

The Crew

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CAREER • TRAINING • TECHNOLOGY • MONEY • OPERATIONS • ADVICE



REPORT

RESPECT

Do crew still respect owners? One captain reminds crew why owners are, and should be, at the top of the chain.

SPLASHING THE CASH

Do you earn more or less than average? What do you spend your money on? Our Superyacht Golden Ticket results are in.

KEEPING SECRETS

We look at the nature of non-disclosure agreements and their impact on crew career progression.

CREW VS GUESTS

What happens when guests don't have the right licences to use PWCs? The issues when crew have to tell guests 'no'.



CAPTAINS' COMMENTS

The role of the superyacht captain has changed significantly as new rules and regulations have been placed upon the industry; there is much more of an emphasis on paperwork in order to conform to new laws and requirements. Are we becoming over-regulated or are these regulations imperative in a growing industry? Five captains share their thoughts.



Are we over-regulated?

I would certainly question the validity of certain aspects of the various codes within the yachting environment.

CAPTAIN MARK DELSTANCHE, M/Y LADY NAG NAG

Having been 'out of the loop' driving private yachts for the past 10 years, it came as something of a surprise when the owner decided to recently change to commercial status to charter the boat this summer. Fortunately for me, a very good designated person ashore (DPA) was appointed to hold my hand throughout the process, and without them I would have been somewhat lost – the amount of hoops that we now have to jump through is fairly bewildering. Since the systems have been put in place and make sense, they have increased both the crew's and my own knowledge as well as the overall professionalism on board. That said, it does seem that there has been very little forethought put into some of the systems that have come straight from merchant vessels, which have strict schedules and rigid plans to stick to.

This became abundantly clear recently when, due to a shift in wind, a change in restaurant reservation and a sudden desire to go for a swim before dinner, I ended up filling out three ISPS declarations, three passage plans

and three garbage declarations. They stated, among other things, how much cargo-related residue I was expecting to generate between my last and next port of call, all within the space of seven miles.

If you add to this the normal day-to-day running of a yacht (ie, a full watersports programme, making sure the right flowers are delivered on time, sourcing a Shisha pipe for one of the guests, preparing a karaoke party for the children and so on), it soon makes sticking to the hours of rest all but impossible and only goes to highlight the very different operating conditions of our industry compared to those in the industry from which all of the current regulations have been adopted.

I fully agree that the industry has benefited in terms of professionalism from the introduction of some of these systems. However, I would certainly question the validity of certain aspects of the various codes within the yachting environment. »



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**CAPTAIN MANNIE AVENIA,
M/Y LADY DUVERA**

All the rules and regulations, courses and paperwork actually distract us from what we are – seafarers. And that is an art and skill that should be built over time at sea.

I received the request to comment on this topic on the very same day that I found myself reading the 67-page Marine Accident Investigation Branch (MAIB) report of the *Commodore Clipper* accident in July 2014. What struck me was how a commercial, super-regulated, well manned ro-ro ferry went aground on very well known territory, with a captain who had been doing the same route for nearly 20 years. (I mention this example as the circumstances could easily apply to a yacht.)

While I agree that we should have, and keep, papers in order, do the certificates, paperwork and regulations for every single little thing in yachting really make us better or safer? Or are they only for peace of mind, to make us feel that we are doing it right and by the rules? For example, it takes about 45 minutes to fill in a garbage declaration in Positano, where garbage disposal is not allowed. That's crazy.

It seems to me that we have introduced a bunch of regulations to make us feel that we are doing it right, but accidents do still happen and they are normally from human error, not from a lack of procedure. Maybe we should review the idea and approach of such bureaucracy. Forms and regulations are made by people ashore, people who were on ships 50 years ago or people coming from the navy and merchant marine, so they have a very limited understanding of the way a yacht is run.

I get the impression sometimes that we want to catch up with the Merchant Navy when it comes to regulations, but why? Just to gain respect? Have a look at the MAIB web page and you quickly learn that the big boys make plenty of mistakes with catastrophic consequences even though they are heavily regulated. I would be more inclined towards teaching and practise, common sense and true seamanship, instead of proposing another crew course or a new rule.

These regulations are implemented for our safety, but I get the feeling that management and crew are convinced that once a piece of paper is in place it is a case of, "That's it, job done. Whatever happens, we're compliant".

In my opinion, we are so focused on keeping paperwork in order and dedicate far less time to what we should actually be focusing on: exercising more mariner skills, checking things on board and service.

**CAPTAIN BENJAMIN
PHILLIPS,
M/Y ATMOSPHERE**

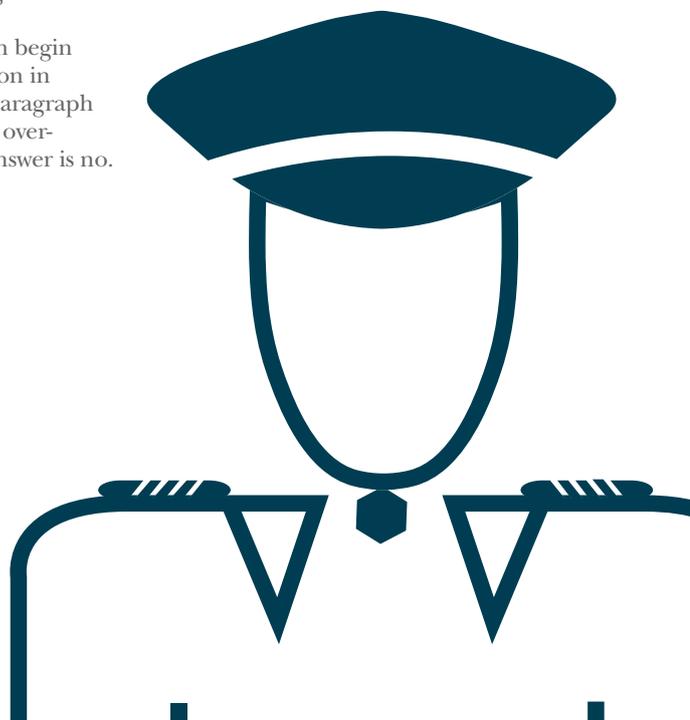
We can moan and groan about the seemingly endless ordeal the MCA put us through to acquire our officer and master tickets, and for what? To drive boats as small as 30m because they are over 200gt. A Yachtmaster ticket simply isn't sufficient to man this vessel as captain; neither is an officer or chief mate. To legally captain this vessel, regardless of your prior experience, you will need to provide a flag state with a master 500gt minimum. A lot of flags offer dispensation for experienced captains as long as the vessel stays private; however, it not easy to acquire.

At the other end of the scale you have the maritime industry of the UAE. After skippering yachts in Dubai it made me realise how important it was to continue down the route of the MCA. This wasn't a decision for myself but for the safety of guests, crew and everyone else around me on the water. When I asked a local captain in Dubai what qualifications he was using to captain a brand new 35m motoryacht, his reply was simply "RYA". I asked him whether that meant an RYA Yachtmaster or Ocean Yachtmaster but once again he simply replied with "just RYA".

After further investigation and after asking port masters, it turns out that when they referred to an RYA ticket they were in fact referring to an RYA Power Boat Level 2 (PB 2). That's right, captains driving motoryachts under 35m on a PB2 was the norm and considered more than adequate. When asked about a Yachtmaster they all agreed that this ticket allows them to basically captain vessels up to 50m. I saw it for myself later that year and this made me think; yes, the structure of the MCA back in the UK and Europe is daunting but at least it's safe.

I have more stories than I can begin to write regarding safe navigation in UAE waters but this is a short paragraph touching upon whether we are over-regulated in Europe, and my answer is no.

The structure of the MCA back in the UK and Europe is daunting but at least it's safe.



CAPTAIN WENDY UMLA

I currently hold my second renewal certificates and am about to begin the process of getting my third. I have watched this industry progress, or some may say digress, to address issues as they arise. As always, change is change – sometimes good, other times less so.

As a captain, I bear the responsibility of many of the regulations; directly or indirectly, they are my responsibility. I do understand and agree with many of the regulations that arise, as safety is of primary concern.

Are we over-regulated? Yes and no. I have stepped on to boats as the new captain and found ridiculous amounts of under-inspected, under-manned, non-compliant vessels; fire and safety equipment three, 10, even 15 months out of date. And they were charter vessels. For example, one was a 42m charter yacht in New England that didn't have immersion suits. I could go on. Have regulations helped? Obviously not. The regulations are only beneficial if there is a way to enforce them, or if there is an insurance claim which would be denied due to non-compliance.

We are required, with each renewal of our credentials, to have more and more items under our certification. The schools and governing bodies are doing their best to keep up to date on each change, but all that happens is that they keep adding courses and we pay them more and try to find the time to complete them in order to meet the latest requirements, some of which are not even relevant to our vessel.

What is the answer? In my opinion, it's the same as in life. Take responsibility for yourself and those for whom you have been given responsibility, and then more of the money might go towards enforcing the regulations and laws that we have.

It's more important to actually save a life than to document every moment of our working day.

**CAPTAIN MARK HOPKING,
M/Y HAMPSHIRE II**

It's not so much about the ever-increasing number of rules we need to adhere to; we should ask ourselves whether we're applying the regulations sensibly and whether the authorities are regulating what's actually important.

Listening to captains and officers complain about the hassle of ISM/ISPS/MLC only suggests they're implementing the regulations poorly (and inefficiently). However, working with a sensible ISM company that understands the need for efficient implementation makes these regulations valuable frameworks – lifesaving, even. This is all within the control of the captain, crew and management companies and therefore should not be considered over-regulation.

The question of whether we're regulating the right things is harder to answer. It is frustrating when regulations (whether local or international) have blatantly been put in place solely as an income-generating tool. We all know them when we see them – from pilotage into open bays to various STCW basic training courses and many others.

At the end of the day, it's more important to ensure real safety of life, actual protection of the environment and appropriate security rather than just a hologram with no real substance. It's more important to actually save a life than to document every moment of our working day. Increasingly, we're encouraged to spend more time proving that we're applying the regulations rather than walking around the boat and actually spotting the tired deckhand trying to be helpful, operating a piece of equipment they have not been trained to use safely. ■

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