

# Advisory Circular

ISSUE NO. 90-3, October 2020

The information in this Advisory Circular relating to **Subpart F** of Part 90 is out-of-date and has been replaced by guidance, which you can find at [www.maritime.govt.nz/pilotage](http://www.maritime.govt.nz/pilotage). If you need information about writing and submitting training programmes and proficiency plans for Pilots and PEC Holders, please refer to the new guidance.

## Part 90: Pilotage

### 1. General

#### 1.1 Purpose of advisory circular

Maritime New Zealand (Maritime NZ) advisory circulars are designed to give assistance and explanations about the standards and requirements set out in the maritime rules. However, the notes in advisory circulars should not be treated as a substitute for the rules themselves, which are the law.

This advisory circular Issue 90-3 supports Maritime Rules Part 90. It replaces all previous advisory circulars on Part 90.

### 2. Supportive guidance to the rule part

#### 2.1 Subpart A: General

##### 2.1.1 Rule 90.2: Application

Part 90 applies to all ships within New Zealand waters except warships.

##### 2.1.2 Rule 90.2(1): Pilotage for warships

As noted, Part 90 does not apply to warships.

This reflects the provisions of section 4(1) of the Maritime Transport Act (MTA) which states:

- (1) *Except as otherwise provided in this Act, or in any regulations or rules made under this Act, nothing in this Act, or any regulations or rules made under this Act, shall apply to—*
- a) *warships of the New Zealand Defence Force; or*
  - b) *warships of any other State; or*
  - c) *aircraft of the New Zealand Defence Force; or*
  - d) *aircraft of the defence forces of any other State; or*
  - e) *any ship owned or operated by a State other than New Zealand, if the ship is being used by that State for wholly governmental (but not including commercial) purposes; or*
- or*

- f) *the master or the crew of any ship referred to in paragraph (a) or paragraph (b) or paragraph (e); or*
- g) *defence areas as defined in section 2 of the Defence Act 1990.*
- h) Although under Part 90 warships are not required to take a pilot within a compulsory pilotage area, port operators may offer the services of a pilot to assist and advise in the passage and berthing of such vessels within their operational area. In the case of foreign warships whose crews are not familiar with New Zealand harbours, it is recommended that the services of a pilot be offered. Additionally, where weather or sea conditions could make navigation or berthing more difficult than normal, vessels should be encouraged to accept a pilot on board.

### 2.1.3 Rule 90.2(2): Application to tugs and tows

A tug and a tow includes a tow on a towline as well as a tow lashed alongside the tug. A tug and tow shall be treated as a single ship for the purposes of determining whether pilotage is required. This will be applied as follows:

#### a) Case 1: Tonnage limit only specified for compulsory pilotage

For the purposes of pilotage, the applicable gross tonnage will be the combined gross tonnage of the tug and tow.

However, a tug or tow of less than 24 metres register length does not require a tonnage certificate under Maritime Rules Part 48. For this reason, the gross tonnage of any tug or towed vessel less than 24 metres can be ignored for the purposes of determining pilotage requirements.

#### b) Case 2: Length limit only specified for compulsory pilotage

For the purposes of pilotage, the applicable length will be the combined length of the tug and the tow, where the length means length overall. This length excludes the length of any towline. This limit will apply regardless of whether the tug or tow is less than 24 metres.

#### c) Case 3: Tonnage limit and length specified for compulsory pilotage

For the purposes of pilotage, the combined length of the tug and tow, excluding the towline length, will be used, as for Case 2. Again, this will apply regardless of whether the tug or tow is less than 24 metres.

Note: the term 'register length' is defined in Maritime Rules Part 48: Tonnage Measurement. 'Length overall' is defined in Part 90.

#### d) Example

A tug of 20 metres register length is towing a barge of 35 metres register length. The tug does not require a tonnage certificate because it is less than 24 metres, but the barge exceeds 24 metres and has a calculated gross tonnage of 160GT. For the three cases considered above:

- Case 1: pilotage limit is 500GT – The combined tonnage for the purposes of the calculation is 160GT and **pilotage will not apply**.
- Case 2: pilotage limit is 40 metres – The combined length is 55 metres and **pilotage will apply**.
- Case 3: pilotage limit is 500GT and 40 metres (whichever is limiting applies) – Combined length is used (55 metres) and **pilotage will apply**.

The above takes a pragmatic approach, while ensuring that where no length is specified, larger tugs and tows will still be covered by the rule.

If the tow is not a ship (according to the MTA definition) and no length limit for pilotage is specified, then the harbourmaster's prior approval should be obtained before conducting the movement. Examples include the towing of logs, salmon cages or other marine farm structures. Requirements may be specified at a local level in navigation bylaws or harbourmaster directions.

Another situation that may arise is a tug with multiple tows that fall below the threshold for tonnage measurement, such as a tow of less than 24 metres and two barges, each less than 24 metres. These types of situations should be managed at a local level, subject to prior harbourmaster approval, if the harbourmaster considers that type of operation is appropriate for the particular area.

In an emergency, section 19(1)(c) of the MTA allows the master to take immediate action in the interests of safety which may breach the rule requirements for pilotage of tugs and tows.

## 2.1.4 Rule 90.3: Definitions

### Pilotage exemption certificate (PEC)

The term PEC used in Part 90 replaces the term "master's pilotage exemption" used in the previous version of Part 90, which was revoked on 1 April 2011.

### First mate

Part 90 permits the first mate to exercise a PEC in their own right. First mate is defined as 'the deck officer next in rank to the master of a ship'. In the case of fishing vessels or some smaller vessels, this position may be known as 'chief mate' (for example, New Zealand Chief Mate (Yacht)) or just 'mate' (for example, Mate of a Deep Sea Fishing Vessel).

In any case, any applicant for a PEC must hold a Certificate of Competency (CoC) that permits him or her to be the master of the ship for which the PEC is sought.

### Harbourmaster

Where the rules refer to the harbourmaster, this means the local harbourmaster – the person(s) appointed as a harbourmaster under Part 3A of the MTA to exercise the powers of harbourmaster for that pilotage area.

## 2.2 Subpart B: Pilotage Requirements

### 2.2.1 Rule 90.21: Requirement to hold pilot licence or PEC

Except as provided for in Part 90, no person may act as a pilot of a ship within any pilotage area unless that person holds a current, appropriate pilot licence.

No person may navigate a ship that is subject to compulsory pilotage (that is, the ship is within a pilotage area and exceeds the limits for that pilotage area) unless:

- they carry a pilot who has a current licence for that pilotage area and size and type or category of ship; or
- they hold a current PEC endorsed for that pilotage area and specific ship or size and type or category of ship.

There is also an obligation on the master to ensure that:

- a) a pilot is carried (Rule 90.23); or
- b) the master holds a current PEC for that pilotage area and has the conduct of the ship (Rule 90.24(1)(a)); or
- c) the master and first mate both hold a current PEC for that pilotage area and the first mate has the conduct of the ship (Rule 90.24(1) (b)).

## 2.2.2 Rule 90.22: Provision of pilotage services

Rule 90.22 places responsibilities on the providers of pilotage services to ensure that pilots hold the appropriate licences and maintain their currency.

The requirement for pilotage providers to have proficiency plans approved by the Director of Maritime NZ ensures that where providers are not also trainers of pilots, they retain responsibility for maintaining the ongoing proficiency and competence of their pilots. The requirements for proficiency plans for pilots are outlined in Rule 90.107.

## 2.2.3 Rules 90.23(a) and 90.23A: Requirement to carry a pilot

### Summary

The starting position is that a pilot is required to be carried on all ships inside a pilotage area. For a ship that is not an oil tanker, chemical tanker or gas carrier, it is not required to carry a pilot in a pilotage area where either the ship:

- is less than the gross tonnage, length and/or draft limits that are specified for that pilotage area (see Appendix 1 of Part 90); or
- has a master who holds a current and appropriate PEC; or
- has a master and first mate who hold a current and appropriate PEC where the first mate has conduct of the ship.

The requirement to carry a pilot is an absolute requirement for oil tankers, chemical tankers or gas carriers. However, an exemption from the requirement to carry a pilot may be granted for oil tankers and chemical tankers (see below). No exemption can be granted for gas carriers.

Where an exemption is granted for an oil tanker, either the master is required to hold a current and appropriate PEC, or the master and first mate must have a current and appropriate PEC where the first mate has conduct of the ship, when operating in a pilotage area.

There is an exception for ALL ships to carry a pilot where the ship is transiting between the perimeter of the pilotage area and a designated pilot boarding station or anchorage within that pilotage area, with the prior approval of a pilot (see below).

It is the master's responsibility to ensure that a pilot is carried when one is required.

### Rule 90.23(b): Leading in or leading out

In some circumstances, bad weather may prevent a pilot from being able to board or disembark a ship safely at the normal pilot boarding station. However, in some circumstances, it may still be considered safe for the pilot to direct or lead the ship through the pilotage area to a location where it is safe to board. Similarly, the pilot may disembark at a safe location and lead the ship out of the pilotage area. 'Leading in' or 'leading out' may be done from another vessel, such as the pilot boat, or from the shore.

In some pilotage areas, this practice may be determined as unsafe under any conditions and therefore not permitted.

Where the practice is adopted, pilotage providers should ensure that the situation is adequately covered in their standard operating procedures (SOPs) for pilotage.

The SOPs should specify the circumstances in which leading in or leading out are permitted, and provide guidance for pilots to make decisions in these circumstances. There may also be situations where it is appropriate for the pilot to consult with the harbourmaster before proceeding to lead in or out. These should be discussed and agreed with the harbourmaster when developing the SOPs and documented accordingly.

While the pilot will make a judgement about where to board or disembark for each pilotage task, in accordance with the SOPs, the master retains responsibility for the ship.

### **Rules 90.23A(1) and 90.23 A(2): Special exemptions from pilotage requirements for tankers**

Masters of oil or chemical tankers may apply for exemptions from pilotage in two special cases:

1. An oil tanker where the primary operational function of that tanker is ship-to-ship bunkering within the pilotage area.
2. A chemical tanker operating only within a pilotage area that is not capable of carrying more than 1500 tonnes of cargo.

For an oil tanker, that is a ship that carries oil in bulk, provided the vessel meets the criteria – that its primary operational function is ship-to-ship bunkering within a pilotage area – an exemption may be sought.

For chemical tankers, the rule provides for the management of smaller scale bulk transport of chemicals within harbour areas. Any vessel that carries chemicals in bulk is considered to be a chemical tanker for the purposes of Part 90. The definition of chemical tanker in the rules encompasses the carriage in bulk of any liquid product listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the IBC Code). This definition, covering hazardous and noxious liquids, also includes substances such as glycols, alcohols and molasses (pollution category Z).

Note that the definition of a chemical tanker excludes a ship in use at the time as an oil tanker, if at that time the ship is not also carrying any liquid product listed in Chapter 17 of the IBC Code.

Exemptions in these two situations are dealt with under the process described in section 47 of the MTA for exemptions from any maritime rule. The applicant must make an application to the Director. The criteria for assessing an exemption application are set out in section 47 as shown below.

#### 47 Exemption

- (1) *The Director may, if he or she considers it appropriate and upon such conditions as he or she considers appropriate, exempt any person, ship, or maritime product from any specified requirement in any maritime rule.*
- (2) *The Director shall not grant an exemption under subsection (1) unless he or she is satisfied in the circumstances of each case that—*
  - a) *the granting of the exemption will not breach New Zealand's obligations under any convention; and*
  - b) *either—*
    - (i) *the requirement has been substantially complied with and that further compliance is unnecessary; or*
    - (ii) *the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; or*
    - (iii) *the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or*
    - (iv) *events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and*
  - ba) *the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and*
  - c) *the risk to safety will not be significantly increased by the granting of the exemption.*

Each application will be considered on its merits. The Director will not grant an exemption unless he or she is satisfied that the above criteria – a) AND b) AND ba) AND c) have been met. Applicants should provide sufficient evidence to support their case for an exemption.

An exemption granted under section 47 will enable the applicant to apply for a pilotage exemption certificate (PEC) for the pilotage area for the particular vessel and operation. The PEC will be issued subject to the completion of an approved PEC training course and any additional requirements for the vessel and its operation as a tanker. Specific conditions may be applied to the exemption or the PEC.

The Director cannot grant an exemption under section 47 for a gas carrier (such as a LPG or LNG carrier), and a pilot must be taken in all cases.

Details of the application process for a section 47 exemption can be found on the Maritime NZ website at: <https://www.maritimenz.govt.nz/commercial/safety/exemptions/default.asp>.

#### **Rule 90.24(6): Transiting within the pilotage area to a pilot boarding area or anchorage**

Rule 90.24(6) provides flexibility for vessels to be able to pick up or disembark a pilot at a designated pilot boarding station inside the boundary of the pilotage area, provided that it is safe to do so. This practice is well established in a number of locations. In some circumstances, vessels may be advised to proceed to an anchorage or boarding area inside the pilotage area, or be permitted to leave an anchorage and exit the pilotage area without a pilot on board.

Such arrangements may not be considered as safe or appropriate in all pilotage areas or circumstances. Where adopted, these arrangements must be agreed between the pilotage provider and the harbourmaster and be properly documented in the SOPs.

Any such designated pilot boarding station or anchorage should be specified in the pilotage provider's or port operator's SOPs and identified on nautical charts. All such movements must be carried out only with the prior approval of a pilot.

Pilot approvals for these movements must be given only in accordance with the pilotage provider's SOPs. Approvals may be relayed to a ship by an appropriately qualified person, other than a pilot, who is designated to do so in accordance with those SOPs.

## **2.2.4 Rule 90.24: Exceptions from the requirement to carry a pilot**

### **Exercise of PEC by a master**

Rule 90.24 provides for exceptions from the requirement to carry a pilot if the master holds a current master's PEC appropriate to the pilotage area and the vessel, and has the conduct of the ship.

A PEC cannot be exercised in respect of an oil or chemical tanker unless an exemption has been granted from the requirement to take a pilot, and cannot be exercised in respect of a gas carrier at all. In certain circumstances, the Director may also use powers under section 60A(2) of the MTA to direct that a pilot be carried, regardless of whether the master holds a PEC. Harbourmasters have been delegated this power by the Director and may issue these directions.

### **Exercise of PEC by a first mate**

If the first mate also holds a current PEC for a particular ship and pilotage area, he or she may exercise that PEC in their own right, without the direct supervision of the master. However, in this situation the master of the ship must also hold a current PEC.

This rule does not change the definition of the word 'Master' under the MTA as "any person (except a pilot) having command or charge of any ship". This means operators will still need to ensure their ship management manuals are clear about who is 'in command or in charge of' the ship for purposes such as reporting under section 31 of the MTA and to ensure compliance with crewing and watchkeeping requirements under Maritime Rules Part 31A (Rules 31A.24 to 31A.27).<sup>1</sup>

Good bridge recordkeeping is essential to ensure the respective roles and responsibilities for pilotage, command and watchkeeping are clearly defined and understood. Only one person on a ship can exercise the privileges of a PEC at any given time, and the bridge log should clearly identify that person so that there is no doubt. When the ship is being navigated within pilotage waters, the holder of a PEC, who is exercising the privileges of that PEC, cannot be performing the duties of the Officer of the Watch.

For the purposes of maintaining and demonstrating currency, only one person can credit a given movement against their recent experience requirements. If the conduct of the ship is formally handed over from one PEC holder to another during the ship's operation within a pilotage area, this should also be recorded. Where a person is conducting the ship under supervision, is being trained or is undergoing peer review, this should also be clearly noted.

### **Rule 90.25: Reporting of ships defects**

Masters of all ships have obligations under the MTA to report any incident associated with the ship's operation that affects or could affect its safe operation (section 31(1)).

Rule 90.25 further requires the master, prior to the ship entering or manoeuvring within a pilotage area, to report any defects affecting propulsion, manoeuvring or communications equipment, or any other condition that could adversely affect the ship's operational capability.

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<sup>1</sup> Maritime Rules Part 31A – Crewing and Watchkeeping – Unlimited, Offshore and Coastal (non-fishing).

### **1. Rule 90.25(a): Ships taking pilots**

For ships taking a pilot, the ship's operational status and any defects must be reported as part of the master/pilot exchange, prior to commencing the transit (entering the pilotage area, departing from the berth or other movement within the area). The pilot needs to be aware of any defects or problems that could affect the safe conduct of the ship during the pilotage. He or she is then in a position to decide whether to proceed with the pilotage. If considered necessary, the pilot may request additional support such as an extra tug, recommend that the ship goes to anchor or remains at the berth while the problem is rectified, or choose other mitigations to manage the risk.

Rule 90.25 clarifies reporting requirements. Where a pilot is aboard or leading the vessel in or out, the master must report the defect to the pilot. The pilot will determine whether it is safe to proceed with the pilotage. These situations should be covered by the pilotage provider's SOPs, which should also specify the circumstances in which the harbourmaster should also be consulted before proceeding.

### **2. Rule 90.25(b): PECs**

Where the ship is being conducted by a PEC holder, it is the responsibility of the master to report the defect to and consult with the harbourmaster before proceeding to navigate within the pilotage area. The master is defined in the MTA as "any person ... having command of charge of any ship". The first mate can be the "master" of a ship if the facts show that he or she is actually "in command" or "in charge". This includes responsibility for discharging all of the normal master's obligations, such as reporting an accident, or reporting defects in accordance with Rule 90.25.

While the harbourmaster personally may not always be best placed to make a judgement about the safety of a particular situation and ship, they are responsible for the safety of navigation in the harbour. There may be other considerations (such as other ship movements) that the master is not aware of. Prior agreement should be obtained from the harbourmaster on whether the movement should proceed and whether any mitigating measures (such as tug assistance or using a pilot) are required.

Commonly, when a tug or tugs are required, a pilot will be taken (or the port operator may require one to be taken) because PEC holders may not routinely use tugs. In some circumstances, training and familiarisation with the use of tugs may be part of the PEC training programme and the PEC may then be endorsed for tug use.

The harbourmaster should establish protocols for notifying of defects and for communications with the harbourmaster by PEC holders in such situations. In most New Zealand pilotage areas, the initial point of contact for all shipping movements within a pilotage area is the harbour control service or harbour radio. These will be usually be a ship's initial contact point for communication with pilots or the harbourmaster. For example, local protocols may require initial reporting to the local harbour control service, which will contact the harbourmaster. Reporting of defects to the port operator or pilotage provider may be stipulated as well.

The training programme for PEC holders for all pilotage areas should include knowledge of the master's obligations and the reporting protocols for that area.

## 2.3 Subpart C: Pilot Licences

### 2.3.1 Rule 90.41: Application for pilot licence

The application form for a pilot licence and instructions for applying can be found on the Maritime NZ website.

#### Qualifications

It is strongly recommended that people intending to undertake training for a pilot licence confirm that they meet the minimum qualification requirements in Rule 90.41(1) before they start training. They must also meet the requirements under section 41 of the MTA for the issue of a maritime document, including being a Fit and Proper Person.

Under Rule 90.41(1)(b)(ii), a person holding an equivalent certificate to a New Zealand Master of a Foreign Going Ship (Master Mariner) is eligible for a pilot licence, provided that the qualification is recognised or accepted by the Director under the MTA.

Under Rule 90.41(1)(b)(iii), the Director when receiving an application for a pilot licence may accept either:

- evidence of qualifications, experience and competencies that are equivalent to a certificate as Master; or
- evidence of pilot-related qualifications, experience and competencies that demonstrate the candidate's seafaring skills are of an equal calibre to a person holding a certificate as Master.

#### Evidence of completed training programme

Successful completion of a training programme includes being assessed as meeting the required standards and passing the requisite examinations. Examinations will generally be conducted by harbourmasters under delegation from the Director. In this role, the harbourmaster is effectively exercising the powers of the Director and should be satisfied that all the requirements of the approved training programme have been met.

In most cases, a letter from the harbourmaster setting out the following information will be accepted as sufficient evidence for the purposes of the rule:

- a) name of candidate
- b) pilotage area and grade of licence applied for
- c) confirmation of successful completion of all training requirements
- d) date and location of examination and make-up of examination panel
- e) outcome of examination
- f) recommendation for granting of a licence, and any conditions to be applied.

In some circumstances, the Director may require additional information, such as training records, examination papers and so on. This information should be retained on the harbourmaster's files.

### 2.3.2 Rule 90.42: Issue of a pilot licence

Licences will be issued for no more than five years.

In most cases, a licence will be issued for only one pilotage area. Pilots requiring licences for more than one area will be required to hold separate licence certificates because privileges and currency requirements may be different for each area.

There will be some exceptions to this, where pilotage areas are adjoining and are usually transited together. For example, a single licence certificate will generally be issued for Queen Charlotte Sound and Tory Channel, or for multiple pilotage areas in Fiordland.

On some occasions, an examination panel may recommend to the Director that restrictions or conditions are placed on a licence. The Director will consider these and may endorse the licence accordingly (Rule 90.42(4)).

### **Grades of licence**

The grades of licence and associated privileges and conditions vary from one pilotage area to another and are particular to that pilotage area. These are determined by the pilotage provider in conjunction with the port operator and harbourmaster, and should be described in the approved structured training programme. The Director approves the programmes, to ensure a consistent approach across New Zealand. A summary of the grades of licence and privileges for each area can be found on the Maritime NZ website.

### **2.3.3 Rule 90.44: General requirements**

The holder of a licence is not required to routinely provide Maritime NZ with evidence of pilotage conducted, but the Director may request this evidence at any time.

It is the pilot's responsibility to ensure they are current before exercising their licence, and they should be able to support this with documentary evidence. Pilots also need to demonstrate their currency before they renew or upgrade their licence.

As a minimum, records should include:

- a) date
- b) name of ship, length and gross tonnage
- c) time of day and whether in daylight or darkness
- d) berth and passage details such as arrival, departure, berth shift, and so on.

Where a pilot is conducting pilotage under supervision, is in training or is being assessed for training or proficiency purposes, this should also be recorded. Port operators and pilotage providers will usually have their own in-house recordkeeping systems, which should include at least the above information.

Records will also be reviewed as part of ongoing peer review and annual assessment requirements under proficiency plans. See also the section on training records.

### **2.3.4 Rule 90.45: Currency requirements**

All pilots are required to satisfactorily complete an annual assessment by another pilot, in accordance with an approved proficiency plan.

Where a pilot has not met the recent experience or annual assessment requirements, they must demonstrate continued proficiency and competence before next exercising their licence. The approved proficiency plan should describe the process to be followed in this situation, which may involve assessment trips with a nominated senior pilot and/or further training, such as on a bridge simulator. The specific requirements will depend on the duration of absence from pilotage duties and the reasons for the absence. Essentially, the responsibility rests with the pilotage provider and the individual to ensure that pilots are fit for duty and have achieved appropriate standards of competence and proficiency in accordance with their proficiency plan.

To maintain a particular grade of licence, a pilot must meet the minimum recent experience requirements at that level in addition to any pilotage at a lower grade.

Pilots should be exercising the privileges of a licence regularly to maintain their skills and knowledge. It is good practice to ensure that if a pilot is only exercising his or her licence on just sufficient occasions to meet the minimum recent experience requirements, those pilotage tasks are spread out over a period of time so that the pilot is exposed to a full range of weather and pilotage conditions.

### **2.3.5 Rule 90.46: Regaining medical fitness**

The process for regaining currency after absence from pilotage duties for medical reasons should be described in the proficiency plan. Licence holders are required to submit a copy of their new medical certificate to the Director within one month of it being issued. As previously noted, it is the responsibility of the licence holder to ensure that he or she meets the currency requirements in Rule 90.45, including maintaining the specified level of fitness, and be able to demonstrate this if required. The Director may request this evidence in order to be satisfied that the licence holder meets the required medical standard.

### **2.3.6 Rules 90.47 and 90.48: Application for and issue of higher-grade licence**

A higher-grade licence is treated as a new licence and may be issued for up to five years. It will supersede the previous licence. An applicant for a higher-grade licence must complete the additional training, assessments and examinations for that grade as described in the approved training programme.

### **2.3.7 Rule 90.49: Renewal of pilot licence**

Licences must be renewed before their expiry date. A licence holder can apply to have a licence renewed up to three months before the expiry date.

Where a licence has lapsed (passed its expiry date), the holder cannot exercise the privileges of that licence and must apply for a new licence.

The licence holder must be current at the time of renewal and must provide sufficient evidence of currency with the application, in accordance with Rule 90.45 (including recent experience requirements, current medical and completion of annual assessment).

Prior to renewal, the licence holder must also provide evidence of having completed a programme of Continuing Professional Education (CPE) within the last five years. The CPE programme should be described in the approved proficiency plan required of all pilotage providers under Rule 90.22(b).

## **2.4 Subpart D: Pilotage Exemption Certificates (PEC)**

### **2.4.1 Rule 90.61: Application for PEC**

The application form for a PEC and instructions for applying can be found on the Maritime NZ website.

### **2.4.2 Rule 90.62: Issue of PEC**

A PEC cannot be issued in respect of a tanker, except as provided for in Rule 90.23A.

For a particular pilotage area, the Director may specify a maximum size of ship for which a PEC can be obtained. This limit should be specified in the structured training programme for PECs for that area.

To obtain a PEC, the applicant must hold a CoC that permits them to be the master of the ship or ships on which that PEC is to be exercised. As previously noted, a first mate may also obtain and exercise a PEC, but must hold an appropriate CoC.

PECs may be issued for up to five years. However, in issuing PECs Maritime NZ will align the expiry of the PEC with the expiry date of the holder's CoC. Hence the initial issue of a PEC may be for a shorter time. Some non-STCW CoCs such as ILM do not currently require revalidation so this situation will not apply in all cases.

A single certificate will be issued with endorsements for one or more pilotage areas and ships. A PEC holder may subsequently apply to have additional areas or ships added to that certificate.

The endorsement will be for a named ship or ships. In certain circumstances, the Director may consider specifying defined categories of ships with similar characteristics, for example, offshore supply vessels of a specified maximum length, but this will be the exception.

The endorsement for each pilotage area will include recent experience requirements specific to that area. Different conditions or restrictions may be applied to different areas. While the overall PEC will remain valid until its expiry date, the holder can only exercise the PEC in a given pilotage area if they:

- a) maintain medical fitness
- b) meet the recent experience requirements for that pilotage area
- c) have completed an annual assessment for that pilotage area
- d) have a current CoC.

### **2.4.3 Rule 90.65: General requirements**

#### **Recordkeeping**

It is the PEC holder's responsibility to ensure he or she is current before exercising their PEC in a given area, and they should be able to support this with documentary evidence. PEC holders also need to demonstrate they are current before they can renew their PEC.

As a minimum, records should include:

- a) name of PEC holder
- b) date
- c) name of ship
- d) time of day and whether daylight or darkness
- e) berth and passage details, such as arrival, departure, berth shift, and so on.

The holder of a PEC is not required to routinely provide Maritime NZ with evidence of transits conducted in a pilotage area, but the Director may request this evidence at any time. As part of the annual assessment requirement under Rule 90.66(1)(c), harbourmasters or their designated representatives may wish to see records of movements conducted in the pilotage area over the preceding period.

Where a PEC holder is conducting the vessel under the supervision of a pilot, is in training or is being assessed for training or proficiency purposes, this information should also be recorded.

#### **Notification of movements**

Prior to exercising a PEC (entering, departing or manoeuvring within a pilotage area), the PEC holder must notify harbour control and provide:

- a) their name
- b) the name of the master (if the PEC holder is not the master)
- c) the name of the ship
- d) any defects to be reported to the harbourmaster, in accordance with Rule 90.25.

The harbourmaster may also require:

- a) the PEC certificate number
- b) a statement confirming the PEC is current.

The local harbour control service (usually harbour radio) will vary from one pilotage area to another. The harbourmaster should establish protocols for the pilotage area for reporting by PEC holders. For example, notification by telephone or email may be considered an acceptable alternative to radio communication in some locations or circumstances.

The responsibility rests with the PEC holder to ensure the appropriate records are kept and can be retrieved if needed. Vessel operators should establish processes as part of their safety management system.

#### **2.4.4 Rule 90.66: Currency requirements**

All PEC holders are required to satisfactorily complete an annual assessment for each pilotage area, in accordance with an approved proficiency plan.

Rule 90.114 allows some flexibility as to who may conduct such assessments (see section 2.6.9).

Where a PEC holder has not met the recent experience or annual assessment requirements for a particular pilotage area, they must demonstrate continued proficiency and competence in that pilotage area before next exercising the PEC there. The approved proficiency plan for that area should describe the process to be followed in this situation, which may involve assessment trips with a pilot or nominated senior master. The specific requirements will depend on the time lapsed since the PEC was last exercised in that area.

Where the PEC holder's CoC has expired or they do not meet the medical standards, they cannot exercise the PEC in any pilotage area.

The responsibility rests with the ship operator and PEC holder to ensure the PEC holder is medically fit for duty, holds a current CoC and has met the recent experience requirements and other conditions applying to the PEC.

#### **2.4.5 Rule 90.67: Regaining medical fitness**

The process for regaining currency after absence from PEC duties should be set out in the proficiency plan. PEC holders are required to submit a copy of their new medical certificate to the Director within one month of it being issued. As previously noted, it is the responsibility of the PEC holder to ensure he or she meets the currency requirements in Rule 90.66, including maintaining the specified level of fitness, and be able to demonstrate this if required. The Director may request this evidence in order to be satisfied that the PEC holder meets the required medical standard.

#### **2.4.6 Rule 90.68: Endorsement for additional pilotage area or ship**

##### **Additional pilotage area**

To obtain an endorsement for an additional pilotage area on an existing PEC, the PEC holder must complete the required structured training programme and pass the examination for that area. The PEC itself must be valid (legally issued and not expired, suspended or revoked).

##### **Additional ship**

The PEC training programme for each pilotage area should specify the process for adding further ships to an existing PEC. It is the ship operator's responsibility to ensure that PEC holders are properly trained and familiarised with new ships. The extent of additional training and assessment required will depend on the particular ship and circumstances.

As noted previously, in most cases a PEC will be issued for a named ship or ships. PEC holders will need to provide evidence, to the satisfaction of the Director, of meeting the necessary standards of proficiency and competency on any additional ship (as applicable to navigation in pilotage waters) before their PEC can be endorsed.

## 2.4.7 Rule 90.69: Renewal of PEC

PECs must be renewed before their expiry date. A PEC holder can apply to have their PEC renewed up to three months before the expiry date.

Where a PEC has lapsed (passed its expiry date), the holder cannot exercise the privileges of that PEC in any pilotage area and must apply for a new certificate.

The PEC holder must also be current in at least one of the pilotage areas endorsed on the certificate at the time of renewal and must provide sufficient evidence of currency with the application, as required by Rule 90.66 (including recent experience requirements, current medical and completion of annual assessments). As noted previously, the PEC can be exercised only in a particular pilotage area if the holder meets the currency requirements for that area.

## 2.5 Subpart E: Recent Experience Requirements

### 2.5.1 Rule 90.81(4): Use of ship simulators for maintaining currency

In some circumstances, it may be difficult for a pilot licence or PEC holder to complete the required number of passages in a pilotage area in the specified period (usually 12 months) to maintain currency in that area. For example, where a licence or PEC holder is operating in several different pilotage areas, they may do a large number of passages in aggregate but not enough passages in each area.

The Director may approve training undertaken on a ship simulator by a pilot licence or PEC holder as partial fulfilment of the recent experience requirements. Such an approval will be at the Director's discretion. In considering a particular application, the Director may consider:

- a) the difficulty of the passage through the pilotage area, including weather conditions and traffic
- b) the characteristics of the ship simulator and whether it is able to provide a suitably realistic environment for the licence or PEC holder (appropriate to the privileges of the licence or PEC) to exercise and demonstrate navigation and bridge resource management (BRM) skills
- c) whether the licence or PEC holder is also current in another area (that is, are they regularly exercising privileges elsewhere?)
- d) the reasons why the licence or PEC holder is unable to meet the recent experience requirements.

The Director must be satisfied that it is otherwise impractical to meet the stated minimum experience requirements.

Simulator training cannot be used to meet the full recent experience requirements for the specified period in any pilotage area. At most, the number of passages required might be reduced by 25 percent.

Pilotage providers or shipping operators wishing to use ship simulators in this way should outline the process to be used in the proficiency plan, for approval by the Director. This should also include recordkeeping.

Any such training must be supervised by a person who holds a current pilot licence or PEC for the area and is approved by the Director to supervise the simulator exercises. It is expected that this would be the chief pilot in the case of a pilotage provider, or a senior/training master in the case of a shipping operator wishing to propose such a scheme.

## 2.5.2 Rule 90.82: Notification of minimum recent experience requirements for pilot licences and PECs and maximum limits for PECs

A pilotage area summary is posted on the Maritime NZ website.

This summary includes, for each pilotage area:

- a) the pilotage area boundary and threshold for compulsory pilotage (from Part 90)
- b) grades of pilot licence (from structured training programmes)
- c) the maximum size of ship for which a PEC can be obtained (as specified in the structured training programme)
- d) recent experience requirements.

## 2.6 Subpart F: Training, Examinations and Assessments

For guidance on Subpart F, please see: [www.maritime.govt.nz/pilotage](http://www.maritime.govt.nz/pilotage)

### 2.6.1 General guidance

#### Overview

Figures 1 and 2 show the relationship between structured training programmes, proficiency plans and the information required for pilot licences and PECs respectively. More detail is provided in the sections below.

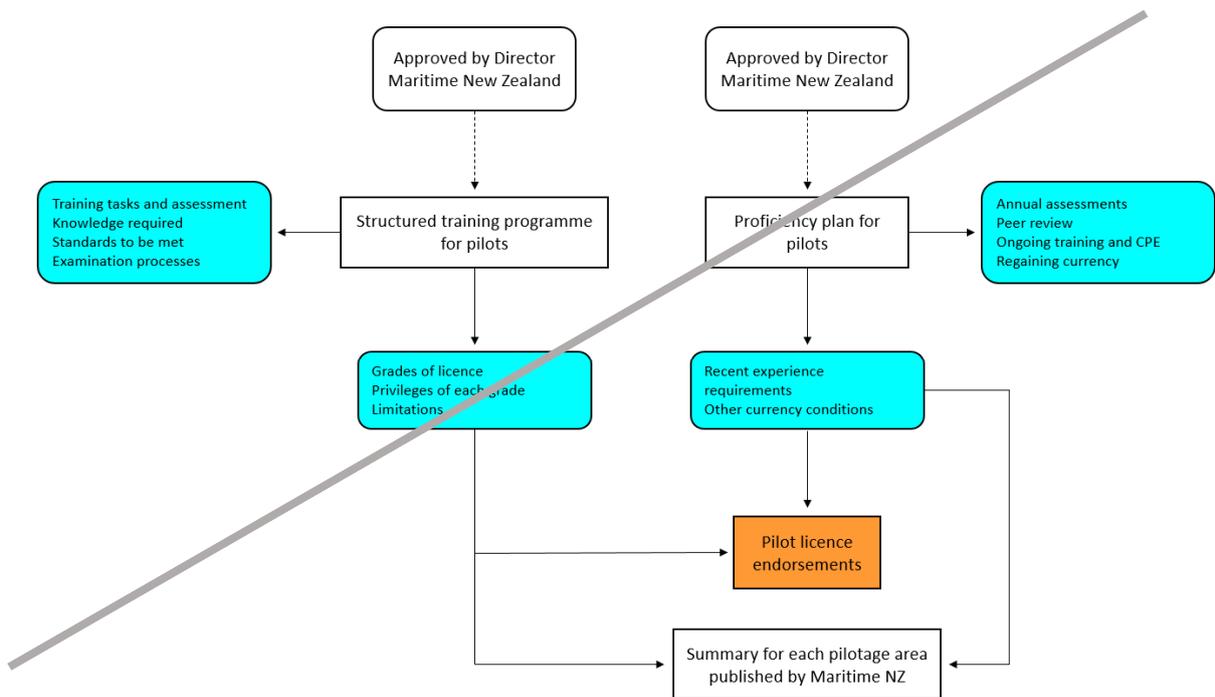


Figure 1 Overview of pilot licence training programmes, proficiency plans, privileges and endorsements

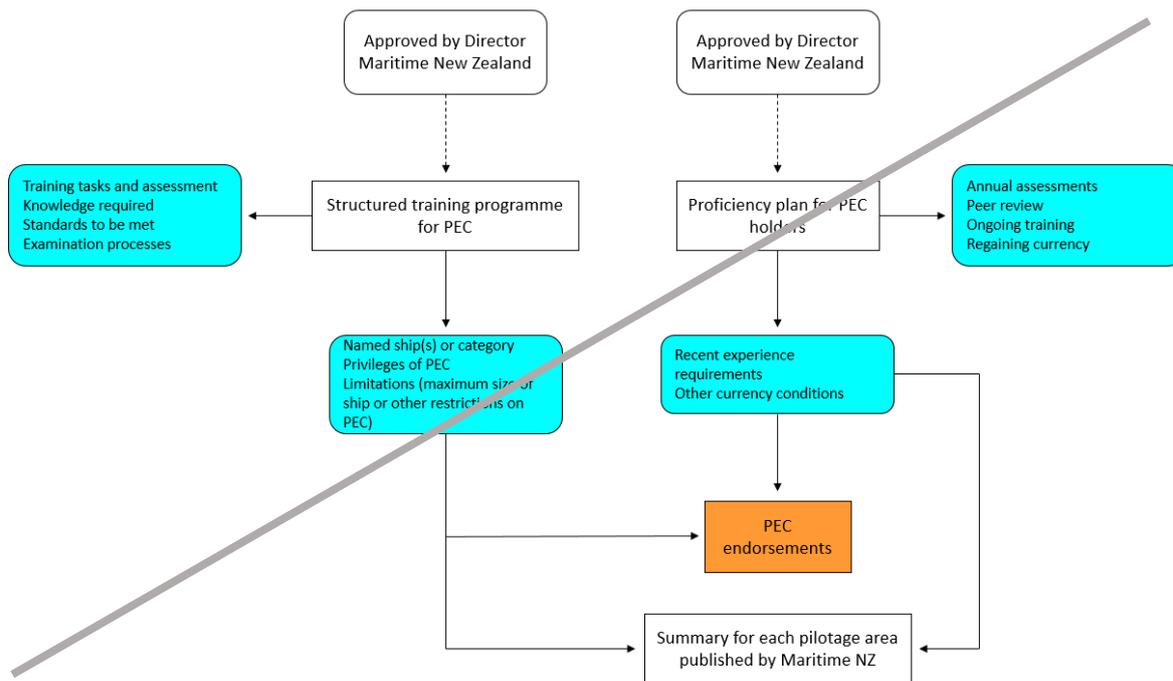


Figure 2 Overview of PEC training programmes, proficiency plans, privileges and endorsements

**Structured training programmes and proficiency plans**

A structured training programme describes the process to be followed and the standards to be met for a candidate to obtain a pilot licence or a PEC.

A proficiency plan describes how the proficiency and competence of a pilot licence or PEC holder is maintained on an ongoing basis.

The key requirements of Part 90 are:

- a) Any person or organisation conducting training for the purposes of obtaining a pilot licence or a PEC must have a structured training programme approved by the Director (Rule 90.101(1)).
- b) Any person or organisation providing pilotage services must have a proficiency plan approved by the Director (Rule 90.22(b)).
- c) Any person or organisation conducting assessments of licence or PEC holders for the purposes of maintaining the currency of their licence or PEC must also have an approved proficiency plan and must conduct those assessments according to that plan (Rule 90.101(2)).
- d) Any person applying for a new pilot licence (or an upgrade to an existing licence) or for a new PEC (or further endorsement of an existing PEC) must have successfully completed an approved structured training programme for that licence, upgrade, PEC or endorsement.

A structured training programme and a proficiency plan may be covered by a single approval, although these can also be separate approvals.

In the case of pilot training, it is expected that pilotage providers will develop the training programmes and proficiency plans. The proficiency plans for pilots should also describe the Continuing Professional Education (CPE) programme for those pilots.

In the case of PEC training, it is expected that, in most cases, the harbourmaster will develop a common set of training and proficiency requirements for PEC holders for the pilotage area. However, it is expected that ship operators will also develop their own

training programmes, to describe how they will train candidates to meet those requirements. The harbourmaster's programme should specify the examination process.

If ship operators wish to carry out their own annual assessments, they will need to develop a proficiency plan for approval by the Director.

### Examinations

While in some pilotage areas there may be multiple training programmes for pilot licences and PECs, there should be common examination processes for licences and PECs respectively in each pilotage area.

In a given pilotage area, the range of ships potentially covered by the PEC system may be quite large (particularly where the threshold for pilotage is quite low, such as 100GT). In some cases, a graduated training and examination scheme for PECs may be appropriate, with less rigorous requirements for PEC holders on smaller or lower-risk vessels. Any such scheme should take account of the risk assessment for the harbour to ensure that safety is not compromised.

## 2.6.2 Rules 90.102–90.104: Approval of structured training programmes and proficiency plans

Part 90 provides for the Director to approve structured training programmes and proficiency plans. Approvals will be given for a period of no more than five years.

It is envisaged that most pilotage providers will develop a standardised training programme for pilot training for approval by the Director. The programme will outline the basic training requirements, assessments and examination processes for a trainee with no previous pilotage experience to gain a licence and progress up the grades to an unlimited licence.

Training programmes should describe the processes for assessing the trainee's performance and development during the training. It is recommended that such assessments of both proficiency and knowledge should follow a structured format to ensure objectivity, and, as far as possible, provide for input from a number of persons.

Where there is more than one provider of pilotage services or pilot training for a given pilotage area, a common training programme is strongly recommended. The objective is to ensure that pilots carrying out comparable pilotage tasks receive comparable standards of training, regardless of the pilotage provider. It is also expected that operating protocols and safety standards will be similar.

The rule requires that the harbourmaster and, where applicable, the pilotage provider and port operator are consulted when preparing training programmes and proficiency plans. Under the New Zealand Port and Harbour Marine Safety Code, the harbourmaster has overall responsibility for navigation safety in the harbour, and therefore Maritime NZ will discuss any programmes and plans submitted for approval with the harbourmaster.

## 2.6.3 Rule 90.105: Amendments to previously approved training programmes

It is recognised that where a candidate seeking a pilot licence or PEC has relevant experience, it may be appropriate to modify a 'standard' training programme to take account of that experience, in which case a tailored training programme can be developed and submitted for approval.

For example, where a person has previously been licensed as a pilot elsewhere (either in another pilotage area within New Zealand or in another jurisdiction) or already holds a PEC for the pilotage area in question, that experience may be taken into account in determining the number and nature of tasks to be completed, or the scope of knowledge to be tested by examination. The 'standard' training programme shall specify the processes for recognising

and assessing such previous experience and modifying the basic training requirements as appropriate.

Any modified training programme will require a separate approval from the Director, who will assess each case on its merits. Every candidate must be able to demonstrate that they have the requisite skills, proficiency and knowledge to carry out the pilotage tasks the licence entitles them to perform. For this reason, it is not expected that the examination requirements for a modified programme should differ significantly in practice from the 'standard' programme.

Changes of a minor nature, such as changes to format, contact details or administrative arrangements, will not require reapproval. Changes to the grades of licence or material changes to the number and nature of training tasks would be considered significant and may require reapproval.

#### 2.6.4 Rule 90.106: Requirements for structured training programmes for pilot licence

Rule 90.106 includes general requirements for training programmes as well as a syllabus outlining the areas of knowledge to be covered by the programme. Rule 90.106(2) incorporates the content of IMO resolution A.960(23) on pilot training<sup>2</sup> and provides for the inclusion of future IMO recommendations (Rule 90.106(2)(gg)).

During the course of their training, trainees should be exposed as far as possible to the full range of operating conditions (such as tides, weather, seasons, range of ships, day/night operation) likely to be encountered once they become licensed and have worked for sufficient time to gain proficiency and confidence with piloting in the local environment.

It is difficult to specify a minimum number of tasks to be completed or minimum training time, given the diversity of pilotage areas, the range of types and sizes of ships, and the variation in the level of pilotage activity across the country. The training programme should reflect the particular risks associated with the pilotage area, as determined in the harbour risk assessment prepared according to the New Zealand Port and Harbour Marine Safety Code, and any changes that may occur over time. In approving training programmes, the Director will ensure there is consistency in the standards of training across the country. Typically for a larger port, a pilot trainee without previous experience may undertake anywhere from 500 to 1000 pilotage tasks over a minimum of three to four years from the start of their training to achieving an unlimited licence.

With changing shipping patterns and a general increase in the size of foreign ships visiting New Zealand ports, the opportunities for training on smaller ships are diminishing in many pilotage areas. Training providers should recognise this trend in developing their training programmes and establishing the grades of licence.

While the initial licence will generally be issued at the lowest grade for the pilotage area, the structured training programme should also describe the process for progression through the grades, setting out the proficiency requirements and the assessment and examination processes for each stage.

Training should include theoretical and practical courses in topics such as: BRM; simulator training for exercising emergency situations and contingency plans; human factors; use of navigational technology/systems; training in using portable pilot units (PPUs); passage planning; manned model training; risk assessment and mitigation; cultural communications; the role of the Port and Harbour Marine Safety Code (PHMSC); and other topics offered by training establishments in New Zealand or elsewhere, which are not necessarily specific to a particular pilotage area. These courses may form part of an approved structured training programme and be recognised by the Director for that purpose. Any general course of pilot

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<sup>2</sup> Recommendation on Training and Certification and on Operational Procedures for Maritime Pilots other than Deep-sea Pilots, IMO Resolution A.960(23), adopted December 2003.

training that is not port-specific, whether offered in New Zealand or elsewhere, such as in Australia, would fall into this category.

It is the responsibility of the candidate to keep a log of all tasks completed as part of their training. However, it is also expected that as part of the harbour safety management system (SMS) for the respective port or harbour under the New Zealand Port and Harbour Marine Safety Code, comprehensive pilot training records will be kept and systems for monitoring performance will be established and maintained by the pilotage provider.

#### **2.6.5 Rule 90.107: Requirements for proficiency plans for pilots**

Where a provider of pilotage services is also engaged in training pilots, which is the case nearly everywhere in New Zealand, the structured training programme and proficiency plan may be combined and be subject to a single approval by the Director.

The proficiency plan should also describe the process to be followed to assess the proficiency and competence of a pilot after an absence from pilotage duties and ensure they meet the required standards prior to recommencing duties. The extent of further supervised pilotage required will depend on the duration of and reasons for the absence, such as extended leave or ill health. The intent of the rule is that Maritime NZ should not need to be consulted on individual cases – it will approve the process by approving the proficiency plan and so maintain a national overview.

#### **2.6.6 Rule 90.108: Conduct of assessments for pilots**

It is recognised that not all pilots will wish or be able to advance through the grades and may not receive ongoing training for that purpose. However, the level of skill of all licensed pilots must be maintained and ongoing development should be encouraged. Rule 90.45(1)(c) requires that each licence holder undergoes an annual assessment of their pilotage skills and conduct by peers or superiors. The annual assessment should be conducted by a pilot holding a licence at least one grade higher than the pilot being assessed or by the highest grade of pilot for that pilotage area.

#### **2.6.7 Rule 90.109: Requirements for structured training programmes for PECs**

It is envisaged that most harbourmasters will have a standardised PEC training programme for their applicable pilotage area, in conjunction with the pilotage provider, for approval by the Director. The programme will outline the basic training requirements, assessments and examination processes for a trainee with no previous experience as a PEC holder for that pilotage area. However, it is expected that most ship operators will also put in place their own training to meet these requirements, particularly with operators of larger coastal ships or large fleets.

In many areas, harbourmasters and/or port companies publish a compendium of information for PEC holders, covering much of the local knowledge a candidate needs to know – for example, preferred passages, aids to navigation, communications and local bylaws. This type of publication would complement the harbourmaster's and ship operator's training programmes.

The training programme should include knowledge of the pilotage area and the conditions under which the PEC holder can navigate without a pilot. The PEC training will focus on local knowledge and procedures, as the competence of the trainee in respect of the ship is part of the ship safety management system under ISM, MOSS or other rules. In practice, training and ongoing maintenance of the proficiency of PEC holders should be an integral part of that safety management system. The training tasks should be sufficient for the trainee to demonstrate proficiency in conducting the ship in the pilotage area within the range of any conditions specified on the PEC.

It is difficult to specify a minimum number of tasks to be completed or minimum training time, given the diversity of pilotage areas and the range of types and sizes of ships for

which PECs may be sought. The training programme should reflect the particular risks associated with the pilotage area, as determined in the harbour risk assessment prepared according to the New Zealand Port and Harbour Marine Safety Code, and any changes that may occur over time.

Before presenting for assessment and examination, the candidate for a PEC should have completed a sufficient number of passages in the pilotage area under supervision of a PEC holder or with a pilot over a suitable period and over the range of conditions likely to be encountered. Experience of exercising a PEC in another pilotage area may be recognised, but the focus of the PEC is to ensure that a holder has sufficient knowledge and skills to deal with local conditions, rather than just general seafaring skills.

Where the trainee has had previous relevant experience in navigating a ship in the pilotage area in question, then that experience may be taken into account in determining the number and nature of tasks to be completed, or the scope of knowledge to be tested by examination. The 'standard' training programme shall specify the processes for recognising and assessing such previous experience and modifying the basic training requirements as appropriate.

Any modified training programme will require a separate approval from the Director, who will assess each case on its merits. Every candidate must be able to demonstrate that they have the requisite skills, proficiency and knowledge to carry out the tasks the PEC entitles them to perform.

#### **Assessment of progress during training**

The training programme should describe the assessment process for trainees as they progress and the measures in place to ensure that all assessments are fair and objective. These should: include assessment procedures; identify who may carry out those assessments (in line with requirements in Rule 90.111); and outline the process to be followed if the trainee does not meet the required standard. The conduct of assessments should be standardised as far as possible, to ensure consistency and fairness. It is highly desirable that people carrying out assessments should have some basic training in assessment techniques.

Within each pilotage area, assessment and examination processes and standards should be consistent across all operators, but commensurate with the size and type of ship and associated risks. This consistency will be achieved through the harbourmaster's involvement in preparing training programmes and the approval of the Director.

### **2.6.8 Rule 90.110: Requirements for proficiency plans for PEC holders**

Proficiency plans should outline processes for maintaining and demonstrating the proficiency and competence of PEC holders. Generally, there will be a standard proficiency plan for PEC holders for each pilotage area, specifying minimum recent experience and annual assessment requirements, although operators may develop their own plans for achieving this.

The proficiency plan should also describe the process to be followed to assess the proficiency and competence of a PEC holder after an absence from PEC duties and to ensure they meet the required standards prior to recommencing duties. The extent of supervised passages required will depend on the duration of and reasons for the absence, such as extended leave or ill health. The intent of the rule is that Maritime NZ should not need to be consulted on individual cases – it will approve the process by approving the proficiency plan and maintain a national overview.

### 2.6.9 Rule 90.111: Conduct of assessments for PEC holders

Rule 90.66 requires that each PEC holder undergoes an annual assessment for each pilotage area endorsed on that PEC. The assessment must be carried out by a licensed pilot. Alternatively, ship operators may develop their own proficiency plans for approval by the Director, which allow peers or superiors to conduct these assessments.

It is expected that for larger companies employing a number of experienced PEC holders, such as Cook Strait ferry operators, the proficiency plan will nominate a pool of 'check masters' with specialised training, in the same way that airlines have 'check captains'.

It is the responsibility of the candidate to keep a log of all the tasks completed as part of their training. However, it is also expected that comprehensive training records will be kept and systems for monitoring the performance of PEC holders will be established and maintained by the ship operator, according to their obligations under the ISM Code or New Zealand's MOSS system for the ship or ships in question.

It is also expected that processes for maintaining the proficiency of PEC holders and keeping their skills and knowledge up to date will be included in the ship operators' ISM or MOSS systems.

Rule 90.111(1)(b)(iii) also allows the Director some flexibility to approve other suitably qualified persons to conduct assessments of PEC holders. This provision is generally aimed at smaller vessels where it might be appropriate for the harbourmaster to conduct the assessment.

### 2.6.10 Rule 90.112: Conduct of examinations for issue of pilot licence

The Director's power of examination, under section 48 of the MTA, has been delegated to harbourmasters. Delegations are given under section 44 of the MTA and are specific to a pilotage area.

The examination for a pilot licence should comprise the following components:

#### Practical assessment

Before presenting for the written and oral examination, the trainee pilot shall have undertaken a final assessment or assessments to confirm that the required level of proficiency has been reached. The assessment(s) should be undertaken by a senior pilot (in both experience and grading). In circumstances where the assessing pilot cannot be completely independent of the candidate's training, then a senior experienced pilot currently licensed for another pilotage area should also be part of the assessment.

#### Written examination

Written examinations for a new pilot licence should include, as a minimum, completion of a blank chart of the pilotage area. A marking scheme should be prepared that clearly identifies what chart information is to be completed. The scheme should also identify which information is considered critical to navigation in the pilotage area, and must be completed correctly to ensure a pass.

The blank chart may be supplemented by written questions. Typically, written questions would test knowledge of matters such as applicable rules, local bylaws, operating requirements and seamanship. As for the blank chart, a marking scheme should be prepared that establishes the pass criteria and where marker's discretion may be applied.

#### Oral examination

All oral examinations should be conducted by a panel, as specified below.

It is recommended that a structured approach be adopted for oral examinations, with a menu of topics to be covered. Guidance should be provided to panel members on the expected standards to be achieved, to ensure an appropriate level of objectivity.

Where the panel concludes that the required standard has not been met by the candidate, the panel should identify the areas for improvement and may suggest further training tasks or learning to be completed before re-examination. Rule 35.6(8) specifies a minimum period before a candidate who has failed an examination may re-sit. The candidate may also be required to complete further study and/or training before attempting the examination again.

Depending on the outcome of the examinations, the panel may also recommend to the Director that a licence be issued subject to conditions or restrictions (Rule 90.42(4)). For example, the exercise of the licence may be limited to daylight hours. It is not intended that this mechanism should be used to create new grades of pilotage. Such conditions or restrictions will apply only to that licence holder and be subject to the Director's approval.

### Panels for examinations for pilot licences

Rule 90.112 requires that panels for oral examinations for pilots comprise three people as a minimum. Panel members should be selected to cover the roles below, but there may be some interchangeability of people in these roles.

Role of panel member	Function
Examination convenor	<ul style="list-style-type: none"> <li>• Convenes and chairs examination panel.</li> <li>• Verifies submitted evidence that training and assessments have been completed to the required standard.</li> <li>• Sets and marks written examinations and verifies results.</li> <li>• Adjudicates the panel's deliberations and advises the Director of the outcome of the examination and the panel's recommendation.</li> <li>• Should hold a delegation from the Director to conduct examinations for that pilotage area, and will usually be the harbourmaster to whom this power has been delegated.</li> </ul>
Harbourmaster (where not also examination convenor)	Tests knowledge of local regulations and bylaws, harbour operating requirements and safety issues, as the designated person within the regional council responsible for the functioning of the harbour safety management system in accordance with the New Zealand Port and Harbour Marine Safety Code.
Senior pilot holding highest grade of licence for the area	Tests knowledge of general and local pilotage practices, local conditions and responses to unexpected situations.
Licensed pilot or holder of a PEC for the area, handling ships comparable to that for which the licence is sought	As for senior pilot above, but also provides independence where the senior pilot or the harbourmaster may have been directly involved in the training. If other panel members can provide sufficient local pilotage knowledge, a suitably experienced person holding a pilot licence for another pilotage area can fill this role.

### Examinations for a higher grade of pilot's licence

For a currently licensed pilot seeking a higher grade of licence for the same pilotage area, the candidate must, as a minimum, complete the practical assessment and an oral examination conducted by a panel, in accordance with Rule 90.112(4)(b).

#### 2.6.11 Rule 90.113: Conduct of examinations for issue of PEC

The conduct of examinations for PECs should follow the same structure of practical assessment and written and oral examination as for pilot licences.

The panel for a PEC examination should comprise two people as a minimum. Panel members should be selected to cover the roles below, but there may be some interchangeability of people in these roles.

Role of panel member	Function
Examination convenor	<ul style="list-style-type: none"> <li>• Convenes and chairs examination panel.</li> <li>• Verifies submitted evidence that training and assessments have been completed to the required standard.</li> <li>• Sets and marks written examinations and verifies results.</li> <li>• Adjudicates the panel's deliberations and advises the Director of the outcome of the examination and the panel's recommendation.</li> <li>• Should hold a delegation from the Director to conduct examinations for that pilotage area, and will usually be the harbourmaster, to whom this power has been delegated.</li> </ul>
Harbourmaster (where not also examination convenor)	Tests knowledge of local regulations and bylaws, harbour operating requirements and safety issues, as the designated person within the regional council responsible for the functioning of the harbour safety management system in accordance with the NZ Port & Harbour Marine Safety Code.
Licensed pilot for the area, handling ships at least comparable to that for which the PEC is sought	Tests knowledge of general and local navigation practices, local conditions and responses to unexpected situations. Where possible, this should not be the same person who has undertaken assessment trips with the candidate to verify their competence.

The examination for the purposes of obtaining an endorsement of an existing PEC for a new pilotage area should follow the same structure.

Where an endorsement is being sought for a different ship for an area or areas for which a PEC is already held, generally only a practical assessment will be required, to be completed to the satisfaction of the harbourmaster. The applicant must provide evidence to the Director that the PEC holder has completed the necessary familiarisation training on that ship, before the PEC can be endorsed.

#### 2.6.12 Rule 90.114: Examiners and assessors

Rules 90.111 to 90.113 specify minimum qualifications and experience for people carrying out assessments and examinations. These requirements are to ensure that suitable expertise is always applied to the conduct of assessments and examinations, and to ensure the process is objective and fair.

It is recognised that, in some circumstances, appropriately qualified people may not be available. For example, where new pilotage areas have been established, there may be no pilots licensed under Part 90 to conduct training, assessments and examinations. Rule 90.114 allows the Director to approve other people with relevant knowledge and experience to perform those functions, to draw on the best available local knowledge and expertise.

#### 2.6.13 Rule 90.115: Continuing professional education for pilots

Part 90 promotes CPE for pilots, to ensure they keep abreast of changes in technology, legislation and shipping practice.

The CPE programme should be included as part of a pilotage provider's approved proficiency plan. In addition to the requirements for annual assessments, any person seeking to renew a pilot licence must demonstrate that they have completed a programme

of CPE in the preceding five-year period (Rule 90.49(c)). Where a pilot is undergoing training to attain a higher grade of licence, the CPE requirements may be incorporated as part of that training, rather than being additional to it, as long as the CPE criteria have been met.

CPE programmes may include stand-alone training courses, including theoretical and practical courses in topics such as: BRM; simulator training; human factors; use of navigational technology/systems; training in using PPUs; passage planning; manned model training; risk assessment and mitigation; cultural communications; the role of the Port and Harbour Marine Safety Code (PHMSC); and other topics, offered by training establishments in New Zealand or overseas. These may be general in nature and not necessarily specific to a particular pilotage area. Such courses may be accepted by Maritime NZ as fulfilling components of an approved structured training programme. Any general course of pilot training that is not port-specific would fall into this category.

Port operators are using bridge simulators more frequently in their business planning – for example, in evaluating options for new berth configurations or planning for larger ships. The primary focus of simulator training carried out as part of CPE should be on pilotage technique, BRM, training in navigational technology/systems and exercising emergency scenarios and contingency plans, rather than exercises with a predominantly commercial focus.

Where a pilotage provider is providing only pilotage services and not training, the responsibility for CPE and refresher training still falls on the provider through the requirement to have an approved proficiency plan under Rule 90.22(b).

## General Enquiries

If you have a general enquiry please contact our Wellington office on:

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- Phone: +64 4 473 0111
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All of Maritime NZ's current rules and advisory circulars can be found on our website:

[www.maritimenz.govt.nz/rules](http://www.maritimenz.govt.nz/rules)

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