

June 21, 2004

FLEET/SAFETY LETTER 04069.GEN

RE: REVISED PERSONAL INJURY AND CASUALTY REPORT FORMS

The primary purpose of this letter is to inform all Vanuatu ship owners, operators and ships' personnel of the recently revised forms which are now available in word doc format and can be downloaded from our website: www.vanuatuships.com. These forms will assist you to provide information with which we can decide whether or not to launch an investigation:

Form D-1: Report of Vessel Casualty

Form D-2: Report of Personnel Injury or Loss of Life.

We have noted that many times these forms were not filled out properly or were missing some vital information: all information blocks must be completed.

We would also remind owners, operators and ships' personnel that accidents, injuries, deaths, oil spills, port state control detentions, EPIRB alerts and other significant incidents such as piracy, robbery, or security violations must be reported immediately in order that we may take action to launch investigations if necessary. Failure to report immediately may result in monetary penalties.

In the annex to this letter we provide excerpts of the Maritime Act and Maritime Regulations pertaining to notification; when notification has to be made; and the minimum initial information required.

When an investigation is initiated, you must preserve the scene of the incident until the investigator arrives, where it is safe to do so. You will need to preserve all evidence: logs, VDR information, course recorder charts, nautical charts, etc. You will also be asked to obtain and submit witness statements, sketches, photos, etc.

Accidents, injuries and deaths will be investigated to determine cause and will be separately looked at to identify negligence or misconduct and to determine if any administrative actions such as fines or penalties are to be imposed or if suspension or revocation proceedings need to be initiated.

Vanuatu's goal remains the continued safety of ship's personnel; safety of ships themselves; and the protection of the marine environment, and it is through the proper reporting of, and investigation of, accidents, deaths or injuries that we can identify ways to ensure that goal is met.

Donald J. Sheetz
Executive Vice President

Annex

Excerpt from the Vanuatu Maritime Act (Cap 131), Section 97:

Marine Casualties:

In the event of any casualty involving a Vanuatu vessel where there is a loss of life or loss of or damage to property estimated to be in excess of 50,000 dollars, the master shall immediately forward a report thereon to the Commissioner or Deputy Commissioner in accordance with such regulations as the Minister on the recommendation of the Commissioner may make from time to time. Where there is a failure to execute and file a report as required hereunder, the master and vessel shall each be liable to a fine of 250 dollars upon notice from the Commissioner.

Excerpts from the Vanuatu Maritime Regulations, Chapter 7, Section 34:

(1) The owner or the master of a vessel involved in a maritime casualty shall immediately forward a report thereon, signed by master or highest available officer or ship's representative, to the Commissioner or a Deputy Commissioner whenever the casualty results in any of the following:

- a) Actual physical damage to the property in excess of \$50,000;
- b) Material damage affecting the seaworthiness or efficiency of the vessel;
- c) Stranding or grounding;
- d) Loss of life; or
- e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

(2) A report in the above section (1) shall contain:

- a) the name and official number of the vessel;
- b) the type of vessel;
- c) the name and address of the owner;
- d) the date and time of the casualty;
- e) the exact locality of the casualty;
- f) the nature of the casualty and the circumstances under which it took place;
- g) if the casualty involved a collision with another vessel, the name and details of such other vessel;
- h) where the casualty involved personal injury or a loss of life, the names of all person injured or whose lives were lost;
- i) where damage to property is involved, the nature of the property damaged and an estimate of the extent of damage.