

# Maritime New Zealand Guidelines

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MARINE GUIDANCE NOTICE ISSUE 23 – MAY 2013

## Maritime Rules Part 90: Pilotage

### Recent experience requirements for holders of Pilotage Exemption Certificates

#### This guidance notice is for:

- holders of Pilotage Exemption Certificates (PECs)
- harbourmasters and those involved in the management of pilotage in ports and harbours
- operators of ships employing PEC holders.

#### Purpose

The purpose of this guidance notice is to clarify the current provisions of Maritime Rules Part 90 as they apply to the recent experience requirements for holders of PECs.

#### Background

##### The issue

Under rule 90.62(4), a PEC will be endorsed for one or more pilotage areas and one or more named ships. For each pilotage area, the recent experience requirements for that area will be included in the endorsement. A PEC holder must meet the currency requirements under rule 90.66 – including recent experience and an annual assessment – to be able to exercise their PEC in that pilotage area.

With the rotation of crews across an operator's fleet, the following situations may arise:

- a seafarer may be joining a ship for the first time, but have regularly exercised their PEC in all the relevant pilotage areas on another ship in the fleet
- a seafarer may be re-joining a ship as a PEC holder after an absence of a couple of years, but have regularly exercised their PEC in all the relevant pilotage areas on another ship in the fleet
- a PEC holder may have met the recent experience requirements for a given pilotage area in total, but not met those requirements on each individual ship named in the endorsement.

##### Purpose of maintaining recent experience

The recent experience requirements endorsed on the PEC are intended to ensure that the holder retains his or her local knowledge and is able to competently handle the ships endorsed on the certificate in the range of conditions likely to be encountered. While a PEC holder can maintain his or her knowledge of a particular pilotage area on one vessel, another vessel with which he or she is less familiar may have different systems and handle differently in the same environment. The required skills are therefore a combination of both local knowledge and vessel knowledge.

## Endorsements for types of ships

While Part 90 enables a PEC to be endorsed with named ships, or with 'size and type or category of ship', named ships are the norm. This is because ships in a fleet often have different characteristics and handling. However, categories of ships with similar characteristics may be considered on a case-by-case basis, such as for example, offshore supply vessels up to a specified size.

To make a case for ships to be considered the same or similar for the purposes of pilotage, factors to be taken into account by the Director of Maritime New Zealand would include, but not be limited to, the following:

- length
- propulsion system and power
- gross tonnage
- manoeuvring equipment
- handling characteristics
- bridge equipment
- operating draft
- systems for ship-specific training and familiarisation.

## Adding an additional vessel to an existing PEC

Rule 90.68 allows PEC holders to obtain endorsements for additional pilotage areas and additional ships.

In adding a new ship to an existing PEC, the rule requires that the holder has completed the necessary training in respect of the pilotage area **and** the ship. MNZ requires the holder to provide:

1. A letter from the harbourmaster confirming that the currency requirements of rule 90.66 have been met for each pilotage area endorsed on the PEC (as applicable), in particular rules 90.66(b) and 90.66(c).
2. A letter from the ship operator confirming that the applicant has completed a programme of familiarisation as a PEC holder for that ship. Evidence of completion of such familiarisation may be requested.

## Familiarisation with a different ship

### Ships operating under the ISM Code

Owners of ships subject to Maritime Rules Part 21, Section 1 must operate a shore-based and shipboard safety management system that complies with the International Safety Management (ISM) Code.

Section 6.3 of this Code requires companies *“to establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarisation with their duties”*. In order to demonstrate compliance, companies should document such procedures and be able to provide supporting evidence that such familiarisation has been completed.

This would apply equally to those with pilotage responsibilities. In compliance with the ISM Code therefore, it is the responsibility of the company to ensure that a PEC holder transferring to another ship is properly familiarised with that ship and can demonstrate competency in handling the ship, before they exercise their PEC on that ship.

Where an operator has its own approved proficiency plan for PECs, then that plan should reference the relevant sections of the company's safety management system. Such operations are subject to ISM audits by Maritime New Zealand.

### Ships operating under SSM

Owners of ships subject to Maritime Rules Part 21, Section 2 must operate a shore-based and shipboard safety management system that complies with the NZ Safe Ship Management (SSM) Code (Part 21, Appendix 6).

SSM requires the ship owner to ensure that the master is properly qualified for command and is fully conversant with the owner's Safe Ship Management system (Appendix 6, Item 6). It is therefore the responsibility of the owner to ensure that a PEC holder is properly familiarised with their ship and can competently pilot that ship, before they can exercise their PEC. While the responsibilities under SSM are clearly defined in the SSM Code, the requirements have not always been well implemented or enforced.

For ships operating under SSM where there is not a well-documented process for familiarisation in place, Maritime New Zealand, in consultation with the harbourmaster, may require that an assessment of the PEC holder on a particular ship be undertaken by a licensed pilot, before that ship can be endorsed on an existing PEC.

## **Guidance on currency**

### **Case 1 – maintaining currency on multiple ships – refer also to 1<sup>st</sup> chart**

Where a PEC holder already has more than one ship endorsed on their PEC, recent experience for a given pilotage area can be maintained on the basis of having completed:

- the total number of transits on all ships in that pilotage area in the specified period, **and**
- an annual assessment on one of those ships.

If the PEC holder has not carried out a pilotage on a particular ship in the pilotage area within the previous 18 months, their first transit inwards and outwards on that ship must be successfully assessed by either:

- a licensed pilot, **or**
- where allowed for in an operator's approved proficiency plan, by another PEC holder.

When joining that ship for the first time, or re-joining after an absence, the PEC holder must have completed the company's training and familiarisation programme. In practice it is expected that the familiarisation processes will reflect the individual's knowledge and experience. For example, the process for a person being assigned duties as master on a particular ship for the first time may not necessarily be the same as that for a person who has previously served in that capacity (or some other capacity) on that ship. The process may also reflect the length of absence.

However, length of service is not the only consideration. In line with the principles of the STCW Convention, continued exercise of a PEC should be competency-based and, in the case of pilotage, would typically include supervised passages to the satisfaction of a licensed pilot or a current PEC holder (for that pilotage area and ship).

### **Case 2 – renewal of PECs – refer also to 2<sup>nd</sup> chart**

All PECs issued before 1 April 2011 expired on 31 March 2013. This includes exemptions from pilotage issued under Section 47 of the Maritime Transport Act. Holders of such documents will need to apply to MNZ to have them re-issued.

Applicants should identify the names of the ships and pilotage areas they wish to have endorsed on their new PEC. The endorsements on the previous PEC or section 47 exemption will need to be revalidated as below. Where there are no endorsements – either no named ships or no pilotage areas, the desired pilotage areas and/or ships will also need to be validated.

A PEC must be endorsed for at least one ship (or category of ship) in any pilotage area.

In order to have a particular pilotage area included, the applicant must provide evidence that their PEC is current for that area, either by:

- a) having met the recent experience requirements for that pilotage area (in total on any ship) including an annual assessment on at least one ship, **or**

- b) having regained currency in accordance with an approved proficiency plan.

In order to have a particular ship included for that pilotage area, the applicant must provide evidence that they have:

- c) exercised their PEC on that ship in the pilotage area in the previous 18 months, **or**
- d) completed an assessment of pilotage on that ship prior to exercising the PEC.

If they have not served on that ship in the previous 18 months, they must:

- e) complete familiarisation or re-familiarisation on that ship before the PEC can be endorsed for the ship, **and**
- f) complete an assessment on that ship in the pilotage area before exercising the PEC on that ship again.

For a), b) or c), a letter from the harbourmaster(s) must be provided, confirming that the currency requirements of rule 90.66 have been met for the respective pilotage areas.

For e), a letter from the vessel operator must be provided, confirming that the applicant has completed a programme of familiarisation as a PEC holder for that vessel.

For d) or f), the operator should confirm that the applicant has completed an assessment to the required standard as set out in the approved proficiency plan. Details of the assessment (date, location, assessor) must be included.

As noted above, where a ship operating under SSM does not have a well-documented process for familiarisation in place, Maritime New Zealand, in consultation with the harbourmaster, may require that an assessment of the PEC holder be undertaken by a licensed pilot in relation to item e).

More information on the issue or renewal of a PEC can be found on the Maritime New Zealand website at:

<http://www.maritimenz.govt.nz/Commercial/Seafarer-licensing/Pilot-licences-pilotage-exemption.asp>

## **Further information**

For further information, please contact Maritime New Zealand's Wellington office:

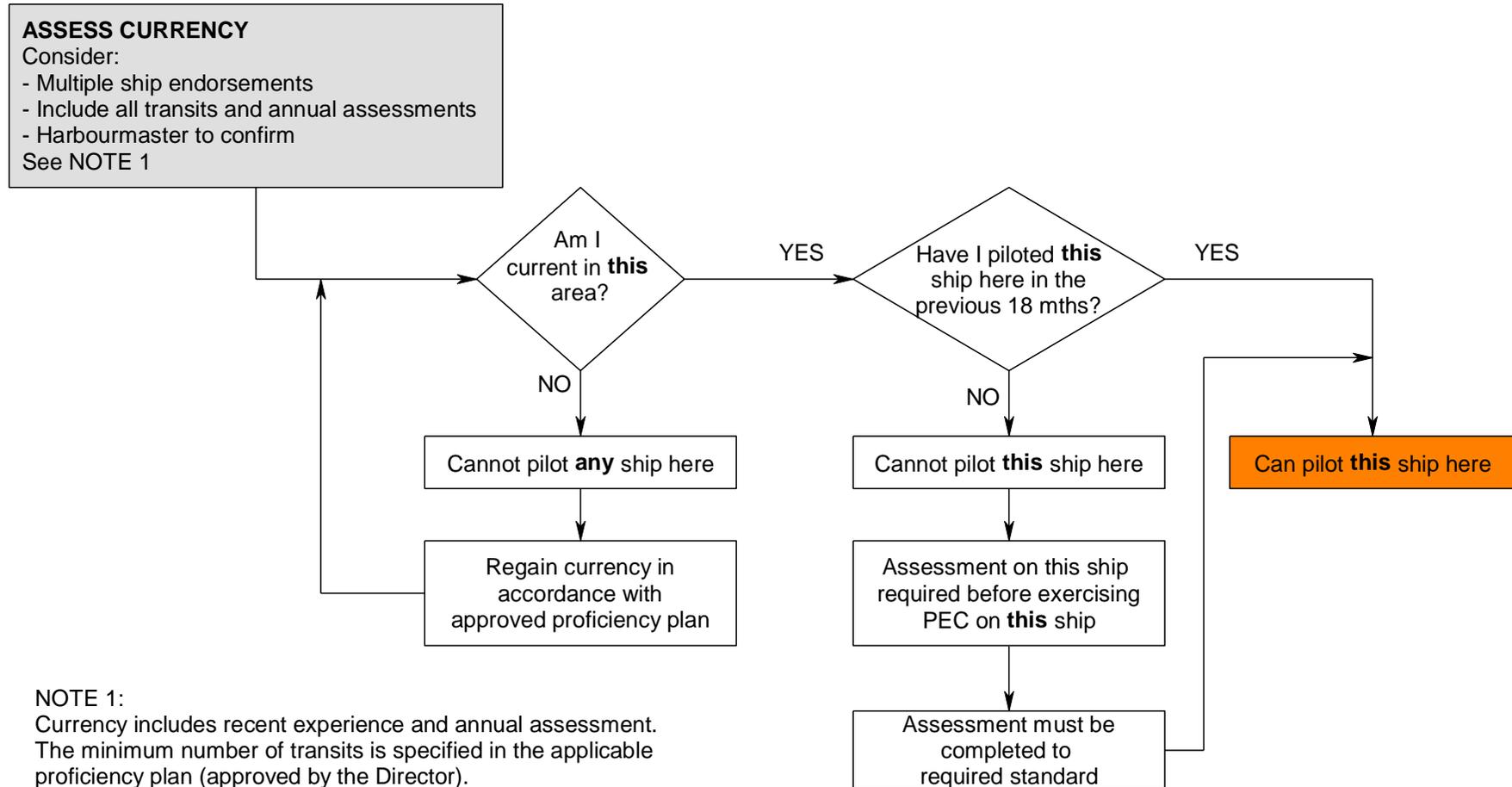
Ph: 0508 22 55 22 or (04) 473 0111

Fax: (04) 494 8901

Email: [enquiries@maritimenz.govt.nz](mailto:enquiries@maritimenz.govt.nz)

## Case 1

# MAINTAINING CURRENCY ON MULTIPLE SHIPS IN A PILOTAGE AREA



## Case 2

# RENEWAL OF PEC ENDORSEMENT FOR MULTIPLE SHIPS IN A PILOTAGE AREA

