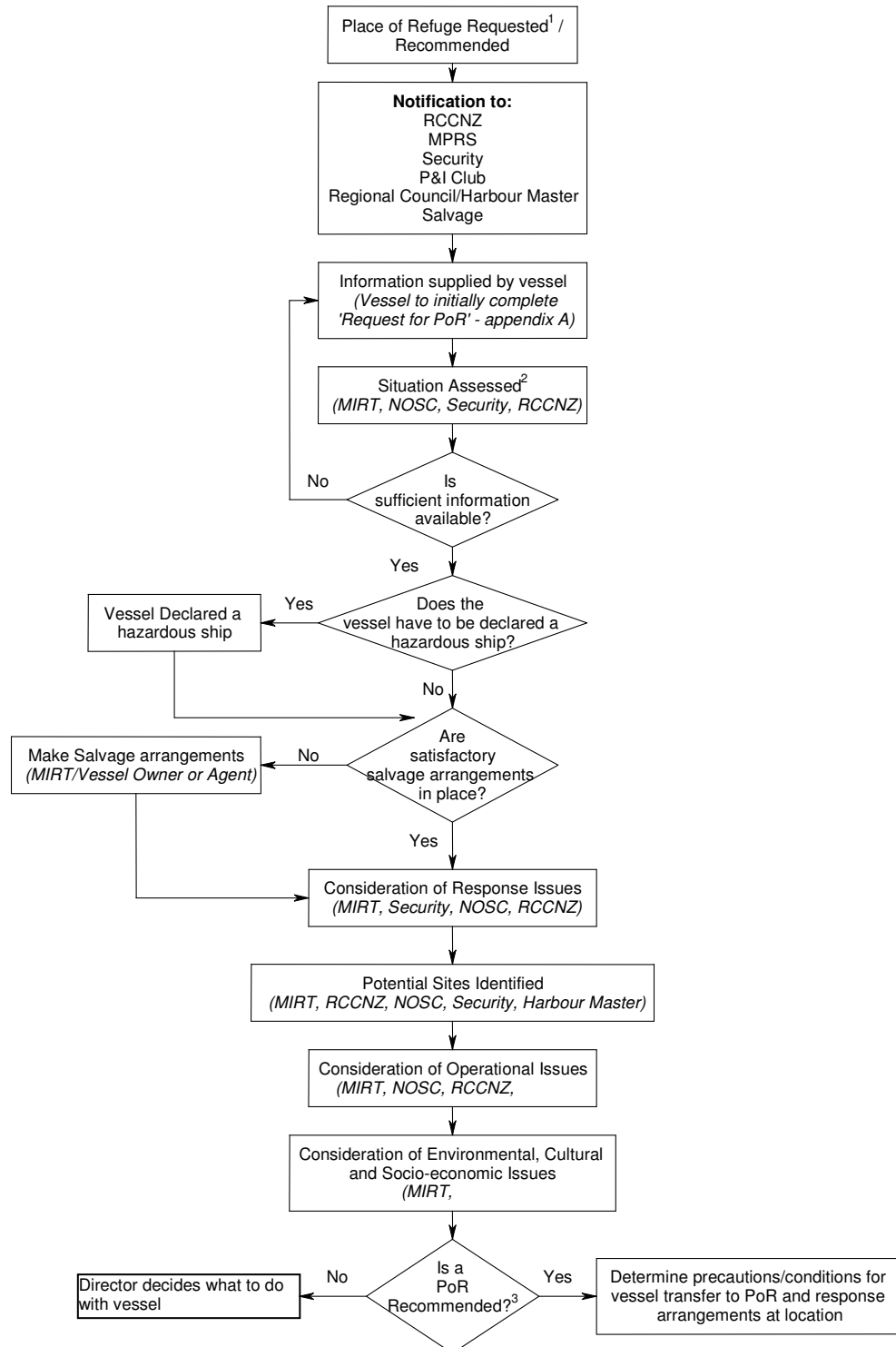
In New Zealand the IMO Resolution A.949(23) will be used as a basis for determining a place of refuge. Appendix B, C and D to this Annex provides an extract of the issues for consideration. The Director and MIRT will use the A.949 (23) guidelines and consult extensively with government and other stakeholders. No pre-determined Ports or Harbours have been designated as places of refuge as it is considered that every incident needs to be judged on the circumstances and the merits of each proposed course of action. To facilitate decision making Maritime New Zealand has undertaken a

great deal of work to produce a coastal environmental map so that it can quickly establish the environmental impacts of pollution on any stretch of the New Zealand coast.

## Maritime Assistance Services

RCCNZ has been nominated by Maritime New Zealand to act as New Zealand's Maritime Assistance Service. As a consequence, vessels seeking assistance should establish contact with the RCCNZ. The RCCNZ contact details have been provided to IMO.

## Determining a Place of Refuge SOP



## **Place of Refuge SOP notes**

1. The number of contact points between those interests associated with the vessel and Maritime NZ needs to be minimised during a PoR request. Accordingly, the prime contact point during an incident should be the MIRT unless formally passed to another agency.
2. The Salvage Liaison officer should undertake a detailed inspection of the vessel, if possible, on request by Maritime NZ. This inspection will form the basis of an accurate assessment of the vessel.
3. Within New Zealand the Director of Maritime New Zealand has the Authority to grant a request for a Place of Refuge.

Other issues to be considered:

- Maritime Security of vessels unexpectedly coming into New Zealand waters (suspected illegal entry vessels).
- Security of vessel travelling to and while at a PoR. Problems may arise from concerned parties such as community groups, activist groups, protesters, etc.
- What can be done if the vessel doesn't do what Maritime NZ requests it to do?
- Community/media interest will be significant. Are there any special issues that should be included in the chapter?

## Appendix A – “Request for Place of Refuge” Form

<b>FILL IN THIS FROM WITH A BLACK PEN AND FAX IT TO:</b>		
Rescue Coordination Centre Maritime New Zealand	Fax: 04 5778038 Phone: 04 5778030 0508 472 269 Email: RCCNZ@martiimenz.govt.nz	Number of pages:
NAME AND FLAG OF THE VESSEL		
THIS REPORT MADE BY		
Name	MIRTe	Time
Phone	Fax	Mobile
SHIPS IDENTIFICATION NUMBER (IMO) / PERSON ON SHIP MAKING REQUEST		
Number:	Name:	
DETAILS OF ALL VESSEL'S SATELLITE COMMUNICATION NUMBERS		
PREFERRED LANGUAGE FOR COMMUNICATIONS:		
TYPE OF VESSEL AND CARGO CLASSIFICATION (access automated manifest systems such as “Sea Cargo”)		
Type:		
Classification:		
SIZE (tonnage)		
Length	Beam	Draft
NAME AND ADDRESS OF LOCAL OR NEW ZEALAND AGENT		
NAME(S) OF THE REGISTERED OWNER(S), THE REGISTERED BAREBOAT CHARTER(S) AND THEIR ADDRESS(ES)		
Owner:	Bareboat Charter:	
Address:		
SAFETY MANAGEMENT DETAILS		
Name of Registered Company, Address and the address(es) where it carries out the Safety Management Activities		
Name:		
Address		
DESIGNATED PERSON NOMINATED ON THE VESSEL'S ISM DOCUMENT OF COMPLIANCE		
Name		
Address	Phone	
SHIP'S INSURANCE DETAILS		
Name of Insurance Company		
Address	Phone	



## Appendix B – Issues To Be Considered In Continuing To Respond To a Shipping Casualty At Sea

Maritime agencies should initially address the option of continuing to respond to a shipping casualty at sea. In these situations, the following matters should be considered:

ISSUE	COMMENTS	CONSIDERED YES/NO
Seaworthiness of the vessel, in particular buoyancy, stability, availability of means of propulsion and power generation, also is anchoring possible		
Current and tidal conditions at sea		
Prevailing and forecast weather conditions for the time the vessel is expected to remain at sea		
Adequate persons (in number and qualifications) on board to fulfill all functions on board and an assessment of human factors including fatigue. If not, can these personnel be supplied from shore and be placed on board		
Is a salvor at the scene and has a commercial salvage contract been concluded between the relevant parties		
Can the vessel be accessed by helicopter		
Traffic density in the incident area		
Adequate sea room and depth of water available to allow ship to drift		
Availability of sufficient tugs and support vessels and where are they stationed		
Additional safety measures to be taken to ensure the ship can safely remain at sea		
How will all imposed prevention and pre-cautionary measures such as navigation instructions, bridge complement, manning of engine room, number of tugs, etc, be complied with (eg representatives, inspectors or salvors on board)		
Availability of fire fighting, oil and chemical pollution combating equipment and sufficient qualified personnel		
Option to restrict or prohibit access of ships/craft and personnel and to enforce it, if circumstances so require (establishment of sea safety zones)		
Requirement for restrictions regarding the use of the sea area in the vicinity of the vessel and the use of air space above or in the vicinity of the vessel – have these been imposed by the competent authorities and how are they enforced		
Possibility of lightering at sea and availability of appropriate equipment (barges, cranes, cargo gear, etc) and personnel		
Sustainability/availability of an anchorage or berth in a port and any potential environmental or other effects		
Which financial indemnities/bonds have been or have to be requested to cover personal injuries and other damages such as damages to the environment, port channels and installations, costs for combating the incident, costs for entering a port (pilot, tugs, crew, etc), port dues, delays to other vessels/cargoes in the port, leased berth usage, cargo handling, repairs, disposal of any types of wastes, wreck removal, etc. Also is there a need for financial bonds, etc, to cover costs associated with environmental / socio-economic / cultural assessments and		
How and up to which amount have these been secured (eg bonds, bank guarantee, letter of indemnity, etc).		



## Appendix C – Operational Criteria

The following operational criteria must be considered in selecting a place of refuge:

ISSUE	COMMENTS	CONSIDERED YES / NO
What is the state of the vessel – does it urgently require access to the nearest place of refuge or can the vessel endure a longer passage to a place of refuge with either better facilities and resources or one which is of lesser environmental, socio-economic and cultural sensitivity		
What are the risks posed by the vessel in distress to the population, environment and structures and infrastructure or property, particularly those requiring special protection, at the intended place of refuge and in the vicinity, taking into consideration the "worst case" scenario and the likelihood of it actually occurring, if it is shifted to the intended place of refuge		
In case of dangerous goods on board – the type of goods on board and what affects may result from one of the incidents mentioned above		
Overall risk posed to coastal waters, marine species, coastline or proposed place of refuge		
Estimated distance and transit time to place of refuge		
Adequate sea room and depth of water with relatively unobstructed approach from seaward		
Presence of good holding ground for both immediate anchoring during approach and at place of refuge		
Availability and positioning of suitable tugs or other support vessels during approach		
Availability of helicopters or fixed wing aircraft for rescue or surveillance and/or pollution response function		
Provision of marine pilot during approach		
Prevailing weather conditions during approach		
Shelter from prevailing and forecast weather and swell at place of refuge and forecast weather conditions for the time vessel is expected to remain at place of refuge		
Access to place of refuge by land, sea and air transport modes		
If it is desirable or necessary to bring the vessel into a port, availability of suitable anchorage or berth, risks of entry into port such as potential channel blockage, environmental effects (spills etc,) effect on ongoing port operations such as delays to other vessel movements, berth/facility lease arrangements and consequential cargo impacts of berth use especially if cargo is to be discharged.		
Availability of fire fighting, oil and chemical pollution response equipment and operating personnel		
Availability of reception facilities for harmful and dangerous cargoes		
Compliance with instructed preventative measures (navigational directions, marine surveyor/salvor aboard to ensure compliance with preventative instructions, tugs in attendance as directed, compulsory pilotage)		
Any requirement under Administration legislation or for commercial/operational reasons to post an adequate bond to cover any risk (pollution, grounding, damage to port facilities, business disruption, etc)		
Restricting or prohibiting un-authorized vessels/vehicles and personnel as required during operation		
Through the Civil Aviation Authority, restriction on use of air space over and in the vicinity of the vessel at the place of refuge, if required		
As required, notification of relevant agencies such as Quarantine, Immigration and Customs		
When practical, and particularly where serious impact to coastal resources may occur, consultation with the community should be undertaken as soon as possible		
Agreement by the Master and/or the owner of the ship to the proposal		

## Appendix D – Environmental, Cultural, and Socio-Economic Criteria

The requirements listed under must be considered in conjunction with the operational criteria:

ISSUE	COMMENT	CONSIDERED YES / NO
Assessment of environmental risk to ecological, cultural and socio-economic resources, both along the approach to, and at the proposed place of refuge. This may include inter alia assessment of ecological and socio-economic resources include reefs, islands, coastline, significant species, sensitive habitats, fisheries, commercial activity and amenities and assessment of risk to culturally significant resources including sites, species, etc		
Analysis of "worst case" scenario, the likelihood of the scenario occurring and the effects on environmental, cultural and socio-economic resources		
Liaison with environmental and cultural groups within the community and		
Concurrence or approvals of statutory agencies e.g. Regional Councils.		