



Maritime Rules

Part 90: Pilotage

Invitation to Comment
2nd Consultation (2009)



Invitation to comment

You are invited to comment on the revised draft amendments to the Maritime Rules, Part 90, Pilotage. The basis for Part 90 is found in section 36(1) (i) of the Maritime Transport Act 1994.

This round of consultation is targeted to all persons who made submissions on the previous draft and other parties who did not make submissions but are likely to be directly affected by the implementation of the rule.

Background and previous consultation

The existing Maritime Rule Part 90: Pilotage, came into force on 1 April 2003, setting out a new pilotage regime under the Maritime Transport Act 1994 (MTA), and bringing pilots' and exempt masters' licensing within that Act's maritime document system managed by Maritime New Zealand (MNZ).

Draft amendments to the rule were issued for public consultation in October 2007 with submissions closing on 19 December 2007. The closing date was extended into early 2008 to allow for late submissions. 58 written submissions were received.

In addition to those submissions, MNZ received other submissions related to various aspects of the pilotage regime during the course of 2008, in response to issues that arose since the initial consultation. MNZ also hosted a one-day workshop in August 2008 attended by pilots and pilotage providers, harbourmasters and holders of pilotage exemption certificates (PEC) to review the requirements for training, assessment and examination of candidates for pilot licences and PECs.

The above feedback has been taken into account in preparing this revised draft. The draft has also been reworked and expanded from the previous version to reflect current rule drafting practice.



Issues arising from submissions

The main issues arising from the consultation were:

- The application of Part 90 to warships;
- Exemptions from pilotage for bunker barges and the definition of a bunker barge;
- Provisions for 1st Mates holding PECs to be able to conduct a vessel in a pilotage area under the supervision of the master;
- The requirement for PEC holders to undergo an annual assessment by a licensed pilot and the practicalities of that; also the absence of a similar requirement for annual assessments for pilots themselves;
- The consideration of alternative qualifications to a Certificate of Competency Master Foreign Going as a pre-requisite for obtaining a pilot's licence and the criteria for acceptance of such alternative qualifications;
- The implications of changes to tonnage and length limits for specific pilotage areas;
- The exercise-of-privilege conditions for licences and PECs and the implications of the stated currency requirements for various pilotage areas;
- Requirements for training and in particular general and local training courses;
- Pilotage for tugs and tows.

A review of the submissions, together with issues which were raised during the course of 2008 surrounding the content and conduct of examinations, indicated a need for greater clarity in the rules

on the matter of assessments and examinations. This prompted the workshop in August 2008 and has led to a significant expansion of the draft rules covering this matter.

In re-drafting the rule, consideration has also been given to the recently published Guidelines for Marine Pilotage Standards in Australia (National Maritime Safety Committee, Edition 2, November 2008) and established good practice among the main pilotage providers throughout New Zealand.

The draft has been designed to work with existing legislation and to be able to accommodate any future changes that the proposed Maritime Transport Act Amendment Bill may make to the navigation safety functions and powers of regional councils.

A summary of the submissions has been prepared as a separate document.

Objectives of Part 90

1. To maintain the contribution of pilotage to safety of navigation, protection of the marine environment and the efficiency of seaborne commerce.
2. To set minimum national standards for pilotage while enabling port-specific risks to be addressed.
3. To provide a licensing regime for pilots and pilotage exempt masters within the maritime document provisions of the Maritime Transport Act.
4. To recognise and support industry best practice.
5. To ensure that the provision of pilotage services is sustainable, and responsive to future demands, changes in technology and best practice.



Changes to the previous draft amendment

The main thrust of the changes is to provide greater clarity and national consistency in the management of the pilotage and PEC regime, while ensuring that the safety of seafarers and ships remains paramount and existing licence and PEC holders are treated fairly and consistently.

The main changes to the previous draft amendment include:

Terminology

- Adoption of the term **Pilotage Exemption Certificate (PEC)** throughout the rule to avoid confusion with exemptions from Part 90 and other rules granted by the Director under section 47 of the MTA and the use of the term “pilotage exemption”.
- Use of the term **Structured Training Programme** in place of training courses to better describe the process of attaining the necessary knowledge and proficiencies and the required standards of performance to obtain a pilot licence or a PEC.
- Aligning the descriptions of qualifications with those of the revised Maritime Rule Part 32.
- Inclusion of an explicit definition of “current” as it applies to pilot licences and PECs.
- Inclusion of new definitions of “advice” and “pilotage”.

Bunker barges

- No distinction is now made between tank barges used for bunkering and tank ships (oil tankers).
- Pilotage exemption certificate (PECs) will not be granted in respect of oil tankers, chemical tankers or gas carriers, which maintains the status quo.
- An exemption from the pilotage requirements may be sought under section 47 of the MTA for an oil tanker of up to 5000 tonnes capacity if it is used primarily for ship-to-ship bunkering within a pilotage area.

Qualifications

- Broadening the pre-requisite qualifications for obtaining a pilot licence, to allow holders of pilotage qualifications from other jurisdictions with relevant pilotage experience to be considered by the Director, even if the candidates do not hold a Certificate of Competency Master Foreign Going.
- Allowing the Director to consider equivalent experience, qualifications and competencies to the stated prerequisite qualifications in the future, once appropriate criteria for assessing equivalence are developed.

This provision anticipates the development of the alternative pathways to pilot training and new qualifications in Australia. The National Maritime Safety Committee (NMSC) in Australia is currently developing national standards on competencies for trainee marine pilots. Development of those standards will facilitate acceptance of the qualifications across Australian pilotage jurisdictions. It is anticipated that the standards, once completed, may be used as the basis for assessments of equivalence in New Zealand under Part 90.

- A review of all maritime qualifications is being carried out by MNZ in 2009/10 which may result in further changes to the prerequisite qualifications for trainee pilots in the future.



Privileges, conditions and currency requirements

- Explicitly stating the privileges of a pilot licence and a PEC within the rule.
- Requiring annual assessments for pilots as well as PEC holders.
- Providing for a 1st Mate who is a current PEC holder to have the conduct of a ship and exercise that PEC in a pilotage area, without the direct supervision of the master.
- Having minimum recent experience requirements for each pilotage area prescribed in the assessment schemes for pilot licences and PECs which are approved by the Director. Providing for those requirements to be Gazetted by the Director rather than including them directly in the rule.
- Providing for the Director to be able to specify, where appropriate, an upper tonnage and/or length limit for ships for a pilotage area for which a PEC may be issued, and for this limit to be Gazetted.
- Providing for pilot licences to be issued only for one pilotage area (i.e. a separate licence to be required for each additional pilotage area), but providing for PECs to be endorsed with multiple pilotage areas. These arrangements will support current practice.
- Clarifying currency requirements and providing a consistent approach across pilotage areas where recent experience requirements have not been met.

Training, assessment and examinations for pilot's licences and PECs

- Clarifying the scope and content of structured training programmes required for obtaining licences and PECs;
- Changing the current requirement for general, local and advanced pilot training to better reflect current good practice. Introducing the concept of continuing professional education (CPE) for pilots in the rule and requiring ongoing CPE for pilots as part of maintaining their proficiency and skills and as a prerequisite for licence renewal.
- Clarifying the approval process for structured training programmes and the criteria for re-approval where a standard programme is modified or changes are made to a previously approved programme;
- Providing greater flexibility for training programmes to be tailored for an individual to take account of that person's previous experience and providing clarity in the approval process for such programmes;
- Clarifying requirements for the conduct and content of examinations for the issue of licences and PECs and who is able to perform those examinations;
- Clarifying the requirements for assessments of knowledge and proficiency, for the issue and maintenance of pilot's licences and PECs and who is able to perform those assessments.
- Making provision for the Director to approve stand-alone assessment schemes which meet the requirements for maintaining the currency of licences and PECs and confirming the continued proficiency of pilots and PEC holders.

The rule makes a distinction between assessments carried out as part of training and for the purposes of examinations, and ongoing assessments to maintain the currency of a licence or PEC. This arrangement allows the separation of training activity from ongoing maintenance of skills and proficiency.

Introducing the concept of approved assessment schemes will also allow for annual assessments of PEC holders to be carried out by other nominated PEC holders, as an alternative to an annual assessment by a licensed pilot.

- Requiring all providers of pilotage services to have processes for maintaining the proficiency and currency of their pilots, which can be included as part of an approved training programme or a separate approved assessment scheme. This provision will allow pilotage providers and ship operators greater flexibility in meeting the objectives of the rule and enable organisations or persons other than pilotage providers to provide pilot training.
- Providing flexibility in respect of the personnel who may conduct training, assessments and examinations in new pilotage areas where there are currently no licensed pilots or PEC holders to carry out those activities.

Tugs and tows

- Using combined length of tug and tow (excluding the tow line) as the length criterion for pilotage;

Transitional provisions

- Providing for existing pilot licences and PECs to remain valid until five years from their date of original issue, and for their renewal upon expiry with new conditions.
- Under the new rule, existing section 47 exemptions will be deemed to be PECs for a maximum period of two years after which time those PECs must be renewed in accordance with the rule. Renewal will be subject to verification of PEC holder currency. This provision will not affect current holders of PECs (which are different from s47 exemptions).



- Other transitional provisions covering matters such as training courses, licences and PECs for new pilotage areas and catering for those PEC holders affected by changes to pilotage criteria in some pilotage areas are signalled in the draft rule and comments are sought on those proposals.

It is proposed that from the date the new rule comes into effect, all existing licences and PECs issued (including deemed PECs that replace section 47 exemptions) should have the same conditions applied as any new licences and PECs subsequently issued. The requirement for an annual assessment and any revised recent experience requirements would therefore apply to all existing licences and PECs from the time the new Part 90 takes effect. This proposal is in the interests of uniformity and fairness in the pilotage regime so that there is not a two tier system of conditions operating in the transition period, with a holder of an existing licence or PEC being subject to a different set of conditions to someone with a licence or PEC issued under the new rule. Submitters are asked to comment on this.

Schedule of pilotage areas

- Changes to boundaries of pilotage areas reflecting matters raised in submissions;
- Removing the minimum exercise-of-privilege conditions from the schedule to the draft rule. recent experience requirements will be Gazetted by the Director and posted on the MNZ website. Minimum recent experience requirements will be established as part of the approved assessment schemes for pilot licences and PECs.

Pilotage of “super yachts”

A number of large privately owned yachts (“super yachts”) which have visited New Zealand pilotage areas in recent times have been required to take a pilot by virtue of their size (greater than 500GT). While the availability of a pilot in most pilotage areas has not been a constraint in the past, it is becoming so for ships of this size wishing to undertake any extended cruising (i.e. several days or even weeks) during the summer in the pilotage areas of the Marlborough Sounds and Fiordland. This situation is expected to become more common.

The master of a ship exceeding the pilotage limits is required to take a pilot for any movement within the pilotage area. Pilots are generally not available for extended periods in the Marlborough Sounds or Fiordland during the height of the tourist season to meet this demand. Visits by such vessels are generally “one-offs”, so there is not the same opportunity for masters to obtain a PEC and maintain its currency, as there is for masters of vessels that are regular callers.

MNZ is investigating whether there is a case for exempting super yachts up to a maximum of 1000 GT from the full requirements of pilotage in some of the pilotage areas of the Marlborough Sounds and Fiordland, whilst still maintaining an appropriate level of navigation control under the pilotage system. If such a measure is deemed to be beneficial and will not compromise navigation safety or the protection of the environment, a provision may be added to Part 90 to enable such cruising activity by “super yachts” up to a certain size, subject to strict conditions.

Additional pilotage areas

Some additional pilotage areas have been added to the draft rule, including Greymouth, Wanganui, Paterson Inlet (Stewart Island) and Pelorus Sound/Admiralty Bay/French Pass in response to an actual or anticipated increase in large ship activity in these areas.

Feedback is requested as to whether pilotage areas need to be established in other areas such as Akaroa, which has seen visits by larger cruise ships this season.



Impact of the proposed rule changes

Cost of the changes

There should be no significant additional costs to pilotage providers or pilots with these changes to the rules, as to a large extent they codify current good practice and accepted business management principles with respect to the provision of pilotage services.

Specific costs will include:

- Costs for approval of structured training programmes and assessment schemes by the Director. These will be charged on the basis of time and cost at the scheduled hourly rates (\$141 including GST from 1 July 2009). All current providers of pilotage services who are carrying out pilot training will be required to re-submit their training programmes for approval within 12 months of the new rule coming into effect.
- Operators seeking PECs for their seafarers will be required to develop training programmes for PECs for the pilotage areas in question and submit them for approval. Where regional councils develop and administer training programmes for PECs the costs of approval will be borne by those councils.
- Increased costs for some operators employing PEC holders in ensuring those PECs are kept current and the required standards are maintained. However, the rule amendments seek to address the concerns raised in submissions about the need to assure the currency and proficiency of PEC holders, and to provide greater flexibility for operators to achieve that, while ensuring that safety is not compromised.
- Additional costs associated with changes to pilotage limits where ships that previously did not require pilotage will in the future e.g. Tory Channel (30m limit) and Bluff (100 GT limit), and for new pilotage areas. The same may apply to tugs and tows where previously pilotage was not required as the gross tonnage or length of the tow was not considered in determining the necessity for pilotage. These costs will arise as a result of now having to take a pilot or alternatively training for, issue of and maintenance of PECs. However any additional costs incurred by operators must be considered in the light of improved management of the navigation safety risks for those areas.
- The cost for issue and renewal of licences and PECs will be in accordance with MNZ's schedule of fees and charges. The applicable charge effective from 1 July 2009 is \$231 including GST. This charge will also apply to the issuing of new PECs to replace exemptions previously issued under s47 of the MTA in respect of pilotage. Those existing s47 exemptions will need to be replaced within two years of the new rule taking effect.
- Costs associated with examinations will continue to be set by the regional councils as at present, with training costs recovered from the candidate or employer.
- A minority of PEC holders who are not currently required to hold medical certificates as part of their Master's qualification, will be required to meet the stated medical standards for the re-issue of those PECs.



Safety benefits of the changes

- pilotage requirements are standardised and consistency improved;
- minimum standards for pilots and PECs will apply nationally;
- pilotage requirements better reflect the risks particular to navigation in each pilotage area;
- rules are clarified where necessary, in particular in relation to training, assessments and examinations;
- stakeholders will have greater control and responsibility for the pilotage system; and
- recognised industry best practice is supported.

More specific requirements for training, assessments and examinations, and greater standardisation and consistency within the pilotage rules should have a positive impact on the above stakeholders and ensure a high standard of navigation safety is maintained throughout New Zealand.

Given the critical role of the pilotage system in managing the safety of navigation in the country's ports and harbours, the above changes will also support regional councils and port operators in their implementation of the NZ Port and Harbour Marine Safety Code.

Those affected by the changes

- Pilots and providers of pilotage services;
- Ship owners;
- Ships' agents;
- Port companies;
- Regional/District Councils who provide the services of a Harbourmaster.

Maritime Rule Part 90 will affect all ships within New Zealand pilotage areas which meet or exceed the limits for pilotage in the rule, except warships. Under the Maritime Transport Act 1994, all warships are exempt from the requirements to carry a pilot.

Making submissions

The deadline for making comments on the draft Amendments Rules is **30 June 2009** (written comments must be received by that date).



You may make comments by:

- e-mail to rules.coordinator@maritimenz.govt.nz
- ordinary post to PO Box 27006, Wellington 6141
- fax to (04) 494 1263
- delivery to Level 10, Optimisation House, 1 Grey Street, Wellington 6011.

Submissions are public information

All submissions received will be acknowledged and, once the rule is finalised, all submitters will receive a summary of the full consultation.

Submissions provided to Maritime New Zealand on this rule will be subject to the provisions of the Official Information Act 1982 (OIA). This Act requires information to be made available on request unless there is good reason, pursuant to the Act, to withhold the information.

If you do not wish any material in your submission to be released, or if you are submitting as an individual and do not wish your identity to be disclosed, please specify the material that you wish to be withheld and the grounds (as set out in the Act) for withholding it. The decision whether to release information under the terms of the Act rests with the Director of Maritime New Zealand. Any decision to withhold information is subject to appeal to the Office of the Ombudsmen.

Subject to the provisions of the OIA, you may view the submissions made by other people at the Wellington office of Maritime New Zealand between 8.30 am and 4.30 pm on weekdays (except statutory holidays). Please provide advance notice of this to the Rules Coordinator (contact details above).

Maritime Transport Act 1994

Maritime Rules

PART 90: PILOTAGE

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Part objective

The objectives of Part 90 are to –

- maintain the contribution of pilotage to the safety of navigation, the protection of the marine environment and the efficiency of seaborne commerce
- set minimum national standards while enabling port-specific risks to be addressed
- provide a licensing regime for pilots and pilotage exempt masters within the maritime document provisions of the Maritime Transport Act 1994
- recognise and support industry best practice
- ensure that the provision of pilotage services is sustainable and responsive to future demands, changes in technology and best practice

The authority for Part 90 is found in section 36(1)(i) of the Maritime Transport Act 1994. Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act.

Extent of consultation

[To be added post consultation]

Commencement

Part 90 as amended was referred to and signed by the Minister of Transport.

Part 90 comes into force on [28 day after the date of its notification in the *gazette*]

General

90.1 Entry into force

Part 90 comes into force 28 days after its notification in the Gazette.

90.2 Purpose

The purpose of this part is to:

- (a) maintain the contribution of pilotage to safety of navigation, protection of the marine environment, and the efficiency of seaborne commerce;
- (b) set minimum national standards for pilotage while enabling port-specific risks to be addressed;
- (c) provide a licensing regime for pilots and pilotage exempt masters within the maritime document provisions of the Maritime Transport Act;
- (d) recognise and support industry best practice;
- (e) ensure that the provision of pilotage services is sustainable and responsive to future demands, changes in technology and best practice.

90.3 Application

- (1) This Part applies to all ships within New Zealand waters except warships.
- (2) For the purposes of this Part, a tug and tow shall be treated as a single ship having –
 - (a) a gross tonnage equal to the sum of the gross tonnages of the tug and the tow; and
 - (b) a length being the combined length of the tug and tow, excluding the tow line.

90.4 Definitions and abbreviations

In this Part, unless the context otherwise requires, –

Act means the Maritime Transport Act 1994:

advice means pilotage advice given to the Master of a ship navigating in a pilotage area by a pilot who is not aboard that ship:

appropriate means, in relation to a pilot licence or Master's pilotage exemption certificate, applicable to the size and type of ship and pilotage area to which the privileges of that licence or certificate apply:

chemical tanker means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in rule 121A.2 when carrying a cargo or part cargo of noxious liquid substances in bulk:

current in respect of a certificate or licence, means that the document is valid, and that the document holder has satisfied all conditions imposed and all currency requirements for the exercise of the privileges of that document:

gas carrier means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other products listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk ("the International Gas Carrier Code"):

gross tonnage means the gross tonnage of a ship determined under Maritime Rule 48.6 or the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurements of Ships 1969, as the case may be:

Harbourmaster means a person appointed by a regional council as a harbourmaster under section 650B of the Local Government Act 1974 for the specified pilotage area within that council's region:

length overall -

- (a) means the length of a ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship; and
- (b) includes structures (such as bulbous bows, deckhouses and free flooding bait tanks) and buoyancy tubing that project beyond those terminal points; but
- (c) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond those terminal points):

Master means any person (except a pilot) having command or charge of any ship:

mile means nautical mile:

oil tanker means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any chemical tanker as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

pilot, in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship:

pilotage means the conduct of a ship by a pilot in a pilotage area and **to pilot a ship** has a corresponding meaning:

pilotage area means an area specified in the Schedule as a pilotage area:

pilotage exemption certificate (PEC) means a pilotage exemption certificate issued under section 41 of the Act in accordance with rule 90.19:

pilot licence means a pilot licence issued under section 41 of the Act in accordance with rule 90.11 or 90.16 as applicable:

Schedule means the Schedule to this Part:

STCW means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and includes any amendment to that convention:

Requirement to hold pilot licence or PEC

90.5 Requirement to hold pilot licence or PEC

- (1) Except as provided for in this Part, no person may act as a pilot of a ship within any pilotage area unless that person holds a current, appropriate pilot licence.
- (2) Except as provided for in this Part, no person may navigate a ship within a pilotage area that meets or exceeds the limits specified for that pilotage area in the Schedule, unless that person holds a current appropriate pilot licence or PEC.

Compulsory pilotage

90.6 Provision of pilotage services

- (1) No person may provide the services of a pilot for a ship in any pilotage area unless that pilot holds a current appropriate pilot licence.
- (2) A provider of pilotage services must have an assessment scheme approved by the Director in accordance with rule 90.30 to ensure that the proficiency of the pilots providing those services is maintained.

90.7 Compulsory pilotage

- (1) Except as provided in sub-rule (5), the master of an oil tanker, chemical tanker, or gas carrier must ensure that the ship, when navigating in any pilotage area either –
 - (a) carries a pilot who holds a current appropriate pilot licence; or
 - (b) receives advice¹ from a pilot ashore or aboard another vessel, who holds a current appropriate pilot licence, in circumstances where the master has been informed by the pilot that –
 - (i) the pilot is unable to transfer to or from the ship safely; and
 - (ii) in the opinion of the pilot and the Harbourmaster, the ship can, with the pilot's advice, complete the movement safely.
- (2) Except as provided in sub-rule (5) and rule 90.8, the master of any ship, other than an oil tanker, chemical tanker or gas carrier, that meets or exceeds any limits specified for a pilotage area in the Schedule must ensure that the ship, when navigating in that pilotage area –
 - (a) carries a pilot who holds a current appropriate pilot licence; or
 - (b) receives advice¹ from a pilot ashore or aboard another vessel, who holds a current, appropriate pilot licence, in circumstances where the master has been informed by the pilot that –
 - (i) a pilot is unable to transfer to or from the ship safely; and
 - (ii) in the opinion of the pilot and the Harbourmaster, the ship can, with the pilot's advice, complete the movement safely.

¹ Advice in such circumstances may be given via radio communication or shore signal.

- (3) No exemption from this rule may be granted to a person under section 47 of the Act in respect of an oil tanker, unless –
 - (a) the primary operational function of that tanker is ship-to-ship bunkering within a pilotage area; and
 - (b) that tanker is not capable of carrying more than 5,000 tonnes of oil in total (including cargo and its own bunkers).
- (4) No exemption from this rule may be granted to a person under section 47 of the Act in respect of a chemical tanker or gas carrier.
- (5) A pilot may, in an emergency, provide advice, and the master may receive that advice, in accordance with sub-rules 1(b) or 2(b), without prior consultation by the pilot with the Harbourmaster, provided that:
 - (a) the degree of danger in waiting to consult with the Harbourmaster before taking action is clearly greater than the degree of danger involved in not waiting; and
 - (b) the actions of the pilot go only so far as is necessary to deal with the emergency; and
 - (c) there is no other reasonable means of alleviating, avoiding and assisting with the emergency.
- (6) For the purposes of sub-rule (5), an emergency is a situation which involves a danger to life or property.
- (7) A pilot who provides advice without prior consultation with the Harbourmaster under sub-rule (5) must inform the Harbourmaster at the earliest opportunity, of all actions taken.
- (8) A Harbourmaster may permit certain regular movements to be conducted by ships in a pilotage area without a pilot aboard, provided those movements –
 - (a) do not involve a ship to which rule 90.7(1) applies; and
 - (b) are carried out on the advice² of a pilot; and
 - (c) do not pose a significant risk to safety, as determined by a risk assessment covering the pilotage area and the movements being considered; and
 - (d) have been approved in writing by the Director.

90.8 Exemptions from compulsory pilotage

- (1) Subject to sub-rule (2), the Master of a ship referred to in rule 90.7(2) is not required to ensure the ship carries a pilot when navigating in any pilotage area if-
 - (a) the Master holds a current appropriate Pilotage Exemption Certificate (PEC); and
 - (b) the Master has the conduct of the ship; orOr -

² Advice in such circumstances may be given via radio communication or shore signal.

- (c) the Master and the 1st Mate both hold a current, appropriate PEC; and
 - (d) the 1st Mate has the conduct of the ship.
- (2) Sub-rule (1) does not apply --
- (a) if a Master is directed to carry a pilot by the Director under section 60A of the Act³; or
 - (b) if –
 - (i) the ship is entering or exiting or otherwise navigating within a pilotage area –
 - (aa) between sunset and sunrise; or
 - (bb) in conditions of restricted visibility as defined in Part 22; and
 - (ii) the PEC holder having the conduct of the ship has not entered or exited or otherwise navigated within that pilotage area within the previous six months.

90.9 Reporting of ship's defects

Where a ship has defective propulsion, manoeuvring or communications equipment, which adversely affects the operational capability of the ship, the Master or pilot, as the case may be, must report the defect to and consult with the Harbourmaster before navigating the ship within the pilotage area.

Pilot licences

90.10 Application for pilot licence

- (1) An applicant for the issue of a pilot licence must make an application in accordance with section 35 of the Act, and –
- (a) include the information required on the prescribed form; and
 - (b)
 - (i) hold a Master (Unlimited) Certificate, (Master Mariner)⁴, or
 - (ii) hold an equivalent certificate to (i) recognised by the Director pursuant to section 41 of the Act; or
 - (iii) hold a pilot licence issued by the relevant Authority of a Flag State that is a party to STCW, with relevant pilotage experience acceptable to the Director; or
 - (iv) provide evidence of experience, qualifications and competencies equivalent to those required in (i), (ii) or (iii), that are acceptable to the Director⁵; and

³ Under Section 60A, the Director may direct that a pilot be taken on board a ship, when satisfied, due to weather conditions or other circumstances, that this is in the interests of navigation safety or marine environmental protection. This power has been delegated to Harbourmasters around the country.

⁴ The description of this certificate reflects changes to the descriptions of qualifications being made in Part 32.

⁵ Alternative pathways to pre-qualification for pilot training are currently being developed in Australia. At this time no such schemes have been recognised at a national level in that jurisdiction, pending development of a nationally agreed set of equivalent competencies as a basis for such recognition. This provision in the rule will allow consideration of alternative pathways to be considered by the Director in the future, once criteria for assessment and recognition have been developed.

- (c) hold a current certificate of medical fitness of category A or B issued under Part 34; and
 - (d) provide evidence of having successfully completed a structured training programme, approved by the Director in accordance with rule 90.30, for the issue of a pilot licence for the pilotage area for which the pilot licence is sought⁶.
- (2) Every application must be submitted to the Director, with payment of the appropriate fee prescribed by regulations made under the Act.

90.11 Issue of pilot licence

- (1) Subject to sub-rules (2) and (3), the Director must issue a pilot licence if satisfied that the applicant meets the requirements of section 41 of the Act.
- (2) The Director may issue a pilot licence for a period of no more than 5 years.
- (3) A pilot licence issued in accordance with this rule or rule 90.16, or renewed in accordance with rule 90.17 must be endorsed with—
- (a) the pilotage area in which the holder may exercise the privileges of the licence; and
 - (b) the size or type of ships in respect of which the holder may exercise the privileges of the licence; and
 - (c) the recent experience requirements for the licence determined by the Director in accordance with rule 90.26; and
 - (d) any other conditions the Director considers appropriate in the interests of maritime safety.
- (4) In determining appropriate conditions in accordance with sub-rule (3)(d), the Director must have regard to any recommendations of the examination panel conducting the examination for the licence.

90.12 Privileges of pilot licence

A current pilot licence entitles the holder to pilot ships of the size and type specified, in the pilotage area specified, subject to the conditions endorsed on that licence.

90.13 Currency requirements

- (1) The holder of a pilot licence must not exercise the privileges of that licence unless he or she –
- (a) subject to sub-rule (2), meets the recent experience requirements, notified by the Director in accordance with rule 90.27, for the pilotage area endorsed on that licence; and
 - (b) maintains a level of medical fitness of category A or B, in accordance with Part 34; and
 - (c) satisfactorily completes an annual assessment in accordance with rule 90.35; and

⁶ Successful completion of an approved structured training programme includes having been assessed as meeting the required standards in that programme and having passed the requisite examinations.

- (d) maintains a record of all pilotage carried out, in a format acceptable to the Director.
- (2) Where the holder of a pilot licence has failed to meet the recent experience requirements provided for in sub-rule (1) for the pilotage area endorsed on that licence, the holder may only continue to exercise the privileges of the licence if –
- (a) the holder, within 2 months of failing to meet the recent experience requirements, performs one entry and one exit pilotage on the type and size of ship endorsed on the pilot licence; and
 - (b) the pilotage is carried out under the direct supervision and to the satisfaction of a person holding a current pilot licence for that pilotage area of an equivalent or higher grade; and
 - (c) the pilotage referred to in paragraph (a) is carried out prior to the holder commencing any unsupervised pilotage; and
 - (d) the holder continues to meet the applicable level of medical fitness required in sub-rule (1)(b); and
 - (e) the pilot licence has not expired; and
 - (f) the holder maintains a record of all pilotage carried out in accordance with this sub-rule in a format acceptable to the Director.

90.14 Regaining medical fitness

- (1) The holder of a pilot licence who fails to meet the medical fitness conditions specified in rule 90.10(1)(c) must:
- (a) prior to performing any unsupervised pilotage, obtain a certificate of medical fitness of category A or B, in accordance with Part 34; and
 - (b) within one month of having obtained that certificate of medical fitness, provide a copy of the certificate to the Director.

90.15 Application for higher grade pilot licence

- (1) Every holder of a pilot licence may apply to the Director in accordance with sub-rule (2) for a higher grade pilot licence.
- (2) Every person making an application under sub-rule (1) must –
- (a) hold a current pilot licence for the pilotage area for which the higher grade licence is sought; and
 - (b) provide the information required on the prescribed form; and
 - (c) provide evidence of having successfully completed the additional pilot training specified in the approved structured training programme for the grade of pilot licence sought; and
 - (d) submit the information required in sub-rule (2) to the Director, with payment of the prescribed fee.

90.16 Issue of higher grade pilot licence

- (1) The Director must issue a higher grade pilot licence if satisfied that –
 - (a) the application has been made in accordance with section 35 of the Act; and
 - (b) the applicant meets the requirements of section 41 of the Act.

90.17 Renewal of pilot licence

The Director must renew a pilot licence if –

- (a) an application to renew the licence is made on the prescribed form in accordance with section 35 of the Act, before the expiry of the existing licence; and
- (b) in accordance with section 41 of the Act, the Director is satisfied that the applicant continues to meet the requirements in rule 90.10(1)(b) and 90.10(1)(c), for the issue of a pilot licence; and
- (c) the applicant has completed a course of Continuing Professional Education for pilots, that meets the requirements of rule 90.41, within the last 5 years; and
- (d) the Director is satisfied that the applicant's existing pilot licence is current.

Pilotage Exemption Certificates (PEC)

90.18 Application for PEC

- (1) An applicant for the issue of a PEC must make an application in accordance with section 35 of the Act, and –
 - (a) include the information required on the prescribed form; and
 - (b) hold a current certificate of competency that permits that person to be the Master of the size and type of ship for which the PEC is sought; and
 - (c) hold a current certificate of medical fitness of category A or B issued in accordance with Part 34; and
 - (d) provide evidence of having successfully completed a structured training programme, approved by the Director, for the issue of a PEC for the pilotage area and for the ship or ships, or size and type of ship for which the PEC is sought⁵; and
- (2) Every application must be submitted to the Director, with payment of the fee prescribed by regulations made under the Act.

90.19 Issue of PEC

- (1) Subject to sub-rules (2) and (3), the Director must issue a PEC if satisfied that the applicant meets the requirements of section 41 of the Act.
- (2) The Director may issue a PEC for a period of no more than 5 years.
- (3) The Director may not issue a PEC in respect of a pilotage area for a ship which exceeds any maximum limits for a PEC that the Director may have specified for that pilotage area in accordance with rule 90.26 (2).,

- (4) A PEC issued in accordance with this rule, or endorsed in accordance with rule 90.24 or renewed in accordance with rule 90.25, must be endorsed with—
- (a) the pilotage area or areas in which the holder may exercise the privileges of the PEC; and
 - (b) the name of the ship or ships, or size and type of ship in respect of which the holder may exercise the privileges of the PEC; and
 - (c) the recent experience requirements for the licence determined by the Director in accordance with rule 90.26; and
 - (d) any other conditions the Director considers appropriate in the interests of maritime safety.
- (5) In determining appropriate conditions in accordance with sub-rule (4)(d), the Director must have regard to any recommendations of the examination panel conducting the examination for the PEC.

90.20 Privileges of PEC

A current PEC entitles the holder to navigate a named ship or ships, or size and type of ship as specified, in the pilotage area or areas specified, without a pilot, while being the Master or 1st Mate of that ship, subject to any conditions endorsed on the PEC.

90.21 Restrictions on exercise of privileges of PEC

- (1) The holder of a PEC must not exercise the privileges of that certificate in respect of any of the following:
- (a) a ship to which rule 90.7(1) applies;
 - (b) a ship directed to take a pilot by the Harbourmaster⁷; or
 - (c) a ship directed to take a pilot by the Director in accordance with section 60A of the Act.

90.22 Currency requirements

- (1) The holder of a PEC must not exercise the privileges of that PEC unless he or she –
- (a) subject to sub-rule (4), meets the recent experience requirements, notified by the Director in accordance with rule 90.27, for the pilotage area or areas endorsed on that PEC; and
 - (b) maintains a level of medical fitness of category A or B, in accordance with Part 34; and
 - (c) continues to hold a current certificate of competency that permits the holder to be the Master of the ship or ships named on the PEC; and
 - (d) complies with all conditions placed on the holder's certificate of competency; and
 - (e) satisfactorily completes an annual assessment in accordance with rule 90.38, by a pilot who holds a current pilot licence, of a grade sufficient to pilot that ship, for the pilotage area or areas endorsed on the PEC; and

⁷ This power is exercised under delegation from the Director - see Note 2.

- (f) maintains a record of all ship movements conducted as a PEC holder within any pilotage area endorsed on the PEC, in a format acceptable to the Director; and
 - (g) prior to entering into or navigating within any pilotage area endorsed on the PEC, contacts the local harbour radio⁸ and:
 - (i) advises their name, the name of the Master⁹ and the name of the ship; and
 - (ii) gives the number of their PEC; and
 - (iii) confirms that their PEC is current.
- (2) Where the Director has approved an assessment scheme under rule 90.30 for the purposes of sub-rule (1)(e), either separately or as part of an approved structured training programme, the annual assessment may be carried out by a person other than a pilot, as specified in that assessment scheme.
- (3) Subject to sub-rule (4), a PEC will cease to be current only in respect of the particular pilotage area endorsed on the PEC for which the holder has failed to meet the recent experience requirements.
- (4) Where the holder of a PEC has failed to meet the recent experience requirements for a pilotage area endorsed on that holder's PEC, the holder may only continue to exercise the privileges of the PEC in respect of that pilotage area if –
- (a) the holder, within 2 months of failing to meet the conditions, conducts one entry and one exit transit of the pilotage area on the ship or ships, or size and type of ship, named on the PEC; and
 - (b) the transit is performed under the direct supervision and to the satisfaction of a person holding a current pilot licence for that pilotage area, of a grade sufficient to pilot that ship; and
 - (c) the transit required in paragraph (a) is carried out prior to the holder commencing any unsupervised transits; and
 - (d) the holder continues to meet the applicable level of fitness required in sub-rule (1)(b); and
 - (e) the PEC has not expired.
- (5) The holder of a PEC must maintain a record of all transits carried out in accordance with sub-rule (4), in a format acceptable to the Director.
- (6) Where the privileges of the PEC are limited to navigation only within the limits of the pilotage area, and do not involve entries or exits, the requirement under sub-rule (4)(a) may be satisfied by completion of an appropriate ship movement within the pilotage area.

⁸ The availability of manned harbour radio services will vary from one pilotage area to another and local protocols for PEC reporting in accordance with sub-rule 1(g) should be established by the Harbourmaster for each pilotage area.

⁹ Where the PEC holder having the conduct of the ship is the 1st Mate, the Master's name should also be given.

90.23 Regaining medical fitness

- (1) The holder of a PEC who fails to meet the medical fitness conditions specified in rule 90.22(1)(b) must:
 - (a) prior to exercising that PEC, obtain a certificate of medical fitness of category A or B, in accordance with Part 34; and
 - (b) within one month of having obtained that certificate of medical fitness, provide a copy of the certificate to the Director.

90.24 Endorsement for additional pilotage area

- (1) The Director may endorse an existing PEC with an additional pilotage area if the holder applies for such an endorsement in accordance with sub-rule (2).
- (2) An applicant for an endorsement for an additional pilotage area must –
 - (a) provide the information required on the prescribed form; and
 - (b) provide evidence of having successfully completed an approved structured training programme for the issue of a PEC for that pilotage area and the ship or ships, or size and type of ship for which the PEC is sought; and
 - (c) submit the information required in paragraphs (a) and (b) to the Director, with the prescribed fee.

90.25 Renewal of PEC

The Director must renew a PEC if –

- (a) an application to renew the PEC is made on the prescribed form in accordance with section 35 of the Act before the expiry of the existing PEC; and
- (b) in accordance with section 41 of the Act, the Director is satisfied that the applicant continues to meet the requirements in rules 90.18(1)(b) and 90.18(1)(c), for the issue of the PEC; and
- (c) the Director is satisfied that the applicant's existing PEC is current.

Miscellaneous

90.26 Setting of minimum recent experience requirements for pilot licences and PECs, and maximum limits for PECs

- (1) The Director must specify the minimum recent experience requirements for each pilotage area, including the minimum number of pilotages undertaken as a pilot, or movements conducted as a PEC holder, under specified operating conditions, within a defined period of time.
- (2) The Director may, in addition, specify a maximum gross tonnage and/or length of ships in respect of which a PEC may be issued for a pilotage area.
- (3) In determining the recent experience requirements in sub-rule (1) or the maximum limit for ships in sub-rule (2), the Director must:

- (a) have regard to the specific operational and environmental conditions of the pilotage area or areas concerned, including the following matters:
 - (i) the complexity of navigation;
 - (ii) the traffic density;
 - (iii) the environmental sensitivity;
 - (iv) any factors influencing the consequences of an accident, including density of adjacent populations and the proximity of significant commercial and recreational interests; and
- (b) seek the views of:
 - (i) any provider of pilotage services in the pilotage area;
 - (ii) the Harbourmaster;
 - (iii) the port operator;
 - (iv) any other affected owner of significant port assets as determined by the Director; and
- (c) have regard to any risk assessment, applicable to navigation in the pilotage area or harbour, prepared on behalf of the regional council, the port operator or other relevant parties.

90.27 Notification of recent experience requirements and maximum limits for PECs

All recent experience requirements and maximum limits for PECs specified by the Director in accordance with rules 90.26(1) and 90.26(2) must be notified as soon as practicable by the Director in the *Gazette*.

Training, assessments and examinations

90.28 Structured training programme or assessment scheme must be approved

- (1) No person or organisation may provide training for a pilot licence or training for the purpose of obtaining a PEC unless that person or organisation has a structured training programme approved in writing by the Director in accordance with rule 90.30.
- (2) No person or organisation may carry out assessments for the purposes of:
 - (a) maintaining the currency of a pilot licence or a PEC; or
 - (b) verifying the proficiency of an existing licence or PEC holder,unless-
 - (c) that person or organisation has an assessment scheme approved in writing by the Director in accordance with rule 90.30; and
 - (d) the person conducting the assessment complies with the requirements of this Part.

90.29 Application for approval of structured training programme or assessment scheme

- (1) An applicant for approval of a structured training programme or assessment scheme must—
 - (a) complete the information required on the prescribed form; and
 - (b) submit a copy of the structured training programme or assessment scheme, that complies with rules 90.33, 90.34, 90.36 or 90.37 as applicable, to the Director; and
 - (c) include with the application any comments, submissions or other material received from the , or any other interested parties consulted during the preparation of the structured training programme or assessment scheme.
- (2) Every application for approval of a structured training programme or assessment scheme must be accompanied by the prescribed fee.
- (3) Where the provider of pilotage services also carries out the training of pilots, an assessment scheme as required under rule 90.28(2) can be part of an approved structured training programme for pilots.

90.30 Approval of structured training programme or assessment scheme

- (1) The Director may approve any structured training programme or assessment scheme if satisfied that—
 - (a) the structured training programme or assessment scheme meets the requirements of rules 90.33, 90.34, 90.36 or 90.37 as applicable, and is sufficient in content to achieve its stated purpose; and
 - (b) the structured training programme or assessment scheme has been submitted to the Harbourmaster for comment; and
 - (c) it is in the interests of maritime safety to approve the structured training programme or assessment scheme.
- (2) Every approval given by the Director in accordance with this rule must—
 - (a) be in writing; and
 - (b) specify the person or organisation for which the structured training programme or assessment scheme is approved; and
 - (c) specify the pilotage area or areas for which the structured training programme or assessment scheme is approved; and
 - (d) specify those persons entitled to conduct the training described in the approved structured training programme or to carry out the assessments described in the assessment scheme.
- (3) The Director may approve a structured training programme or assessment scheme for a period of no more than 5 years, and may amend or withdraw that approval as the Director considers appropriate.
- (4) For the avoidance of doubt, any approval in writing issued by the Director under this rule is not a maritime document for the purposes of the Act.

90.31 Conditions of approval document

- (1) It is a condition of every approval granted under rule 90.30 that—
 - (a) all training and assessments are carried out in accordance with the approved structured training programme or assessment scheme as applicable; and
 - (b) training and assessments are conducted only by those persons specified in the approval document; and
 - (c) all assessments and examinations for the issue of pilot licences and PECs or for additional endorsements to PECs, are conducted in accordance with the procedures approved in the structured training programme; and
 - (d) complete records of all training, assessments and examinations carried out under paragraph (c) are maintained for every person undertaking training in accordance with the structured training programme.
 - (e) all assessments for the purposes of:
 - (i) maintaining the currency of a pilot licence or PEC; or
 - (ii) renewing a pilot licence or PEC; or
 - (iii) verifying the proficiency of holders of pilot licences or PECsare conducted in accordance with the procedures in the approved assessment scheme; and
 - (f) complete records of all assessments completed under paragraph (e) are maintained for every person assessed.
- (2) Records required by sub-rule (1)(d) and (f) are to be made available to the Director upon his or her request.

90.32 Amendment to approved structured training programme or assessment scheme

- (1) No person may amend, change or alter an approved structured training programme or assessment scheme, other than minor administrative amendments, unless that amendment, change or alteration has been approved in writing by the Director in accordance with this rule.¹⁰
- (2) Any proposed amendment, change or alteration must be submitted to the Director with—
 - (a) details of why the proposed amendment, change or alteration is necessary; and
 - (b) details of the effect the proposed amendment, change or alteration will have on the approved structured training programme or assessment scheme.
- (3) The Director may approve an amendment, change or alteration to a previously approved structured training programme or assessment scheme, if satisfied that it is in the interests of maritime safety to do so.

¹⁰ A structured training programme may be tailored for a particular individual or circumstances to reflect, for example, relevant previous experience. In that case, the training programme for that individual will require a separate approval from the Director if it differs significantly from a previously approved programme.

90.33 Requirements for structured training programme for pilots

- (1) A structured training programme for the issue of a pilot licence or the issue of a higher grade pilot licence must include, as applicable –
- (a) a statement setting out the purpose and objectives of the structured training programme; and
 - (b) a syllabus that incorporates the knowledge areas specified in sub-rules (2) and (3), specific to the pilotage area to which the structured training programme applies; and
 - (c) details of the process by which the trainee pilot will acquire the necessary knowledge of, and proficiency in, pilotage and navigation in the pilotage area to enable him or her to competently exercise the privileges of the pilot licence; and
 - (d) details of the knowledge required to be obtained, the tasks to be performed and the standards required to be achieved to successfully complete the structured training programme; and
 - (e) a description of the grades of licence applicable to the pilotage area, including the privileges of each grade of licence, to which the structured training programme applies; and
 - (f) details of the processes to be followed when assessing a trainee's previous experience and knowledge for the purposes of determining what modifications may be made to a previously approved structured training programme in respect of a particular trainee; and
 - (g) subject to rule 90.35, details of the processes for assessment of the trainee's pilotage skill and knowledge by peers and senior pilots –
 - (i) at regular intervals during training to measure the trainee's development and progress; and
 - (ii) prior to the trainee presenting for examination to assess whether the trainee has achieved the required standards and proficiency; and
 - (h) details of examinations to be carried out to verify a trainee has acquired the requisite knowledge; and
 - (j) subject to rules 90.35 and 90.39, details of all assessment and examination processes and procedures to be used, including the make up of examination panels; and
- (2) The knowledge areas incorporated into the syllabus required in sub-rule (1)(b) must include:
- (a) limits of local pilotage areas;
 - (b) International Regulations for Preventing Collisions at Sea, 1972 as amended, and also such other maritime and marine protection rules or bylaws as may apply in the area;
 - (c) systems of buoyage in the area;
 - (d) characteristics of the lights and their angles of visibility and the fog signals, racons and radio beacons and other electronic aids in use in the area;
 - (e) names and positions and characteristics of the light vessels, buoys, beacons, structures and other marks in the area;

- (f) names and characteristics of the channels, shoals, headlands and points in the area;
- (g) bridge and similar obstruction limitations including air draughts;
- (h) depths of water throughout the pilotage area and adjacent waters, including tidal effects and similar factors;
- (i) general set, rate, rise and duration of the tides and use of the tide tables and any real-time and current data systems, if available, for the area;
- (j) proper courses and distances in the area;
- (k) anchorages in the area;
- (l) ship handling for piloting, anchoring, berthing and unberthing, manoeuvring with and without tugs, and emergency situations;
- (m) communications and availability of navigational information;
- (n) systems of radio navigational warning broadcasts in the area and type of information likely to be included in any such warning;
- (o) traffic separation schemes, vessel traffic services and similar vessel management systems in the area;
- (p) bridge equipment and navigational aids;
- (q) use of radar and other electronic devices; their limitations and capabilities as navigation and collision avoidance aids;
- (r) manoeuvring behaviour of the types of ships expected to be piloted and the limitations imposed by particular propulsion and steering systems;
- (s) factors affecting ship performance such wind, current, tide, channel configuration, water depth, bottom, bank and ship interaction including squat;
- (t) weather and environmental conditions of the area which may affect safe navigation;
- (u) use and limitation of various types of tugs;
- (v) English language to a standard adequate to enable the pilot to express communication clearly;
- (w) IMO Standard Communications Phrases;
- (x) IMO Code for the investigation of marine casualties and incidents;
- (y) Master-Pilot relationship, Pilot Card, operational procedures;
- (z) pollution prevention;
- (aa) emergency and contingency plans for the area;
- (bb) safe embarking and disembarking procedures;
- (cc) any harbour safety management systems and risk assessments applicable to navigation in the pilotage area or harbour prepared on behalf of the regional council, the port operator or other relevant parties;
- (dd) knowledge of any local bylaws or other regulations relevant to navigation in the pilotage area;
- (ee) any additional areas of knowledge relevant to pilot training, not included above, as recommended from time to time by the International Maritime Organisation;

- (ff) any other relevant knowledge considered necessary in respect of the pilotage area to which the structured training programme applies.
- (3) The structured training programme must also include:
 - (a) training in human factors and Bridge Resource Management; and
 - (b) training in dealing with unexpected or emergency situations during pilotage and the exercising of emergency scenarios.¹¹

90.34 Requirements for assessment scheme for pilots

An assessment scheme for the purposes of rule 90.28(2), must include, as applicable –

- (1) a statement setting out the purpose and objectives of the assessment scheme; and
- (2) processes and procedures for maintaining and demonstrating the ongoing proficiency and skills of licensed pilots, including –
 - (a) the minimum recent experience requirements to maintain the currency of the licence; and
 - (b) systems for annual assessment and peer review (as applicable); and
 - (c) refresher training; and
 - (d) programmes for continuing professional education (CPE) in accordance with rule 90.41; and
- (3) processes and procedures to be followed where the recent experience requirements have not been met but the pilot licence has not expired.

90.35 Conduct of assessments for pilots

- (1) An assessment conducted as part of an approved structured training programme or assessment scheme in accordance with this Part, must –
 - (a) specify the pilotage tasks to be successfully completed by the trainee or pilot licence holder as part of that assessment; and
 - (b) subject to sub-rule (2), be carried out by a person who is suitably qualified and experienced to assess those tasks.
- (2) Where the trainee is being assessed for the purposes of examination for the issue of a pilot licence, or higher grade pilot licence, that assessment must be carried out by a person –
 - (a) who holds a current pilot licence of the highest grade for that pilotage area; and
 - (b) who has not directly supervised the training of that candidate.
- (3) Where the trainee or holder of a pilot licence is being assessed for purposes other than those specified in sub-rule (2), the person carrying out the assessment must hold a current licence for that pilotage area:

¹¹ The exercising of emergency scenarios may include the testing of contingency plans and responses by pilots in a ship simulator.

- (a) of the highest category for the pilotage area endorsed on the holder's pilot licence; or
 - (b) at least one grade higher than the licence held by the pilot being assessed.
- (4) A person who carries out an assessment must record in writing the outcome of that assessment and whether, in their opinion, the trainee or licence holder has achieved the required standard as prescribed in the approved structured training programme or assessment scheme.

90.36 Requirements for structured training programme for PEC

- (1) A structured training programme for the issue of a PEC must include, as applicable –
- (a) a statement setting out the purpose and objectives of the structured training programme; and
 - (b) the maximum size of ship for which a PEC can be issued for the pilotage area as may be determined by the Director in accordance with rule 90.26(2), as applicable; and
 - (c) a syllabus that incorporates the knowledge areas specified in sub-rule (2), specific to the pilotage area to which the structured training programme applies; and
 - (d) details of the process by which the trainee will acquire the necessary knowledge of, and proficiency in, navigating within the pilotage area to enable him or her to competently exercise the privileges of the PEC ; and
 - (e) details of the knowledge required to be obtained, the tasks to be performed and the standards required to be achieved to successfully complete the structured training programme; and
 - (f) in accordance with rule 90.38, details of the processes for assessment of the trainee's skill in navigating in, and knowledge of the pilotage area by peers and senior pilots, as applicable –
 - (i) at regular intervals during training to measure the trainee's development and progress; and
 - (ii) prior to the trainee presenting for examination to assess whether the trainee has achieved the required standards and proficiency; and
 - (g) details of examinations to be carried out to verify a trainee has acquired the requisite knowledge; and
 - (h) subject to rules 90.38 and 90.39 details of all assessment and examination processes and procedures to be used, including the make up of examination panels; and
- (2) The knowledge areas to be incorporated into the syllabus required in sub-rule (1)(c) must include:
- (a) limits of local pilotage areas;
 - (b) systems of buoyage in the area;
 - (c) characteristics of the lights and their angles of visibility and the fog signals, racons and radio beacons and other electronic aids in use in the area;

- (d) names and positions and characteristics of the light vessels, buoys, beacons, structures and other marks in the area;
- (e) names and characteristics of the channels, shoals, headlands and points in the area;
- (f) bridge and similar obstruction limitations including air draughts;
- (g) depths of water throughout the pilotage area and adjacent waters, including tidal effects and similar factors;
- (h) general set, rate, rise and duration of the tides and use of the tide tables and any real-time and current data systems, if available, for the area;
- (i) proper courses and distances in the area;
- (j) anchorages in the area;
- (k) ship handling for berthing and unberthing, manoeuvring with and without tugs (as applicable)¹², and emergency situations;
- (l) communications and availability of navigational information;
- (m) systems of radio navigational warning broadcasts in the area and type of information likely to be included in any such warning;
- (n) traffic separation schemes, vessel traffic services and similar vessel management systems in the area;
- (o) weather and environmental conditions of the area which may affect safe navigation;
- (p) use and limitation of various types of tugs (as applicable);
- (q) emergency and contingency plans for the area;
- (r) any harbour safety management systems and risk assessments applicable to navigation in the pilotage area or harbour prepared on behalf of the regional council, the port operator or other relevant parties;
- (s) knowledge of any local bylaws or other regulations relevant to navigation in the pilotage area;
- (t) any other relevant knowledge considered necessary in respect of the pilotage area or areas for which the structured training programme applies.

90.37 Requirements for assessment scheme for PEC

An assessment scheme for the purposes of rule 90.28(2), must include, as applicable –

- (1) a statement setting out the purpose and objectives of the assessment scheme; and
- (2) processes and procedures for maintaining and demonstrating the ongoing proficiency and skills of PEC holders, including –
 - (a) the minimum recent experience requirements to maintain the currency of the PEC; and
 - (b) systems for annual assessment and peer review (as applicable); and
 - (c) refresher training; and

¹² If the PEC is not endorsed for use of tugs, and a tug is to be used, it may be required that a pilot be taken.

- (3) processes and procedures to be followed where the recent experience requirements have not been met but the PEC has not expired.

90.38 Conduct of assessments for PEC holders

- (1) An assessment conducted in accordance with sub-rule (2) or (3) as part of an approved structured training programme or assessment scheme for PEC training or PEC holders in accordance with this Part, must –
 - (a) specify the navigation tasks to be successfully by the trainee or PEC holder; and
 - (b) subject to sub-rule (2), be carried out by a person who is suitably qualified and experienced to assess those tasks; and
- (2) Where the trainee is being assessed for the purposes of examination for the issue of a PEC, or endorsement of a PEC for an additional pilotage area, the assessment must be carried out by a person –
 - (a) who holds a current pilot licence of a grade that would enable the holder to pilot the ship or ships, or size and type of ship for which the PEC is sought, in that pilotage area; and
 - (b) who has not directly supervised the training of that candidate; and
- (3) Where the trainee or PEC holder is being assessed for purposes other than those specified in sub-rule (2), the person carrying out the assessment must –
 - (a) hold a current pilot licence of a grade that would enable the holder to pilot the ship or ships, or size and type of ship for which the PEC is sought, in that pilotage area; or
 - (b) be a current PEC holder identified in an approved structured training programme or approved assessment scheme for the purposes of conducting those assessments.
- (4) A person who carries out an assessment must record in writing the outcome of that assessment and whether, in their opinion, the trainee or PEC holder has achieved the required standard as prescribed in the approved structured training programme or assessment scheme.

90.39 Conduct of examinations for pilot licences and PECs

- (1) The examination processes included in a structured training programme, for the issue of a pilot licence must –
 - (a) comply with relevant provisions of Parts 35.5 to 35.9 inclusive¹³; and
 - (b) comprise both –
 - (i) written questions in a formal examination setting; and
 - (ii) oral questions, conducted by a panel of at least three persons approved by the Director, including –

¹³ These rules relate to assessment and examination procedures and include: moderation (35.5), examinations (35.6), examination results (35.7), extra sea service or training (35.8) and conduct of examinations (35.9).

- (aa) one person holding a current pilot licence of the highest grade for the pilotage area for which the trainee is being examined; and
 - (bb) one person holding a current pilot licence or PEC for the pilotage area for which the trainee is being examined; and
 - (cc) one person being the Harbourmaster for the region which includes the pilotage area for which the trainee is being examined; and
- (c) include a blank chart examination of the pilotage area for which the pilot licence is to be issued.
- (2) An examination for the issue of a higher grade pilot licence may be oral only, and must be conducted in accordance with sub-rule (1)(b)(ii).
- (3) The examination processes included in a structured training programme, for the issue of a PEC, or endorsement of an existing PEC as applicable must –
- (a) comply with relevant provisions of Parts 35.5 to 35.9 inclusive¹¹; and
 - (b) comprise both –
 - (i) written questions in a formal examination setting; and
 - (ii) oral questions, conducted by a panel of at least two persons approved by the Director, including –
 - (aa) one person holding a current pilot licence of a grade sufficient to pilot the ship or ships, or size and type of ship, for that pilotage area for which the trainee is being examined; and
 - (bb) one person being the Harbourmaster for the region which includes the pilotage area for which the trainee is being examined; and
 - (c) include a blank chart examination of the pilotage area for which the PEC is to be issued.

90.40 Examiners and assessors

Where this part requires persons who conduct assessments and examinations to hold a specified licence or PEC, and persons meeting those requirements are not reasonably available to conduct those assessments or examinations, the Director may approve other suitably qualified and experienced persons as the Director considers appropriate to perform those functions.

90.41 Continuing professional education for pilots (CPE)

- (1) Continuing professional education for pilots as required in rule 90.17 must include –
- (a) training to update pilots on developments in bridge and navigational technology; and
 - (b) training in risk management; and
 - (c) training in any changes or developments to any laws or regulations in the maritime industry; and

- (d) refresher training in pilotage practices and procedures, including the exercise of emergency scenarios¹⁴; and
 - (e) communications (including any cultural considerations); and
 - (f) briefings on any changes to relevant port or harbour safety management systems and risk assessments.
- (2) The continuing professional education described in sub-rule (1) must be either:
- (a) part of a structured training programme approved by the Director; or
 - (b) provided by a training provider acceptable to the Director.

Revocation and transitional provisions

90.42 Revocation

Part 90 of the maritime rules signed by the Minister on 25 February 2003 (“the former Part 90”) is revoked.

90.43 Transitional provisions

- (1) A pilot licence or Master’s pilotage exemption¹⁵ issued in accordance with the requirements of this Part prior to [effective date of new rule] shall have effect as a maritime document and remain in force as if issued in accordance with this Part, until five years after its date of issue, after which time it must be renewed.
- (2) This Part applies to a pilot licence or PEC referred to in sub-rule (1) with all necessary modifications.
- (3) An exemption under section 47 of the Act from requirements under this Part prior to [effective date of new rule] shall be deemed to be a PEC issued under this Part for that pilotage area and ship, subject to the conditions stated on that exemption, for no more than two years from [effective date of new rule].

Additional transitional provisions will be developed for inclusion in this rule as follows:

- (a) All current training courses approved by the Director under the previous Part 90 will be deemed to be approved structured training programmes for the purposes of this Part until such time as the Director has approved a new structured training programme. New structured training programmes replacing previously approved training courses will be required to be submitted to the Director for approval within 12 months of this Part coming into effect.
- (b) For new pilotage areas e.g. Pelorus Sound/Admiralty Bay/French Pass, Stewart Island, Wanganui and Greymouth, structured training programmes will need to be developed and approved, and trainees must successfully complete those programmes before any new licences or PECs can be issued. Pilotage requirements for those areas will not apply until 12 months after this Part comes into effect to enable pilot and PEC training programmes to be carried out and training undertaken.
- (c) For some pilotage areas, where more stringent tonnage or length limits have been introduced, a pilot will now be required to be taken or a master will need to obtain a PEC where this was not previously necessary. The new pilotage requirements will

¹⁴ Where the PEC holder having the conduct of the ship is the 1st Mate, the Master’s name should also be given.

¹⁵ Master’s Pilotage Exemption is the term used for a PEC in the previous Part 90.

not apply until 12 months after this Part comes into effect to enable the necessary PEC training, if required, to be completed.

- (d) The new provisions for tugs and tows may capture existing vessels not previously subject to pilotage. The new provision for tugs and tows, whereby the combined gross tonnage or length is used as the limiting criteria, will not apply until 12 months after this Part comes into effect.

Schedule: Pilotage Areas and Limits

Pilotage areas	Area description	Limits
<i>Bay of Islands</i>	All the waters within the harbour of the Bay of Islands, whose outward seaward limit is a line commencing at high-water mark at the eastern extremity of Tapeka Point, and proceeding in a 350 degree direction to high-water mark at the eastern extremity of Black Rocks; thence proceeding in 019 degree direction to high-water mark at the eastern extremity of Harakeke Island; thence proceeding in a 271 degree direction to high-water mark on the mainland.	500 gross tonnage
<i>Whangarei</i>	All the waters comprised within the Harbour of Whangarei having their outward seaward limit a right line drawn in a 270 degree direction from Busby Head to the shore, and in addition, those waters enclosed within parallel lines drawn one mile on either side of a right centre line drawn in a 140 degree direction for a distance of 4.5 miles from Marsden Point inner leading beacon, the outward seaward limit being bound by a right line drawn in a 050/230 degree direction through the seaward extremity of the right centre line.	500 gross tonnage or 40 metres length overall
<i>Auckland</i>	The area of tidal waters inside a straight line drawn from the northern extreme of the eastern head of the Tamaki River to the southern extreme of Park Point (Waiheke Island); thence by the high water mark of ordinary spring tide to the northern extreme of the western entrance to Owhanake Bay; thence by a straight line to the south-western most point of Rakino Island; thence by a straight line from the northernmost point of Rakino Island to Shearer Rock, thence by a straight line to the southernwest extreme of Tiritiri Matangi Island, thence by a straight line to the southeastern extreme of Whangaparoa Peninsula.	500 gross tonnage or 40 metres length overall
<i>Manukau</i>	All waters bounded to seaward by the arc of a circle radius 4 miles centred on Paratutae Island (37° 02.9'S, 174° 30.6'E)	500 gross tonnage
<i>Tauranga</i>	The area comprising the Bay of Plenty Harbour bounded by an arc of a circle of radius three miles centred on North Rock and including all the commercial area of Tauranga Harbour.	250 gross tonnage
<i>Gisborne</i>	The area bounded seaward by the arc of a circle, radius 3 miles, centred on the southern end of Butlers wall (38°40.6'S, 178°01.2'E)	500 gross tonnage
<i>Napier</i>	The area comprising all port waters between latitudes 39°25'S and 39°29'S, to west of longitude 176°59'E. (Port limits: the seaward limit of the port is the arc of a circle radius 3 ½ miles centred on East Pier Light (39°28.7'S, 176°53.7'E))	500 gross tonnage or 40 metres length overall
<i>Taharoa Terminal</i>	The area bounded by the seaward arc of a circle radius 3 miles centred on the terminal pumping station (38°10.6'S, 174°42.4'E)	500 gross tonnage

Pilotage areas	Area description	Limits
<i>Taranaki</i>	The area bounded by the seaward arc of a circle radius 2.5 miles centred on Mount Moturoa (39°03.8'S, 174°01.7'E)	100 gross tonnage
<i>Wanganui</i>	All waters encompassed in an arc of a circle radius 2.65 miles centred on North Mole Head light (39°57.0'S 174°58.8'E).	100 gross tonnage
<i>Wellington</i>	The area of enclosed water inside the harbour inside an arc of a circle of 3.85 miles radius and having its centre at a point on the outer rock in the Harbour of Wellington, such point being in position 41°20.96'S, 174°50.1' E based on WGS 84.	500 gross tonnage
<i>Nelson</i>	The area bounded by the seaward arc of a circle, radius 3 miles, centred on Boulder Bank Old Lighthouse (41°15.3'S, 173°15.9'E)	100 gross tonnage
<i>Pelorus Sound, Admiralty Bay and French Pass</i>	All that area contained within Pelorus Sound having as its seaward boundary, in the north a straight line drawn in a direction of 353° from high water mark at Alligator Head (40°58.1'S, 174°09.3'E) to high water mark at Sentinel Rock (40°53.9'S, 174°08.6'E) thence in a direction of 277° to high water mark at Bonne Point, D'Urville island (40°51.6S, 173°54.8'E) and in the south a straight line drawn in a direction 005° from high water mark at Okuri Point (40°58.4'S, 173°46.0'E) to high water mark at Sauvage point, D'Urville Island (40°56.5S, 173°46.2'E).	500 gross tonnage ¹⁶
<i>Queen Charlotte Sound</i>	All that area of water inside a line drawn from Cape Koamaru to Kemp Point at the seaward limit and north of a line from Dieffenbach Point in a direction 090° to the shore of Arapawa Island at the western end of Tory Channel.	500 gross tonnage for vessels navigating within Queen Charlotte Sound only or using the Northern Entrance
<i>Tory Channel</i>	All that area of water within Tory Channel bound at the seaward limit by the arc of a circle, radius 3.5 miles, centred on West Head Light (41°12.8'S, 174°18.9E) and south of a line from Dieffenbach Point in a direction 090° to the shore of Arapawa Island at the western end of Tory Channel.	30m length overall for vessels navigating within Tory Channel or using the eastern entrance to Cook Strait
<i>Westport</i>	The area within the Buller River and a circle centred on the signal station light on the west breakwater with a radius of 1.5 miles extending from Carters Beach at mean high water springs around to North Beach at mean high water springs.	100 gross tonnage or 3 metres draught
<i>Greymouth</i>	The seaward arc of a circle, radius 2 miles centred on the main harbour light (42° 26.6' S 171° 11.5'E)	100 gross tonnage
<i>Lyttelton</i>	The area having a seaward limit east of a line joining Godley Head and Adderly Head.	500 gross tonnage or 40 metres length overall

¹⁶ In addition, local bylaws limit the size of ships which may transit French Pass.

Pilotage areas	Area description	Limits
<i>Timaru</i>	The area within an arc of a circle radius 2 ½ miles centred on a light exhibited from Eastern Extension Mole Spur Breakwater Head (44°23.2'S, 171°16.0'E).	500 gross tonnage or 40 metres length overall
<i>Otago</i>	The area within the seaward limit of which is a line drawn 020° for 3 miles from Heyward Point (45°45.5'S, 170°41.5'E), thence 126° for 1 ¾ miles, and thence 200° to Howletts Point on the West side of Taiaroa Head.	500 gross tonnage
<i>Bluff</i>	The area where the seaward limit is the arc of a circle, radius 2 miles, centred on Stirling Point (46°36.7'S, 168°21.6'E)	500 gross tonnage
<i>Paterson Inlet</i>	The area where the seaward limit is a line from Chew Tobacco Point, thence to Kanetoetoe Island, thence to Zero Rock, thence to Gull Rock.	1000 gross tonnage

Fiordland Harbours

Pilotage areas	Area description	Limits
<i>Milford Sound Harbour</i>	The area of the sea and tidal waters of Milford Sound south of a straight line drawn from St Anne Point in a 090 degrees true direction to the opposite shore, and including the wharf limits at Deep Water Basin.	500 gross tonnage
<i>Poison Bay Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Seabreeze Point in a 215 degrees true direction to the opposite shore.	500 gross tonnage
<i>Sutherland Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Jagged Rock in a 060 degree true direction to the opposite shore.	500 gross tonnage
<i>Bligh Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Tommy Point to Chasland Head.	500 gross tonnage
<i>George Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from the west head at George Sound entrance in a 090 degree true direction to the opposite shore.	500 gross tonnage
<i>Caswell Sound</i>	Being all that area of the sea and tidal waters inside a straight line from McKerr Point in a 030 degree true direction to the opposite shore.	500 gross tonnage
<i>Charles Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Hawes Head in a 090 degree true direction to the opposite shore.	500 gross tonnage
<i>Nancy Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Burnett Point to Anxiety Point.	500 gross tonnage
<i>Doubtful & Thompson Sounds Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Febrero Point to Southwest Point on Secretary Island and from Colonial Head to Shanks Head.	500 gross tonnage
<i>Dagg Sound Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Castoff Point to Towing Head.	500 gross tonnage
<i>Breaksea & Dusky Sound Harbours</i>	Being all that area of the sea and tidal waters inside a straight line from Rocky Point to North Point of Breaksea Island and from the West Point of Breaksea Island in a 180 degree true direction to the opposite shore and from Five Finger Point to South Point.	500 gross tonnage

Pilotage areas	Area description	Limits
<i>Chalky Inlet Harbour</i>	Being all that are of the sea and tidal waters inside the arc of 6.5 miles radius centred on Surf Head.	500 gross tonnage
<i>Preservation Inlet Harbour</i>	Being all that area of the sea and tidal waters inside a straight line from Gulches Head to Lee Head and across Otago Reach at its narrowest width.	500 gross tonnage