

To: Maritime New Zealand
From: Human Rights at Sea (HRAS)
Date: 24 November 2022

HUMAN RIGHTS AT SEA SUBMISSION RE: MARITIME LEVY CONSULTATION FOR ONSHORE SEAFARER WELFARE SERVICE PROVISION

INTRODUCTION

Thank you for the opportunity to submit our views for the establishment of a long-term legislative-backed sustainable model for on-shore seafarer welfare services using existing maritime levies as the funding source to operate relevant services throughout New Zealand's ports.

We have the following advisory points for consideration which we counsel should be included within the policy development of any government-level consultation, and any subsequent state-level decision-making process on this matter-in-issue.

We would like to make clear that the consequences of this work are not just strategically important for New Zealand, but that the legislative update to the Maritime Transport Act was a seminal precedent which will set the future tone and weighting of authority for its replication by other coastal states around the world.

As a warning. The failure to achieve consensus, policy and implementation success in this matter will have long-term ramifications for the global seafaring sector in terms of health, safety, security, and well-being of seafarers. Further, a failure here will be damaging to the international reputation, standing and related developments delivered by New Zealand's Labor Government to date.

HEADLINE

Transparency, accountability, access to effective victim remedy and access to equitable welfare service provision without systemic abuse or nepotism must comprise the core foundations for implementing any future onshore seafarer welfare funding model in New Zealand.

KEY POINTS

We counsel that the future model *must*, not *should*:

- I. Be aligned with the legal guidance and intent of the Maritime Labour Convention (MLC) 2006.
- II. Be aligned with the accepted international policy standards in the establishment and running of Port Welfare Committees (PWCs).
- III. Be made available to all seafarers, including fishers, both domestic and foreign.
- IV. Be entirely transparent in its financial sourcing, application, daily running, public reporting, external auditing and oversight.
- V. Be independently accountable to the New Zealand public for every \$ spent, and that stakeholders in positions of decision-making, management and of funds must be both jointly and severable liable for all activities and decisions taken.
- VI. Be equitable in the provision of seafarer and fisher access for all welfare services by the most competent providers, not the most financially dominant, or prolific faith-based provider in any one location.
- VII. Be equitable for access to funds to all welfare providers based on a professional competence and effective delivery model that is annually assessed by an independent body with accredited government standing, and that the results ('good, bad and ugly') are published annually without any form of redaction or individual stakeholder influence or intervention.

PROVISION OF SERVICES

Professionalisation. HRAS will make limited comment on the service provision as this is the purview of the welfare providers. Nonetheless, HRAS wishes to reiterate that any welfare service must be offered through fair, open and accountable competition to instruct the entity that is able to provide each service based on demonstrable delivery by individually accountable and professionally competent persons. In short, the delivery must be on a professional basis under a public-facing strategy and plan, with the eventual move away from a volunteer-based model.

DELIVERY MODEL

- 1) **National Seafarers Welfare Board (NSWB).** The Board must provide oversight, guidance and co-ordination but must not be seen to become, nor itself become an onshore welfare provider. Further, the Board must help to deliver sustainability to the PWCs through continuous review of funding sourcing and provide ongoing assurance of those sources alongside Government engagement. In short, the NSWB stays away from the gangway on a day-to-day basis.

- 2) **Multi-year funding.** Multi-year funding must be the future basis of the model to allow for PWC's and welfare service providers to be able to effectively plan and deliver professional services. 'Hand to mouth' or 'famine-to-feast' situations of funding must be minimised and mitigated against. Traditional reliance on donor funding and charitable giving should be substantially reduced unless reasonable levels of financial reserves are under direct threat. Temporary and/or emergency funding models should also be consigned to being the exception, not the norm.
- 3) **Independent oversight and monitoring.** The issue of unrestricted transparency and accountability for every service provider and involved stakeholder in a future model forms the core basis of this advisory document. This will require an additional layer of independent oversight and review by competent persons who have no conflicts of interest. Those persons should be externally instructed with public terms of reference, and include persons with legal, accountancy, business, governance, and public service standing. In short, welfare service providers should not be responsible for their own oversight and in plain terms, they must not 'mark their own homework'.
- 4) **Conflicts of Interest.** There is a requirement when using public funding to ensure that those charged with the oversight, monitoring, reporting and review must not be undermined in their duties with conflicts of interest. This includes recruitment into the NSWB, PWCs and other seafarer bodies. One of the current failures in oversight models is the nepotism in which Boards can be formed, their composition of stakeholders with daily business involvement in the sector, and failures to enforce expedited removal of persons with clear conflicts due to weak internal governance systems. In short, the 'old boys' network' model must not be used and instead, competence must trump connections.

Should you wish for further advisory comment or clarification, please do not hesitate to contact us.

Yours sincerely,

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Human Rights at Sea