

Watchkeeping

Guidelines for fishing vessel owners and operators

September 2022



Te Kāwanatanga o Aotearoa
New Zealand Government



Legislation

This Quick Guide reflects the health and safety and watchkeeping duties and responsibilities that fishing operators have under:

- The Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs)
- The Health and Safety at Work Act 2015 (HSWA)
- Maritime Rule 22.5, and Maritime Rules Part 31 specifically Rules 31.20, 31.21, and 31.61, 31.85 (1), (2).
- Chapter IV 'Watchkeeping' of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel
- The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (GRWM Regs).

Out of scope of these guidelines

- Other legislation that operators must comply with.
- Rules applying to engineering watches.

Key terms

Term	Definition
Competent person	A person with the appropriate skills, training, knowledge, and experience to perform the task or role.
Director	Director of Maritime New Zealand.
Fit-for-duty	Physically, emotionally, and mentally fit to be able to do a job safely and competently.
Must	Indicates a legal requirement that has to be complied with.
Should	Indicates a recommended practice or approach.

Guidance issued by the Director of Maritime New Zealand

Maritime New Zealand (MNZ) requires the content of an operator's safety system to align with guidance provided by the Director of MNZ, and with industry codes of practice. This does not mean that an operator must always rigidly follow that guidance. But it does mean an operator's safety system should be consistent with guidance provided by the Director and/or suitable industry codes of practice.

Disclaimer

This publication provides general guidance on your duties under relevant legislation (including the Maritime Transport Act 1994, Maritime Rules and the Health and Safety at Work Act 2015), but are not a substitute for the rules and legislation. It is not possible for Maritime New Zealand to address every situation that could occur at work, and it is your obligation to make sure you are operating to the latest Maritime Rules and other legislation and to obtain legal advice where appropriate. This means that you need to think about this guidance and how best to apply it to your particular circumstances. Maritime New Zealand regularly reviews and revises guidance to make sure that it is up-to-date and reflects any changes in legislation, but you cannot rely on this guidance for currency. Please check maritimenz.govt.nz/rules/ to confirm that you are referring to the current version of this publication.

Key points

- Everyone working on the vessel must understand their health and safety duties.
- As the PCBU – a person conducting a business or undertaking – you have the primary duty to make sure, so far as is reasonably practicable, that the health and safety of workers, passengers and other people is not at risk from your work.
- You must crew your vessel with enough people so that someone can keep a proper lookout at all times by all available means appropriate in the prevailing circumstances and conditions. 'At all times' means during the day, during the night, when travelling to and from fishing grounds, fishing, while at anchor, or drifting.
- Collisions, groundings, strandings, and even the vessel sinking, can happen if proper watchkeeping is not maintained. You can prevent accidents, incidents, and injuries from happening when you put appropriate watchkeeping controls and procedures in place.
- You must actively review what is happening on your vessel to make sure watchkeeping controls and procedures are being followed, and crew have been trained in watchkeeping before going on watch.

Contents

- 1. Introduction 4
- 1.1. Who this guidance is for 4
- 1.2. What this guidance is about 4
- 1.3. Health and safety responsibilities of workers 5
- 1.4. Overlapping duties 5
- 1.5. Notifying Maritime New Zealand 5
- 2. Managing risks in watchkeeping 6
- 2.1. Your responsibilities as a PCBU 6
- 2.2. Worker engagement 6
- 2.3. Identify hazards and assess risks 6
- 2.4. Review and revise control measures 14
- 2.5. Watchkeeping procedures 14
- 3. More information 16
- Appendix 1: Hierarchy of controls 17
- Appendix 2: Engaging workers in health and safety matters that affect them 18

DRAFT FOR CONSULTATION

1. Introduction

Too many incidents, accidents, and near-misses happen because of poor watchkeeping. People can get hurt, and vessels and the environment can be damaged, when no-one is keeping a proper lookout - not to mention the loss of income if your vessel is out of action, and possible loss of insurance or increase in premiums. Failure to maintain a proper lookout can have serious consequences, including compliance action.

1.1. Who this guidance is for

This guidance is for people who own or operate fishing vessels.

Under the Health and Safety at Work Act 2015 (HSWA), a maritime operator is a PCBU – a person conducting a business or undertaking. As the PCBU, maritime operators have the primary duty to make sure their work does not put the health and safety of workers and other people at risk.

The skipper (master) controls the ship when it is at sea, and makes the day-to-day decisions required to run the ship. As the person 'on the spot', it is the responsibility of the skipper to make sure everyone on board understands and follows the health and safety systems and processes put in place by the maritime operator. In practice, maritime operators and skippers must work together to meet their health and safety duties. Sometimes the skipper and maritime operator are the same person.

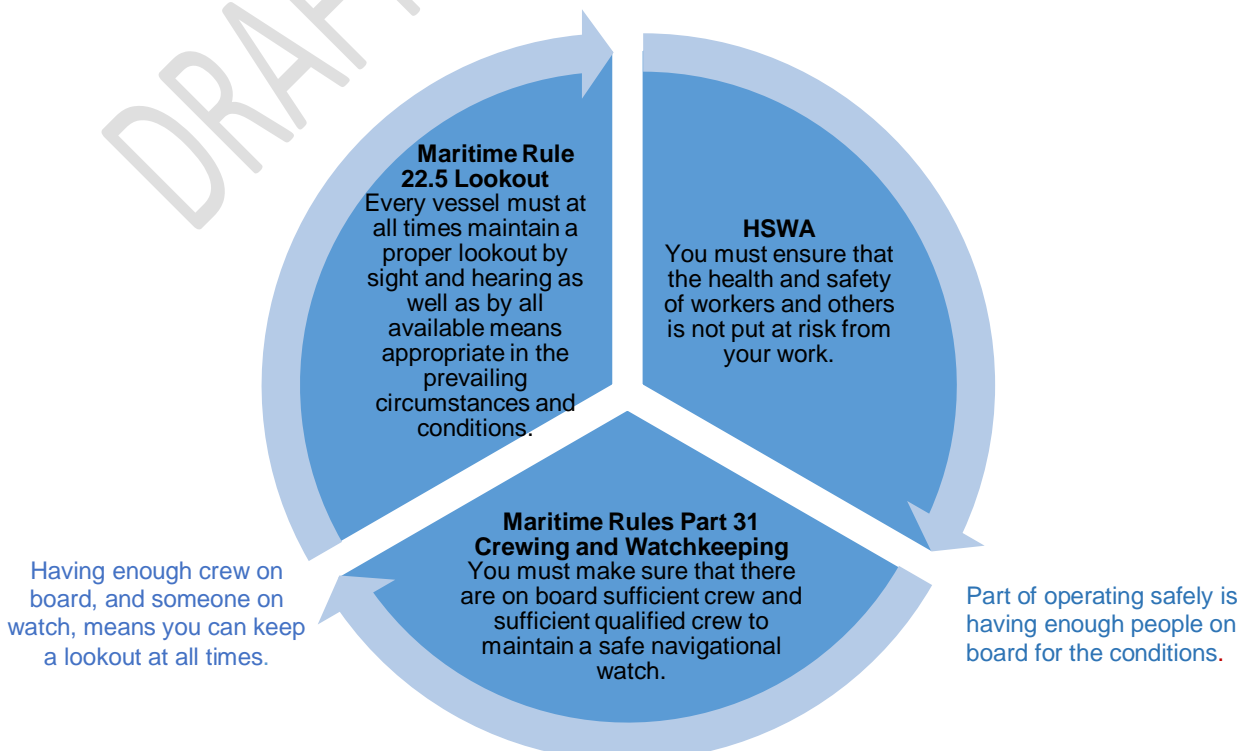
In these guidelines, 'you' means the PCBU and/or skipper, as the case may be.

1.2. What this guidance is about

This guidance provides information about safe watchkeeping practices and some of your obligations under the law. It will help you:

- manage the risks to health and safety associated with watchkeeping; and
- comply with Maritime Rule 22.5, and Maritime Rules Part 31 specifically rules 31.20, 31.21, 31.61 and 31.85 (1), (2).

Keeping a good lookout helps to ensure the safety of everyone on board



1.3. Health and safety responsibilities of workers

Workers have a responsibility to take reasonable care of their own health and safety, and to take reasonable care that their actions do not adversely affect the health and safety of other people. Workers must cooperate with any reasonable work health and safety policy or procedure of the PCBU, and comply with any reasonable instructions given by the PCBU.

You can find separate guidance for workers (crew who go on watch) about watchkeeping practices [here](#).

1.4. Overlapping duties

PCBUs must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other PCBUs who have health and safety duties in relation to the same matter.¹ This is called 'overlapping duties'.

Example

Often fishing vessels have an observer from MPI on board. The PCBU and skipper need to consult with the observer and MPI to manage health and safety issues when they are working on board your vessel.

1.5. Notifying Maritime New Zealand

You must report any accident, incident, or serious harm injury to Maritime New Zealand as soon as practicable. 'As soon as practicable' means as soon as you are able to after you have secured the safety of people, your vessel, and the environment, and when you have communication available.

To notify MNZ:

- Phone the Rescue Coordination Centre New Zealand (RCCNZ). Available 24/7. 0508 222 433
- OR
- contact the Maritime NZ Maritime Operations Centre (MOC) on VHF Channel 16. Available 24/7. The MOC will send the information to RCCNZ.
- Then fill out the online form at the link below as soon as you can and click submit. This will automatically send your information to Maritime NZ.

[Notify MNZ online](#)

¹ Section 34 of the Health and Safety at Work Act 2015 (HSWA).

2. Managing risks in watchkeeping

PCBUs must manage the risks to health and safety of everyone on their vessel(s). This includes risks that arise from poor watchkeeping. Accidents, incidents and injuries can be prevented if proper watchkeeping controls and procedures are in place.

2.1. Your responsibilities as a PCBU

As a PCBU, you **must** ensure that the health and safety of workers and others are not put at risk from your work. You must first try to **eliminate** a risk so far as is reasonably practicable.² If this is not possible, you must **minimise** the risk so far as is reasonably practicable.³ You can use the hierarchy of controls which ranks the ways of controlling risks from the highest level of protection (the most effective) to the lowest (the least effective). For more information about the hierarchy of controls, see Appendix 1.

2.2. Worker engagement

You **must** involve your workers when identifying risks and deciding how to eliminate or minimise them.⁴ Involving and engaging with your workers to participate in health and safety matters leads to a healthier and safer workplace. For more information about worker engagement see Appendix 2.

2.3. Identify hazards and assess risks

Risks to the health and safety of everyone on your vessel can arise from poor watchkeeping. Risks arise from people being exposed to a hazard (a source or cause of harm). With your workers, identify the hazards associated with watchkeeping, and assess the risks of each hazard you have identified. Hazards could include:

- not having enough people on the vessel to keep a watch all the time
- fatigue and impairment
- boredom or distraction
- relying on the navigational equipment instead of using all available means
- not taking account of the conditions (the weather, visibility, and other vessels fishing nearby)
- failing to regularly check the vessel's systems and seaworthiness
- insufficient training and communication.

Every work environment will be different. To help identify the hazards of your work (both actual and potential), review your incident and injury records (including near misses), and look at your work environment and consider 'what could go wrong'.

² 'So far as is reasonably practicable' means you must first consider what is possible in your circumstances to ensure health and safety. You then consider what is reasonable to do in your circumstances. Consideration of cost should only take precedence over safety when it is grossly disproportionate to the risk.

(<https://www.worksafe.govt.nz/assets/dmsassets/zero/848WKS-6-HSWA-reasonably-practicable.pdf>)

³ Section 30 of HSWA.

⁴ Section 58 of HSWA.

The table below shows examples of things you can do. These are a combination of:

- things you 'must' do according to the law, such as use all available means to keep a lookout, and
- things that are not the law but are helpful to do to maintain good practice (the things you 'should' do or which are 'recommended').

Examples given do not cover every possible situation, and you are the people most familiar with your operation. If you need technical help or help that is more specific to your situation, refer to the relevant standards/manuals/notes that apply to your business, or get the advice of a competent person.

DRAFT FOR CONSULTATION

Table 1: Examples of things you can do

Hazard	Risks	What the law says	Things you can do (control measures)
<p>Not enough people on the vessel to keep a proper lookout</p> <p>It is important to have enough people on the vessel to keep everyone safe.</p>	<ul style="list-style-type: none"> - No-one is keeping a lookout all the time - Damage to the vessel or other vessels - Collision with other vessels or hazards - Grounding or stranding - Death or serious injury - Environmental damage 	<p>Under MR Part 31 you must ensure that there are enough crew on board to keep a safe navigational watch. This means going out with enough people so that someone is keeping a proper lookout at all times without having to perform other duties.</p> <p>Under MR 22.5 you must keep a lookout at all times. 'At all times' means during the day, during the night, when travelling to and from fishing grounds, fishing, while at anchor, or drifting.</p>	<ul style="list-style-type: none"> - Part 31 of the MR sets the minimum safe crewing levels, but sometimes the minimum might not be enough to keep everyone safe. If you expect to be busy on-board with fishing activities, consider taking more crew, and training everyone on the vessel in watchkeeping so that they can share responsibility and alternate keeping a proper watch.
<p>Fatigue and impairment</p> <p>Getting tired is part of life at sea. If someone has been working or on watch for a long time, they might fall asleep or get too tired to stay alert and keep a lookout. It is essential that whoever is going on watch is fit-for-duty.</p>	<ul style="list-style-type: none"> - Person on watch falls asleep or loses concentration - Collision with other vessels or hazards - Grounding or stranding - Damage to the vessel or other vessels - Death or serious injury - Environmental damage 	<p>Under HSWA, you must provide and maintain a work environment that is without health and safety risks.⁵ The work environment includes:</p> <ul style="list-style-type: none"> - the physical work environment, including lighting, ventilation, and noise - the psychological work environment, including work arrangements (for example the effects of shift-work and overtime arrangements) and impairments that affect a person's behaviour, such as work-related stress, fatigue, and use of drugs and alcohol. 	<ul style="list-style-type: none"> - Make sure there is enough of a break between trips for crew to rest and recharge. - Plan trips and manage the roster so everyone on the vessel gets a chance to rest and does not get overly fatigued. - Keep the wheelhouse well ventilated, for example, leave a window open to let in fresh air. - Use the watch alarm - make sure it is set and that you (the skipper) keep the key on you. - See Section 3 'More Information' for guidance about managing fatigue.
<p>Boredom or distraction</p> <p>Being on watch can get boring especially in calm weather. The</p>	<ul style="list-style-type: none"> - Person on watch loses concentration 	<p>Under HSWA, you must provide adequate facilities for workers including toilets and facilities</p>	<ul style="list-style-type: none"> - Implement a policy of keeping phones and other devices out of the wheelhouse.

⁵ Section 36 (3) (a) of HSWA. See also: WorkSafe ['General Risk and Workplace Management – part 1'](#).

person on watch might find it hard to focus if they have other things on their mind or are distracted.

- Collision with other vessels or hazards
- Grounding or stranding
- Damage to vessel or other vessels
- Death or serious injury
- Environmental damage

where workers can eat and take breaks.⁶ If it is not reasonable for workers to leave work if they become unwell, you must provide facilities where they can rest.

- Manage the roster so the person on watch gets regular breaks, for example, to use the toilet or have something to eat.
- Change watchkeeping shifts more often during periods of drifting or steaming so there is less chance of the person on watch getting bored or distracted.

Not using all available means

Although navigational equipment can help to keep a vessel on track and away from hazards, it is not a substitute for sight and hearing.

- Equipment failure
- Equipment does not pick up approaching hazard or risk of collision
- Collision with other vessels or hazards
- Grounding or stranding
- Damage to vessel or other vessels
- Death or serious injury
- Environmental damage

Under MR 22.5, the person on watch must use all available means to keep a lookout. This means using sight, hearing, **and** the navigational equipment.

Under HSWA, you must provide and maintain safe systems of work (for example, the physical layout of the wheelhouse) and work processes (for example, watchkeeping processes and procedures).⁷ See section 2.5 of this guidance for more information about watchkeeping procedures.

- Make sure there are regular checks to ensure navigational equipment is switched on and operating correctly.
- Check that visibility from the wheelhouse is not obstructed by anything, for example, empty fish cases or spare fishing gear stacked on the fore deck.
- Make sure the radio is on and tuned to channel 16.

⁶ Section 36 (3) (e) of HSWA.

⁷ Section 36 (3) (c) of HSWA.

The conditions – weather, visibility, and other vessels

It is likely that you will be out in conditions where there are other vessels fishing close by. Sometimes visibility might be bad, or the weather might be challenging, which can increase the risk of collision.

- Collision with other vessels or hazards
- Grounding or stranding
- Damage to vessel or other vessels
- Death or serious injury
- Environmental damage

Under MR Part 31, you must ensure that watchkeeping arrangements are adequate to maintain a safe navigational watch at all times. This means thinking about the conditions and whether you need more than one person on watch, for example, in bad weather, poor visibility, or in crowded fishing conditions. Even in optimal conditions, you must still maintain a proper lookout.

- Consider going out with more people on your crew or having more experienced watchkeepers on watch in challenging conditions.
- Make sure standing orders and night orders have clear instructions on how to keep a watch safely, including when crew should wake you (the skipper) or ask for help.
- If you are steaming in rough weather or fishing in crowded conditions, consider changing your passage plan to take you further out and away from hazards such as land or other vessels. A rough weather steam can also make everyone on the vessel tired, so bear this in mind once you are back in moderate weather.

Failing to check the vessel's systems and seaworthiness

Good watchkeeping is not only looking after the safe navigation of the vessel.⁸ It is also paying attention to the state of the vessel - for example, its stability - and checking that systems and the machinery are operating correctly.

- Damage to vessel
- Vessel sinks
- Death or serious injury
- Environmental damage

Under HSWA, you must provide and maintain a work environment that is without health and safety risks. You must also provide and maintain safe systems of work, for example, watchkeeping processes and procedures.

- At appropriate times, for example, at handover when there are two people awake and one can keep watch from the wheelhouse, the other should check the vessel's interior spaces (for example, for signs of water ingress), and the machinery to make sure it is working correctly (for example, ice-making machines). This means that from time to time it will be necessary to have someone else on watch in the wheelhouse while those checks are done.
- More regular checks may be needed depending on how much monitoring can be done from the wheelhouse.

⁸ Transport Accident Investigation Committee 2017 'Loss of the fishing vessel Jubilee and all hands, 12 nautical miles off the Rakaia River mouth, 18 October 2015'.

Training and supervision

Insufficient training may mean someone goes on watch without having enough instruction in how to maintain a safe and proper watch, or know what to do in an emergency.

- Person on watch is unable to perform their duties properly
- Collision with other vessels or hazards
- Grounding or stranding
- Damage to vessel or other vessels
- Death or serious injury
- Environmental damage

Under HSWA, you must make sure crew (workers) are trained to work healthily and safely.⁹ Anyone going on watch must be adequately trained in watchkeeping, or supervised by someone with appropriate knowledge and experience of watchkeeping. Ask workers for their views when deciding how to provide information and training. See Appendix 2 for more information on Worker Engagement.

Training should cover:

- the responsibilities of the person on watch
- safe watchkeeping practices, including taking breaks, keeping active, and managing boredom and fatigue
- the serious consequences of failing to maintain a proper watch
- how to use the navigational equipment and its limitations, for example GPS and radar
- how to maintain a proper watch in adverse conditions, for example, in restricted visibility
- watchkeeping procedures, for example regular visual fixing and checking the water depth
- keeping track of the vessel, for example, using the plotter and paper charts
- shape and light configurations, and sounds, of different signals
- give-way rules, including when a fishing vessel has right of way and when it doesn't
- monitoring the vessel's systems and machinery, and watching for signs of vessel stability changing (for example, a list or change in trim or the motion of the boat)
- using the logbook
- handover procedures at the end of the watch
- how to recognise unanticipated risks and knowing what control measures to use.

⁹ Section 36 (3) (f) of HSWA and Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 Regulation 9.

- when to ask the skipper for help.

It is a good idea to provide training, and training materials, in straightforward language. Try not to use jargon or acronyms without explaining what they mean. Think about the best way to give information to workers who have English as a second language or low literacy skills.

Once crew are trained in watchkeeping, consider observing them the first few times they go on watch to check they are carrying out their duties properly.

Communication

Crew may feel they cannot say anything if, for any reason, they are concerned about watchkeeping arrangements.

- Person on watch is concerned about being able to keep watch safely, but does not say anything and continues with their watch
- Other crew members are concerned about watchkeeping arrangements but do not say anything
- Collision with other vessels or hazards
- Grounding or stranding
- Damage to vessel or other vessels
- Death or serious injury
- Environmental damage

Under HSWA, you must give your workers reasonable opportunities to participate effectively in improving health and safety in the business on an ongoing basis. This includes processes for workers to report health and safety issues such as concerns that risks are not being adequately managed.¹⁰

For more information about worker participation, see Appendix 2 of this guidance.

- Encourage crew to speak up if they are worried about safety, for example, if they are concerned the next person coming on watch not being able to do the job properly, or the weather is deteriorating and they need some help. It is important that workers know they can wake you (the skipper) if they need help or are concerned for any reason.
- Make sure you leave clear standing orders and night orders so that each person on watch knows what is required of them.
- Make sure watchkeeping procedures in your Maritime Transport Operator Plan (MTO) are available for workers to read, are written in clear language, and updated regularly.
- Check that crew are keeping good records of their watches in the logbook, for example, records of any incidents and weather conditions.

¹⁰ Section 59 and Section 61 of HSWA. See also: WorkSafe [‘General Risk and Workplace Management – part 1’](#).

DRAFT FOR CONSULTATION

2.4. Review and revise control measures

With your workers, review control measures regularly to make sure they are still effective and, if necessary, revise them. If your work activities change, make sure your control measures are still the most appropriate to use. It is not enough to rely on the skipper and crew – you need to regularly review what is happening to check that:

- the roster is being followed
- good records of what has happened during watches are being kept
- training on watchkeeping is being delivered and completed before crew take on watchkeeping duties
- workers are complying with their watchkeeping obligations and the procedures for the vessel.

Example

To make sure the skipper and crew were complying with watchkeeping procedures, Billy phoned the skipper every evening for a couple of trips to check in and ask how the day was going and if there were any concerns in areas like fatigue and watchkeeping. He also went down to see the skipper and crew on the vessel, and while he was there had a look at the logbook to check that proper records were being kept. Billy also checked the training records every time a new crew member came on-board, to make sure they were properly trained in watchkeeping before going on watch.

2.5. Watchkeeping procedures

Under HSWA, you must provide safe systems of work. This includes watchkeeping processes and procedures. Watchkeeping procedures should be part of your MTOP. They should be appropriate for your operation and cover (at a minimum):

- general watchkeeping arrangements, including how many people are on watch for the conditions, and length of shifts
- who can keep watch, and the training they need to have done
- recognising fatigue
- managing distractions when on watch (for example, use of phones and devices)
- procedures and instructions for using the navigational equipment
- procedures and instructions for checking the vessel's systems and seaworthiness
- procedures for setting and using watch alarms
- when to contact the skipper and ask for help
- keeping records and using the logbook
- procedures for handing over the watch.

Examples

Kerry runs a surface line vessel and is often doing two-week trips out to around the 100-mile line off the East coast. Her watchkeeping procedures need to be set up so she can cover the long steams as well as night shooting of the gear from the deck. They often cross very busy shipping lanes so she has to plan the best way to keep a watch during that period.

JD, on the other hand, is a cray fisher down south who only day fishes. While some of the days are pretty long, he never stays out overnight. His watchkeeping system is simpler and focuses on a single watch keeper while his decky runs the deck.

DRAFT FOR CONSULTATION

3. More information

Chapter IV 'Watchkeeping' of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel.*

[General risk and workplace management](#)

[Introduction to the Health and Safety at Work Act 2015 – special guide](#)

[Managing fatigue](#)

[Managing work risks](#)

[Maritime New Zealand Health and Safety at Work Act 2015 resources](#)

[Maritime Rules Part 22](#)

[Maritime Rules Part 31](#)

[Providing information, training, instruction or supervision for workers](#)

[Overlapping duties](#)

[Reasonably practicable](#)

* Hardcopies of materials referred to in this document are available to view at our offices. For information about how to access these materials, see:

<https://www.maritimenz.govt.nz/rules/material.asp>

Appendix 1: Hierarchy of controls

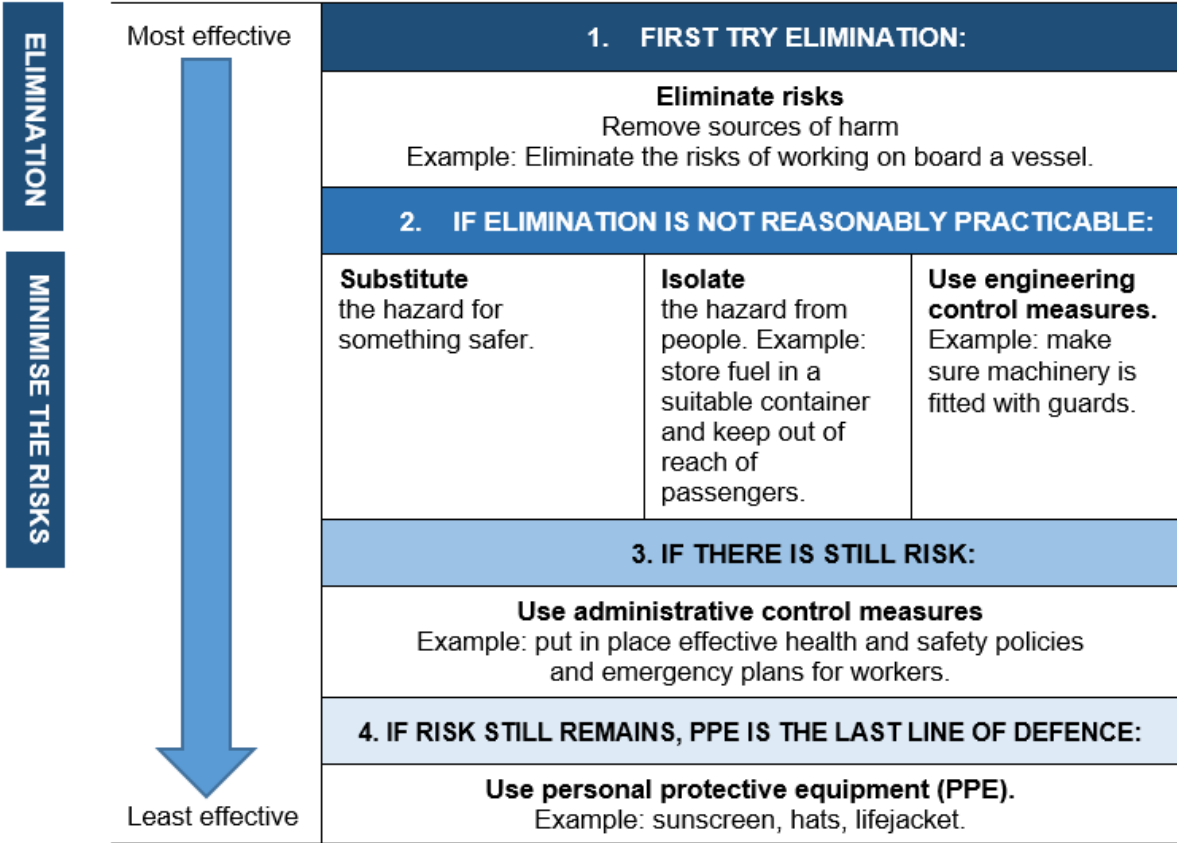


Figure 1: Hierarchy of controls

DRAFT FOR COMMENT

Appendix 2: Engaging workers in health and safety matters that affect them

Under HSWA, you have two main duties related to worker engagement and participation:

1. to engage with workers on health and safety matters that affect or are likely to affect workers, so far as is reasonably practicable, and
2. to have practices that give workers reasonable opportunities to participate effectively in the ongoing improvement of work health and safety.

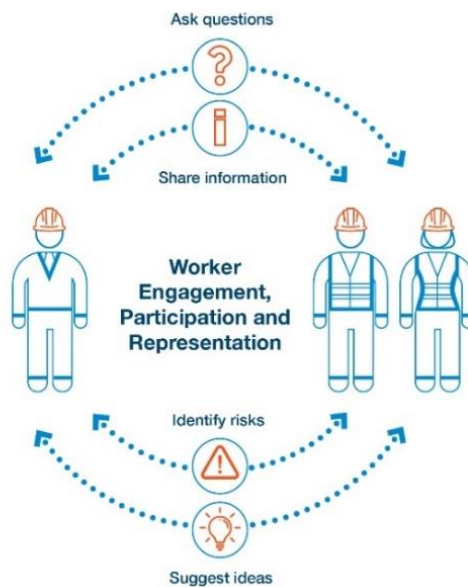


Figure 2: Worker engagement, participation and representation

You must engage with workers during specified times, including when identifying hazards and assessing risks.

You must have clear, effective, and ongoing ways for workers to suggest improvements or raise concerns.

Ways of engaging with workers include:

- sharing information about health and safety matters so that workers are well-informed, know what is going on and can contribute to decision-making
- giving workers reasonable opportunities to have a say about health and safety matters
- listening to and considering what workers have to say at each step of the risk management process
- considering workers' views when health and safety decisions are being made
- updating workers about what decisions have been made.

Worker representation

Workers can be represented by a Health and Safety Representative (HSR), a union representing workers, or a person that workers authorise to represent them (for example, a community or church leader, or another trusted member of the community). HSRs and Health and Safety Committees (HSCs) are two well-established methods of participation and representation. If workers are represented by an HSR, worker engagement must also involve that representative.