



## **NZ MERCHANT SERVICE GUILD IUOW Inc**

### **INVITATION TO COMMENT – PART 90 MARITIME RULES: PILOTAGE**

26/7/09

---

#### **1. 'Changes to previous draft amendment'**

*"The main thrust of the changes is to provide greater clarity and national consistency..."*

The statement is misleading. The "main thrust" of the changes appears to be to facilitate cost savings for port companies and shipowners. We note MNZ's statements that it has held a workshop and 'had discussions' (neither of which the Merchant Service Guild was asked to participate in). For this reason we believe it highly likely that outcomes have been predetermined by Maritime New Zealand, and therefore the current 'consultation' is not meaningful.

The worldwide shortage of maritime officers, which is arguably a strong driver of these proposed changes, has had a dramatic impact on pilots' salary levels. It should be noted that the shortage is a result of decades of neglect of training and recruitment by shipowners, falling wage rates, the effects of undermanning, and criminalisation of the job. Training and planning for the needs of the industry is the responsibility of employers, and the solution to the problems associated with this is not a 'knee-jerk' lowering of standards.

#### **2. 'Objectives'**

- *"To set minimum national standards..."*

Between "set" and "minimum" add: "lower"

- *"To recognise and support industry best practice"*

Please define industry best practice in relation to the exercise of pilotage exemption certificates.

- There is no reference to any wish to uphold or exceed international maritime standards or recommendations.

- *"To ensure the provision of pilotage services is sustainable..."*

Maritime New Zealand appears to be taking on the role of service provider, perhaps under a wide interpretation of its statutory "reasonable cost" objectives. Sustainability of services is not Maritime New Zealand's direct responsibility but the responsibility of the service providers. Notwithstanding that the word 'safety' was removed from Maritime New Zealand's title, setting safety standards and enforcing those, should be Maritime New Zealand's sole focus.

### **3. Bunker Barges**

We interpret this proposal, along with Maritime New Zealand's intent stated in the accompanying documents, as a reduction in current standards aimed at facilitating cost savings for Ports of Auckland, and not driven by any safety imperatives.

### **4. Qualifications**

Replace "*broadening the prerequisite qualifications*" with "**introducing reduced prerequisite qualifications**".

### **5. Privileges, conditions and currency requirements**

- 1<sup>st</sup> mate to conduct pilotage without direct supervision of master

The "*stated aim*" is "*to ease the workload of the master*".

We think the "stated" aim is not the true aim of this proposal. Again, the statement is misleading and disingenuous. We think the true aim of the proposal is to belatedly rectify ongoing, sustained breaches of Part 90 and arguably minimum safe crewing principles, hitherto endorsed by Maritime New Zealand.

Easing the workload of the master requires adequate manning. Once again we interpret the proposal as facilitating cost cutting by shipowners, rather than setting of safety standards based on any meaningful risk assessment.

#### **Additional quotes from members:**

*"How can the master be responsible for reporting when he is asleep while the Mate is doing the pilotage? In one company each is on watch doing the pilotages for 12 h/d. Does the mate have to wake up the Master for the reporting of defects?"*

*"This question also gives rise to a lot of other circumstances when the Mate as Officer of the Watch (OOW) should be calling the Master: poor visibility, close quarter situations etc. and in any case of doubt in general. The Master will not*

*get enough rest when called out during his sleep when he already is doing his own 12 hr of watch per day. This can quickly become a serious fatigue/safety problem on the Cook Str ferries that operate 24/7”.*

*“Does MNZ still see the Mate using his PEC as a Master? (as in the Birchall case).”*

*“According our Company SMS the piloting Mate does not take command, just the con, so in fact is just a OOW. On the Cook Str service one Master cannot fullfill his responsibilities 24 hr/d.”*

*“I propose there be 2 Masters relieving each other, and PEC's should only be issued to Masters.”*

## **6. Uniformity of application of recent experience and annual assessments**

We agree that it is practicable for the new rules to apply to existing licence and PEC holders notwithstanding that this may cause individual cases of inconvenience and additional cost to employers. However some members have pointed out the potential difficulties of meeting the recent experience requirements if there has been limited opportunity to exercise their PEC while employed as 2<sup>nd</sup> or 3<sup>rd</sup> mate. A suggestion is that each transit should be counted (or proportionally counted) as ‘recent experience’ if the PEC holder is part of the bridge team for such transit, regardless of whether he/she has the con of the vessel. BRM principles may support of recognising in some way this concept of a ‘team’ execution of the pilotage.

## **7. Pilotage of super yachts**

Availability of pilots, (i.e. staffing numbers), in a given area is more properly the concern of the pilotage providers and not Maritime New Zealand. Super yachts should be subject to the same rules as other vessels.

## **8. New pilotage areas**

We agree that Akaroa Harbour, with its marine reserve and aquaculture should be a pilotage area.

## **9. Impact of the proposals**

What potential cost savings for pilotage providers arise from the proposals?