



CIRCULAR NO.7-2022/MARITIME SAFETY

24 OCTOBER 2022

This Circular serves to provide regular information on maritime safety.

The Solomon Islands Maritime Authority (SIMA) Act 2018, the Shipping Act 1998 as amended and their subsidiary laws prescribe obligations, rights and standards for all registered vessels on any voyage and in any waters, and to every vessel in Solomon Islands waters to any vessel on which Solomon Islands seamen are employed.

FROM THE DEPARTMENT OF SHIPPING OPERATIONS AND SAFETY

SIMA is working on the upgrade of the maritime legal framework which involve a 3-stage process of drafting, consulting and making maritime order for matters of SIMA's mandate under the SIMA Act 2018 and the Shipping Act 1998 as amended. The current maritime orders being considered are the following:

- 1 SIMA (Fees, Charges and Levies) Maritime Order (consultation),
- 2 SIMA (Carriage and registration of passengers) Maritime Order (drafting) ,
- 3 SIMA (STCW Convention) Maritime Order (drafting),
- 4 SIMA (Convention Vessel Safety) Maritime Order (drafting),
- 5 SIMA (Safety Management Systems) Maritime Order (drafting).

A presentation is available on SIMA's website with details of reasons and implications of maritime orders. Please use the following URL: <https://www.sima.gov.sb/wp-content/uploads/Meeting-1-SIMA-Shipping-Owners-Maritime-Legal-Development.pdf>. Mr. Joash Bella, Technical Legal Officer is available for any questions related to this process.

Currently, consultation is ongoing on the SIMA (Fees, Charges and Levies) Maritime 2022. This maritime order integrates the fees for the year 2023 and the contribution to the National Pollution Fund (POLFUND) in the form of a Pollution Levy payable by all registered and not registered vessels and persons or companies importing oils in Solomon Islands. Please use the following URL to get a summary of the changes: <https://www.sima.gov.sb/wp-content/uploads/Meeting-1-SIMA-Shipping-Owners-Doc2-1-New-Fees-Regime.pdf>.

The SIMA (Fees, Charges and Levies) Maritime 2022 can be found using the following URL: <https://www.sima.gov.sb/wp-content/uploads/SIMAFeesChargesLeviesMarOrder23-for-Consultation-2.pdf>.

DID YOU KNOW?

WHAT ARE THE REQUIREMENTS FOR INITIAL SURVEY AND CERTIFICATION OF VESSELS?

The Shipping (Non Convention Vessel Safety) Regulations 2006 section 27(1) require the **issuance of a Solomon Islands Vessel Safety Certificate (VSC), after an Initial Survey** specified in section 18. This concerns any vessel in construction or existing vessel to be registered under Solomon Islands flag. Section 18 requires **the Initial Survey to be conducted before the vessel is put into service** to ensure all equipment and systems fully comply to the 2006 Regulations including an inspection of the outside of the vessel's bottom (Hull Inspection). SIMA has developed guidelines for a systematic review and for initial survey's tests and checks of the vessel's equipment and systems.

In practice, any **ship owner or operator building a new vessel or registering a new or existing vessel under Solomon Islands flag must make a written request to SIMA** providing the particulars of the vessels. In response, SIMA will provide the full list of documents and certificates to be provided and at reception will conduct the initial review and approval. No vessel can be brought to Solomon Islands with the intention to register under Solomon Islands without SIMA's initial review and approval. After or during the initial review, inspection will be conducted including the Initial Survey.

A satisfactory Initial Survey is the condition for the issuance of the first VSC that will be renewed every five years subject to annual, intermediate and renewal surveys (see Circular 1-2022 Maritime Safety January 2022).

EMPLOYMENT OF SEAFARERS

The Circular 1-2022 reminded the conditions for the safe manning of vessels including the following requirements:

- ✓ a **valid Safe Manning Certificate (SMC) and crew list signed by the master** – in 2020, 6 vessels only were holding a SMC. As of today, 96 vessels are holding a SMC. From 1 January 2023, a vessel without a SMC will be detained for non-compliance to the Shipping (STCW Convention) Regulations 2010.
- ✓ each crew member has his/her **valid certificate of competency** that has been revalidated within in last 5 years of the issuance or previous revalidation date. The process of revalidation requires the Advanced Safety Course and/or a Refresher Course. The Refresher Course is sufficient only if the Certificate of competency is still valid and there is evidence of participation to safety drills in the concerned seafarer Seaman Record Book, and
- ✓ each crew member on the crew list has signed **an employment agreement** with the shipowner/operator and approved by the Director SIMA.

The Shipping Act 1998 as amended makes mandatory the signing of an Employment Agreement between the seafarer and the shipowner/operator approved by the Director SIMA. It is the responsibility of the Master and the shipowner/operators (section 115). **Both parties have duties and rights they need to consider as failure to discharge duty constitute offences under the Act:**

1. for the shipowner/operators:

- a. to pay the agreed wages to the seafarer that constitute a maritime lien against the vessel,
- b. to provide other guarantees and benefits such seaworthiness of the vessel, leaves, health & social security, and complaint process, and
- c. to expect from the employed seafarer discharge of duty as per the agreed function onboard, duty of care of the vessel and equipment, presence on board at all times as per the scheduled voyages of the vessel.

2. for seafarers:

- a. rights to adequate conditions of employment (including wages, working and rest hours, leave, repatriation, career and skill development); compliant accommodation, recreational facilities, food and catering; health protection, medical care, welfare and social security protection,
- b. full discharge of functional duty, duty of care of the vessel and equipment, presence on board at all times as per the scheduled voyages of the vessel, and
- c. refrain from disobeying lawful command, continual disobedience, absence without leave and consuming alcohol or any prohibited or narcotic drug.

CONSUMPTION OF ALCOHOL ON BOARD VESSELS

The consumption of alcohol is a persistent issue on board domestic vessels in Solomon Islands. It includes officers and masters which, in several cases, caused delay of the vessel's departure and in some cases serious concerns for the safety of the persons on board when the vessel is at sea.

A seafarer found to be under the influence of alcohol, or any prohibited or narcotic drug while on duty commits a disciplinary offence under section 131 of the Shipping Act 1998 as amended. For this purpose, SIMA considers a seafarer on duty when he/she is registered on the crew list of an operational vessel and the seafarer is under the influence of alcohol or drug on board at any time during working hours and out of working hours when the vessel is scheduled to depart to sea. If, for the reason of being under the influence of alcohol or drug, a seafarer is absent from duty and causes delay in the vessel operation or departure, or cannot assume watch at sea, it is considered as the same offence.

Any report of above misbehaviour is treated as serious offences committed by a seafarer under the Act and is severely sanctioned as prescribed by the Act, including the suspension or cancellation of the certificate of competency, proficiency or recognition which prevent the seafarer to be on any crew list of vessels in Solomon Islands waters.

CONTACT

All shipowners/operators are encouraged to provide feedback on this circular to the SIMA's Department of Shipping Operations and Safety to improve safety of all at sea, clean seas, and a vibrant maritime industry in Solomon Islands.

For anything related to maritime safety, please contact Jonah Mitau, Manager Shipping Operations and Safety at jonah.mitau@sim.gov.sb or visit SIMA's website at: <https://www.sima.gov.sb/>.