



Transport
for NSW

NSW Marine Pilotage Code

Volume One

General

Contents

Preliminary.....	4
NSW Marine Pilotage Code – Volume One General	5
Part 1. Preamble	5
A. Title.....	5
B. Scope	5
C. Objectives	5
D. Application	5
E. Development of this Code.....	5
F. Review and Amendment of this Code	6
G. Commencement of this Code.....	6
Part 2. Definitions	6
Part 3. Licences and Certificates	8
Part 4. Port Authority Responsibilities	8
A. Risk Management.....	8
B. Fatigue Management	8
C. Drug and Alcohol	8
Part 5. Appeals.....	9
Part 6. Marine Pilot Professional Conduct Standards	9
Part 7. Variations.....	9
Part 8. Reporting	9
Schedule 1 – Marine Pilot’s Licence.....	10
(1) Preliminary.....	10
(2) Eligibility.....	10
2.1 Requirements and Conditions of the Regulation	10
2.2 Specialised Knowledge, Skill and Competencies	11
(3) Initial Training and Assessment.....	11
3.1 General.....	11
3.2 Initial Training in Specialised Knowledge	12
3.3 Assessment	13
(4) Maintenance of Standards	14
4.1 Continuation Training.....	14
4.2 Maintenance of Local Knowledge.....	15
4.3 Check Pilots and Mentors	15
(5) Restrictions	15
(6) Records	15
(7) Maintaining a Certificate of Competency.....	16
Schedule 2 – Marine Pilotage Exemption Certificate.....	17
(1) Preliminary.....	17
(2) Eligibility.....	17
2.1 Requirements and Conditions of the Regulation.....	17
2.1 Specialised Knowledge	18
(3) Initial Training and Assessment.....	18
3.1 Initial Training.....	18
3.2 Assessment	19
(4) Maintenance of Standards	19
4.1 Triggered Training and Assessment.....	19
4.2 Performance Checks.....	20
4.3 Maintenance of Local Knowledge.....	20

	4.4 Risk Event Reporting.....	20
(5)	Restrictions	20
(6)	Records	21
Schedule 3 – Certificate of Local Knowledge		22
(1)	Preliminary	22
(2)	Eligibility	22
	2.1 Requirements and Conditions of the Regulation.....	22
	2.2 Local Knowledge.....	23
(3)	Training and Assessment.....	23
	3.1 General	23
	3.2 Renewal	23
(4)	Restrictions	24
(5)	Records	24
Schedule 4 – Marine Pilot Professional Conduct Standards		25
(1)	General	25
(2)	Administrative	25
(3)	Operational	25
(4)	Pilot Vessel	26

Preliminary

Standard for Health Assessment of Marine Pilots (NSW)

NSW Marine Pilotage Code Volume Two

Part 1. Preliminary

Part 2. Requirements and Conditions of the Regulation

Part 3. Types and Frequency of Assessment

Part 4. Maintaining Alternative Health Certificates

NSW Marine Pilotage Code – Volume One General

Part 1. Preamble

A. Title

101 This is the Marine Pilotage Code (this Code).

B. Scope

102 This Code demonstrates how the Regulator and the Port Authority within the state of New South Wales should comply with requirements for marine pilot's licences and pilotage, marine pilotage exemption certificates and certificates of local knowledge imposed by the *Marine Safety Act 1998* (the Act) and the *Marine Safety (General) Regulation 2009* (the Regulation).

103 This Code is subordinate to, and is to be read in conjunction with, the Act and Regulation as amended from time to time. In the event of any inconsistency between this Code and the Act and Regulation, the requirements of the Act and Regulation take precedence.

C. Objectives

104 The objectives of this Code are to provide the Regulator, Port Authority, marine pilot's licence applicants and holders, marine pilot exemption certificate applicants and holders, and certificate of local knowledge applicants and holders, with details of:

- a. the requirements to be met in order to obtain or renew a marine pilot's licence;
- b. the requirements to be met in order to obtain or renew a marine pilot exemption certificate;
- c. the requirements to be met in order to obtain or renew a certificate of local knowledge;
- d. the *Standard for Health Assessment of Marine Pilots (NSW)*; and
- e. the Conduct Standards for marine pilots in NSW.

D. Application

105 This Code applies to marine pilots, pilot exempt masters and holders of certificates of local knowledge in the NSW pilotage areas of Yamba, Newcastle, Sydney Harbour, Botany Bay, Port Kembla and Eden, and any other area that may be declared as a pilotage area under Section 71 of the *Marine Safety Act 1998* and associated Regulations.

E. Development of this Code

106 This Code has been updated (2015) by a Transport for NSW Marine Pilotage Working Group chaired by TfNSW and consisting of Harbour Masters and their representatives from the pilotage ports of NSW, marine pilot representatives from the pilotage ports of NSW and representatives from the Australian Maritime Officers Union. Full details of participants at the working group can be obtained from the Regulator.

107 Preparation of this Code was assisted by material obtained from the preceding *NSW Training Code for Marine Pilots & Exempt Masters, Guidelines for Marine Pilotage Standards in Australia Edition 2 November 2008, NSW Marine Pilotage Licensing*

Regulations, the International Maritime Organisation *Resolution A.960* and other relevant legislation.

F. Review and Amendment of this Code

108 Unless there is a need to do so earlier, a review of this Code will be carried out every five years by a panel from all the parties named in Clause E of this Part, and others as agreed by those parties. The need to carry out a review can be recommended to the Regulator by any of the parties named in Clause E of this Part.

109. If a review has deemed it necessary this Code will be amended.

G. Commencement of this Code

110. This version of this Code commenced on 23 October 2015.

Part 2. Definitions

201 In this Code the words and terms have the same meaning as in the Act or Regulation unless indicated otherwise:

Act means the *Marine Safety Act 1998*;

AMSA means the Australian Maritime Safety Authority;

Applicant means the person who is applying to the Minister for a marine pilot's licence; or the person who is seeking to obtain a marine pilotage exemption certificate or certificate of local knowledge;

Australian Standard AS/NZS ISO 31000:2009 means the Australian Standard ISO 31000:2009 - Risk Management – Principles and Guidelines;

Authorised Health Professional means a person who has been appointed and authorised by the Minister under the Regulation to assess the health of marine pilots;

Certificate Holder means the holder of a marine pilotage exemption certificate or certificate of local knowledge;

Certificate of Competency means a certificate of competency as a Master issued under the *International Convention on Standards for Training, Certification and Watchkeeping of Seafarers (STCW)*, as amended from time to time;

Certificate of Recognition means a certificate issued by AMSA recognising a certificate of competency issued by a Flag State as being equivalent to an Australian certificate of competency;

Certificate of Local Knowledge means the certificate of local knowledge issued under the Act to a master of an identified class or classes of vessel which provides exemption from the requirement to take a marine pilot in the pilotage area to which the certificate applies;

Check Pilot means a marine pilot in the relevant pilotage port who by successfully completing a suitable training program is appointed as a check pilot in the relevant pilotage port by the Port Authority;

Coastal Pilotage Licence means a coastal pilotage qualification issued by AMSA;

IMO Resolution A.960 means the resolution adopted on 5 December 2003 providing recommendations on training and certification and on operational procedures for marine pilots other than deep sea pilots;

Marine Pilot means a person employed who has the conduct of a vessel but who does not belong to the vessel;

Marine Pilotage Exemption Certificate means the marine pilotage exemption certificate issued under the Act to the master of an identified vessel which provides exemption from the requirement to take a marine pilot in the pilotage area to which the certificate applies;

Marine Pilot's Licence means a valid marine pilot's licence issued by the Minister or the Minister's delegated authority;

Minister means the Minister administering the Act;

Owner in relation to a vessel includes its manager or operator;

Pilotage Area means the waterways within the port limits of any NSW pilotage port or pilotage designated area;

Pilotage Port means (subject to subsection (2)) any of the following ports:

- (a) Sydney Harbour,
- (b) Botany Bay,
- (c) Newcastle,
- (d) Port Kembla,
- (e) Yamba,
- (f) Eden.

Subsection 2: The regulations may provide that any other port is a pilotage port for the purposes of this Part or that a port is no longer such a port. (Marine Safety Act 1998).

Pilotage Passage means the passage by a vessel under the conduct of a marine pilot into, out of, or within a pilotage port or pilotage area;

Pilot Exempt Master means the person employed as the master of a vessel who holds a valid marine pilotage exemption certificate;

Pilot in Training means a person who has been employed by a Port Authority undergoing training to be a marine pilot;

Port Authority means the Newcastle Port Corporation trading as Port Authority of New South Wales acting as the Pilotage Service Provider, or any NSW Government entity which replaces Port Authority of New South Wales. Where the Pilotage Service Provider as defined in section 71 of the Act is an entity other than the Port Authority then the Pilotage Service Provider must comply with all relevant sections of this Code as contracted or agreed with the Port Authority;

Regulation means the *Marine Safety (General) Regulation 2009*;

Regulator means Transport for NSW or other authority as delegated by the Minister;

Safety Management System means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures. An SMS is scalable; therefore it is tailored to the size and complexity of the organization.

Schedule means a Schedule of the Marine Pilotage Code.

Ships Simulator means a full mission bridge ship simulator.

Standard for Health Assessment of Marine Pilots (NSW) means the document entitled *Standard for Health Assessment of Marine Pilots (NSW)*, as amended from time to time, published by the Regulator, incorporated into Volume Two of this Code;

Unlimited Marine Pilot means a licensed marine pilot who is qualified to pilot all vessels in the pilotage port to which the licence applies.

Website means the website with the URL of www.freight.transort.nsw.gov.au or any other website that is authorised to publish this code.

Part 3. Licences and Certificates

- 301 Under the Act and Regulation, a marine pilot's licence, marine pilotage exemption certificate and certificate of local knowledge are marine safety licences and are covered by the general requirements for marine safety licences as set out in the Act and Regulation. These requirements include application, renewal, reinstatement, refusal to issue, suspension, cancellation, loss and appeal processes.
- 302 The applicant for a marine pilot's licence must meet the requirements in the Act, the Regulation, Schedule 1 (Marine Pilot's Licence) of Volume One and Volume Two (Standard for Health Assessment of Marine Pilots (NSW)) of this Code.
- 303 The applicant for a marine pilotage exemption certificate must meet the requirements in the Act, the Regulation, and Schedule 2 (Marine Pilot Exemption Certificate) of Volume One of this Code.
- 304 The applicant for a certificate of local knowledge must meet the requirements in the Act, the Regulation, and Schedule 3 (Certificate of Local Knowledge) of Volume One of this Code.

Part 4. Port Authority Responsibilities

A. Risk Management

- 401 The Port Authority must ensure that a documented safety management system is in place.
- 402 The primary objective of the Port Authority is to manage the risk to life, vessels, port infrastructure and the environment within the pilotage port or pilotage area during pilotage. A port's safety management system must address all significant risks identified in a manner consistent with the Australian Standard AS/NZS 31000:2009.
- 403 Investigations of both incidents and risk events are to be used to identify the causes of these events and the resulting information is to be used to regularly reassess risks and the effectiveness of controls.

B. Fatigue Management

- 404 The Port Authority is to promulgate and manage a fatigue management system for marine pilots.
- 405 The fatigue management system must identify significant risks that have arisen or may arise and specify the controls to be employed to manage the risks. The system is to include quantitative modelling.
- 406 The Regulator may issue guidelines with respect to policy objectives and safety initiatives to be adopted by the Port Authority in fatigue management systems.

C. Drug and Alcohol

- 407 The Port Authority is to promulgate and manage a drug and alcohol program for marine pilots.
- 408 Without limiting Clause 408 the program is to include provisions for or with respect to:
- a. protocols for fair procedures; and
 - b. education and assistance of marine pilots.

409 Nothing in this Code or the Regulations derogates from the operation of Part 3 and Schedule 1 of the Act.

Part 5. Appeals

501 The Port Authority must inform pilots, pilot exempt masters and holders of certificates of local knowledge:

- a. of the consequences of failure to comply with the relevant standards; and
- b. that an appeals process is available through the NSW Civil & Administrative Tribunal (NCAT) should a licence or certificate be suspended or cancelled.

Part 6. Marine Pilot Professional Conduct Standards

601 The Conduct Standards for marine pilots is at Schedule 4 of Volume One of this Code.

Part 7. Variations

701 The requirements of this Code and its schedules may be varied by the Regulator, on receipt of an application to do so by the Port Authority. The application for variation should be to meet the special requirements of the Port Authority or the circumstances of an individual employed by the Port Authority. The application is to include a statement that the proposed variation meets an individual port's requirement.

Part 8. Reporting

801 The Port Authority shall report to the Regulator annually by 15 January any non-conformance with any part of this Code during the preceding year ending 31 December and also the type and frequency of periodic and additional pilotage training as described in Sections 4.1.1 and 4.1.2 of this Code.

Schedule 1 – Marine Pilot’s Licence

(1) Preliminary

- (1) This Schedule outlines how compliance with the requirements and conditions of the Regulation are achieved in regard to marine pilot’s licences. It refers to eligibility, training, assessment, maintenance of standards and record keeping. The requirements for complying with the Regulation for medical assessment of marine pilots are referred to in Volume Two of this Code.
- (2) This Schedule applies to a pilot in training and a marine pilot operating in any NSW pilotage port or pilotage area. A pilot in training is to complete the requirements consistent with this Schedule before becoming eligible to apply for a marine pilot’s licence to be issued by the Port Authority. A licenced marine pilot is to complete the requirements consistent with this Schedule in order to retain a marine pilot’s licence.
- (3) The application and issue of a marine pilot’s licence in this Schedule refers to the issue of an initial licence in the pilotage port for which the licence is valid. In all circumstances prior to the issue of such a licence there will be a period of familiarisation training and assessment needed before the future holder of the licence will be able to commence marine pilot duties within the pilotage port to which that licence applies. The elements that constitute the familiarisation training and assessment and the length of this period will depend on the individual and are to be determined and documented by the Port Authority in consultation with its check pilots and Harbour Master.
- (4) A licensed marine pilot must undertake all additional periodic, triggered and re-familiarisation training specified in this Schedule.

(2) Eligibility

2.1 Requirements and Conditions of the Regulation

- (1) The Regulation requires that a marine pilot’s licence is not to be issued unless the applicant for the licence:
 - (a) meets the health requirements set out in this Code; and
 - (b) holds a relevant qualification; and
 - (c) provides evidence that the applicant is competent to carry out unsupervised duties as a marine pilot in the relevant pilotage port in accordance with this Code.
- (2) For the purposes of this clause a relevant qualification is:
 - (a) a certificate of competency issued under Marine Order 70 (seagoing qualifications) and Marine Order 71 (Masters and Deck Officers), made pursuant to the Navigation Act 2012 of the Commonwealth, as master for the gross tonnage of vessel to be piloted; or
 - (b) a certificate of recognition issued under Marine Order 70, (Seagoing qualifications) made pursuant to the Navigation Act 2012 of the Commonwealth, in relation to an international qualification equivalent to a certificate referred to in paragraph (a); or
 - (c) the equivalent of a marine pilot’s licence issued in another Australian jurisdiction (other than a coastal pilot licence issued by the Commonwealth) and at least one year’s experience piloting all vessels

- in the port to which that licence relates (but only if the vessels are of similar tonnage to those to which the application relates); or
- (d) a demonstrated level of competency that is, in the opinion of the Minister, equivalent to a qualification referred to in paragraph (a), (b) or (c).
- (3) It is a condition of each marine pilot's licence that the holder of the licence:
- (a) satisfactorily complete any training as required under this Code; and
 - (b) undergo any health assessment as required under this Code
- (4) It is a condition of each marine pilot's licence that the holder of the licence must not act as a marine pilot if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to act as a marine pilot as authorised by the licence.
- (5) It is a condition of each marine pilot's licence that the holder of the licence maintains the records required to be maintained by this Code.

2.2 Specialised Knowledge, Skill and Competencies

- (1) A marine pilot must possess ship-handling and manoeuvring skills and competencies. The minimum standard of these skills and competencies are to be determined by the Port Authority and are to be appropriate for the pilotage port to which that licence relates and type and size of vessel being piloted. These skills and competencies may be acquired through a combination of factors including but not limited to:
- (a) experience;
 - (b) on-the-job training by licenced marine pilots;
 - (c) manned model training; and
 - (d) simulator training.
- (2) The required elements for training and assessment, and length of training, are to be determined by the Port Authority in accordance with this Code and by the management of risk through the Port Authority's Safety Management Systems.

(3) Initial Training and Assessment

3.1 General

- (1) Training of marine pilots is the responsibility of the Port Authority.
- (2) Pursuant to IMO Resolution A.960(23) ***Recommendations on training and certification and operational procedures for maritime pilots other than deep-sea pilots***, the Port Authority should satisfy itself that all marine pilots under its jurisdiction continue to:
- (a) possess recent navigational knowledge of the local area to which the certificate of licence applies;
 - (b) meet the required medical fitness standards; and
 - (c) possess knowledge of the current international, national and local laws, regulations and other requirements and provisions relevant to the pilotage area and the marine pilots' duties.

3.2 Initial Training in Specialised Knowledge

(1) An applicant for a marine pilot's licence must have completed the following elements of training:

(a) Induction

Complete induction training which includes pilotage in general, shipping operations, the various risks within the pilotage port and the port's emergency response capability.

(b) Marine Pilot Observer / Supervised

Accompany a marine pilot on the bridge for a minimum of 70 pilotage passages:

(i) comprising half inward and half outward passages;

(ii) of which at least one half are to be undertaken during the hours of darkness; and

(iii) as far as practicable, involving all the marine pilots of that pilotage port.

(iv) For the purposes of becoming sufficiently familiar with the pilotage port and in preparation for the issue of a marine pilot's licence and commencement of the training program requirements of the Port Authority.

(v) For the pilotage ports of Eden and Yamba requirements for these passages will be as specified by the relevant Harbour Masters.

(c) Tug Observer

Attend as an observer on the bridge of a tug for a minimum of 10 pilotage passages, (for the ports of Eden and Yamba these requirements will be as specified by the relevant Harbour Masters):

(i) comprising different types and tug positions; and

(ii) at least one half of which are to be undertaken during the hours of darkness.

(d) Bridge Resource Management Training

Complete bridge resource management training incorporating human factors training which:

(i) focuses on skills such as teamwork, communication and resource management in order to heighten awareness of effective management and utilisation of all resources, human and technical, available to the marine pilot; and

(ii) provides the tools with which to manage the variety of ships, competencies, cultures and languages normally encountered in pilotage.

(e) Pilotage in Restricted Visibility Training

Complete pilotage in restricted visibility training on an electronic ship simulator, so that the marine pilot is able to competently pilot a vessel in the pilotage port in restricted visibility.

(f) Ship Handling Training

Complete ship handling training to demonstrate a satisfactory level of ship handling proficiency. Ship handling proficiency includes, but is not limited to, the ability to demonstrate:

- (i) skill and competency in handling ships in all weathers and all states of visibility in the pilotage port for which the licence is valid;
- (ii) theoretical ship handling knowledge including hydrostatics and hydrodynamics;
- (ii) communications skills; and
- (iii) competent use of tugs, lines persons and lines launches.

Ship handling training should take account of a pilot in training's previous experience and should include adequate exposure to on-the-job training with marine pilots.

Ship handling training can be enhanced by the use of manned models and ship simulators.

(g) Local Knowledge Training

Complete training to demonstrate a satisfactory level of local knowledge. Local knowledge is knowledge of the local environment and includes, but is not limited to, knowledge of:

- (i) the pilotage port and pilotage area's physical geography and its effect on the manoeuvring of vessels;
- (ii) local weather conditions and their effect on the manoeuvring of vessels;
- (iv) navigation aids, including vessel traffic services;
- (iv) port customs, protocols and security measures;
- (v) port infrastructure – including depths and high risk areas;
- (vi) capabilities and limitations of tugs, including legal aspects of towage;
- (vii) towing methods and hazards during towage operation; and
- (viii) capabilities and limitations of other port services, including those of personnel.

(2) The Port Authority may apply to the Regulator to replace any element of Clause 3.2 with alternative training. The application must demonstrate to the Regulator that the alternative training results in an applicant achieving an equivalent level of skill and experience to that which would have been attained if the required training had been undertaken.

(3) The Port Authority may apply to the Regulator and request that an applicant not be required to complete an element or elements of the training required by this Clause 3.2 on the basis the applicant already possesses an equivalent level of skill and experience to that which would have been attained if the required training had been undertaken. The application must demonstrate to the Regulator that the applicant has the necessary relevant competencies.

3.3 Assessment

(1) A pilot in training is to be assessed by the Port Authority following completion of initial training and prior to applying for a marine pilot's licence. The assessment is to

comprise a written, oral and practical examination in a manner determined by the Harbour Master on the elements of training specified in paragraph 3.2(1) above.

(4) Maintenance of Standards

4.1 Continuation Training

4.1.1 Periodic Training

Up to date training is an important requirement to maintain and improve the proficiency of a Marine pilots. Therefore, in addition to experiential learning gained from undertaking scheduled acts of pilotage, following the award of a marine pilot's licence a marine pilot is to undertake specific periodic training. This training is to include:

- Shiphandling
- Contingency procedures
- Risk management
- Human Factors
- Training which allows a marine pilot to be updated on the latest pilotage techniques and industry developments.
- Training for non-routine situations and increased workload
- Personal Pilotage Unit (PPU), Instrument Pilotage
- Tug Familiarisation

- (1) These skills may be acquired and maintained through a combination of theoretical and practical training and may include the use of simulators and manned models.
- (2) The type and frequency of the training described in paragraph 4.1.1 shall be determined by the Harbour Master, in consultation with Check Pilots and in accordance with the safety management system, and shall be reported to Regulator by the Port Authority in accordance with Part 8 of this code. The minimum interval for periodic training for contingency/emergency procedures, latest pilotage techniques and risk management should not exceed 3 years.

4.1.2 Additional Training

- (1) The type and frequency of additional training shall be determined by the Port Authority and reported to the Regulator in accordance with Part 8 of this code. Pilots shall be assessed as competent by the Port Authority upon completion of their training.

4.1.3 Triggered Training and Assessment

- (1) A licenced marine pilot must undertake additional training when:
 - (a) required by the Port Authority based on the performance or particular circumstance of the marine pilot; or
 - (b) the marine pilot self refers to the Port Authority; and
 - (c) the Port Authority deems it necessary.
- (2) The performance of all licenced marine pilots is to be checked, in the pilotage area for which the marine pilot is licenced, by a check pilot:
 - (a) every 12 months; or

- (b) when the marine pilot has not during the last preceding 4 months carried out pilotage in the pilotage port to which his or her licence applies; or
 - (c) when the marine pilot self refers to the Port Authority for assessment and it is deemed necessary by the Port Authority; or
 - (d) when deemed necessary by the Port Authority.
- (3) This section does not limit the Port Authority from requiring additional pilotage training or assessments to be carried out as deemed necessary.

4.2 Maintenance of Local Knowledge

- (1) The Port Authority is to have a procedure for keeping marine pilots informed of changes in the local environment that may have an impact on pilotage performance.
- (2) Licenced marine pilots should make every effort to keep themselves fully informed of changes in the local environment that may have an impact on pilotage performance.

4.3 Check Pilots and Mentors

4.3.1 Check Pilots

- (1) A check pilot must be:
 - (a) a marine pilot holding an unlimited licence for 3 years the area in which the check is being conducted;
 - (b) qualified to perform the check pilot role by successfully completing a suitable training program; and
 - (c) formally appointed as a check pilot by the Port Authority.
- (2) The role of the check pilot is to conduct periodic audits of marine pilots during the conduct of pilotage. The purposes of such audits are to ensure:
 - (a) procedures and protocols are followed; and
 - (b) competency levels of marine pilots are being maintained; or
 - (c) a marine pilot is fit to be issued with an upgraded licence.
- (3) A check pilot is to provide a verbal debrief and a written report in an approved format to the marine pilot as soon as practicable following the audit.

(5) Restrictions

- (1) Restrictions on a marine pilots licence may be issued by the Minister.
- (2) Where a restricted licence is held, the licence will be limited for use in accordance with the restrictions recorded on the licence.

(6) Records

- (1) Pilots in training and licenced marine pilots must maintain a record of training and assessment.
- (2) A description of each element of training and assessment undertaken is to be recorded and the details endorsed by the licenced marine pilot, master or other person under whom the training or assessment is undertaken.
- (3) Training undertaken on a tug must be endorsed by the master of the tug.

(4) The results of all assessments are to be recorded by the person undergoing assessment and endorsed by the Harbour Master on behalf of the Port Authority.

(7) Maintaining a Certificate of Competency

(1) The holder of a Certificate of Competency is not required to maintain the validity of that certificate once a marine pilot's licence has been issued.

Schedule 2 – Marine Pilotage Exemption Certificate

(1) Preliminary

- (1) This Schedule outlines how compliance with the requirements and conditions of the Regulation are achieved in regard to marine pilotage exemption certificates. It refers and applies to an applicant for a marine pilotage exemption certificate and a pilot exempt master operating in any NSW pilotage port.
- (2) This Schedule specifies the required elements of training for a marine pilotage exemption certificate. The requirements of this Schedule may be varied by the Regulator or the Port Authority with approval from the Regulator to meet the special requirements of a pilotage port or circumstance.
- (3) The holder of a marine pilotage exemption certificate is required to maintain a valid certificate of competency for the vessel to which the marine pilotage exemption certificate relates.
- (4) The required elements for training and assessment are to be determined by the Port Authority in accordance with this Code and the management of risk through the Port Authority's Safety Management Systems.

(2) Eligibility

2.1 Requirements and Conditions of the Regulation

- (1) The Regulation requires that a marine pilotage exemption certificate is not to be issued unless the applicant for the certificate:
 - (a) holds a certificate of competency that authorises the applicant to be a master of the vessel to which the application relates; and
 - (b) has satisfactorily completed the training required by this Code and passed an examination approved by the Port Authority; and
 - (c) provides evidence, in accordance with this Code, that the applicant is competent to carry out unsupervised movements of the vessel in the pilotage port to which the certificate applies to the satisfaction of the Harbour Master of that pilotage port; and
 - (d) meets the health requirements set out in the certificate of competency in respect of a master for the vessel to which the application relates; and
 - (e) is the master of the vessel to which the certificate relates.
- (2) It is a condition of each marine pilotage exemption certificate that the holder of the certificate:
 - (a) must satisfactorily complete any training as required under this Code whether or not the holder of the certificate has previously undergone similar training; and
 - (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the vessel to which the certificate relates; and
 - (c) must not move a vessel in the pilotage port for which the marine pilot exemption certificate is valid other than the vessel specified in the certificate; and

- (d) must not move a vessel in the pilotage port for which the marine pilot exemption certificate is valid if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to conduct such movements as are authorised by the certificate; and
- (e) must maintain the records required to be maintained by this code; and
- (f) must comply with any direction given by the relevant Harbour Master; and
- (g) must comply with any port procedures published by the relevant Harbour Master, Port Authority or the Minister.

2.1 Specialised Knowledge

- (1) An applicant for a marine pilot exemption certificate must have current knowledge of the local environment that includes, but is not limited to, knowledge of:
 - (a) the pilotage port and the pilotage area for which the application is being made, its physical geography and its effect on the manoeuvring of vessels;
 - (b) local weather conditions and their effect on the manoeuvring of vessels;
 - (c) navigation aids, including vessel traffic services and communications requirements;
 - (d) port customs, protocols and security measures;
 - (e) port infrastructure – including depths and high risk areas;
 - (f) capabilities and limitations of tugs;
 - (g) capabilities and limitations of other port services, including those of personnel; and
 - (h) an understanding of the port vessel booking system.
- (2) Pilot exempt masters must keep themselves fully informed of changes in the local environment that may have an impact on pilotage.

(3) Initial Training and Assessment

3.1 Initial Training

- (1) Training of a pilot exempt master is the responsibility of the certificate holder.
- (2) A pilot exempt master must undertake and complete such training and assessment as may be required by the Port Authority. This training may be limited to specific berths and the transits to/from such berths.
- (3) An applicant for a marine pilotage exemption certificate must have completed the following:
 - (a) Induction

Complete induction training which includes shipping operations, the various risks within the port and the port's emergency response capability.

- (b) Passages
6 passages in and 6 passages out as master, or 4 passages as chief officer on the bridge and 4 passages (in and out) as master, within the previous 6 months in the pilotage port for which the application is being made, with a minimum of one half of these passages undertaken during the hours of darkness. No more than 2 of these passages (in and out) may be undertaken in any 24 hour period. All of these passages must be undertaken in the type of vessel for which the certificate will be valid.
- (c) Supervised pilotage
The applicant must satisfactorily complete all passages under supervision of a licensed marine pilot for the purpose of becoming familiar with the pilotage port and being able to competently pilot and handle a vessel in the pilotage port. The final supervised passage must be under check pilotage conditions and be assessed as satisfactory by the check pilot
- (d) Training Requirement
The applicant must provide evidence of pilotage related training for the pilotage port and ship type which is assessed as satisfactory by the Harbour Master This evidence will include:
 - (i) Copies of certificates noting satisfactory completion of relevant shiphandling, contingency procedure, training for non-routine situations and, where necessary, tug familiarisation training.

3.2 Assessment

- (1) An applicant for a marine pilotage exemption certificate is to be assessed by the Port Authority following completion of any training and prior to the award of a marine pilotage exemption certificate. The assessment is to comprise a written, oral and practical examination. The practical examination will be carried out by a check pilot under check pilotage conditions – see 3.1(c) above. The subject matter for assessment is to be determined by the Port Authority in consultation with the relevant parties named in Clause E of Part I of this Code.

(4) Maintenance of Standards

4.1 Triggered Training and Assessment

- (1) A pilot exempt master must undertake additional training when:
 - (a) required by the Harbour Master or his/her delegate based on the performance or particular circumstance of the pilot exempt master; or
 - (b) the pilot exempt master self refers to the Harbour Master or Port Authority and the Harbour Master deems it necessary.
- (2) The performance of a pilot exempt master is to be assessed, in the pilotage area for which the pilot exempt master is licenced, by a marine pilot when:
 - (a) the exempt master has not completed 6 passages in and 6 passages out as master within the previous 12 months in the pilotage port for which the certificate has been issued and on the vessel for which the certificate has been issued. No more than 2 of these passages (in and out) may be counted in any 24 hour period; or
 - (b) when deemed necessary by the Port Authority or Harbour Master.

- (3) This section does not limit the Port Authority or the Harbour Master from requiring additional pilotage training or assessments to be carried out as deemed necessary.

4.2 Performance Checks

- (1) The performance of every pilot exempt master who holds a valid marine pilotage exemption certificate shall be checked:
 - (a) during a normal pilotage, in the pilotage area for which the pilot exempt master is certificated, by a check pilot holding the qualifications and experience levels described in Schedule 1; and
 - (b) during a discussion on local knowledge with the Harbour Master or his/her delegate;
 - (c) at intervals not exceeding 12 months.

4.3 Maintenance of Local Knowledge

- (1) The Port Authority is to have a procedure for keeping pilot exempt masters informed of changes in the local environment that may have an impact on pilotage.
- (2) Holders of marine pilotage exemption certificates should make every effort to keep themselves fully informed of changes in the local environment that may have an impact on pilotage.
- (3) Holders of marine pilotage exemption certificates must complete a minimum 6 passages in and 6 passages out as master within the previous 12 months in the pilotage port for which the certificate has been issued. No more than 2 of these passages (in and out) may be counted in any 24 hour period. All of these passages must be undertaken in the vessel for which the certificate is valid.

4.4 Risk Event Reporting

- (1) Pilot exempt masters must participate in risk event reporting. The Port Authority must have a mechanism whereby pilot exempt masters can receive summaries of risk event reports and corrective actions to heighten their awareness of common risk situations.

(5) Restrictions

- (1) The Regulation requires that a marine pilotage exemption certificate is not to be issued in respect of the following vessels:
 - (a) a vessel the length of which exceeds 215 metres, unless approved by the Minister or the Port Authority; For the purposes of a tug and tow the length of the vessel is considered to be measured from the stem of the towing vessel to the stern of the tow.
 - (b) a vessel with a single person bridge operation;
 - (c) a vessel that is nuclear powered;
 - (d) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the Port Authority;
 - (e) a vessel or class of vessels that, in the opinion of the Minister or the Port Authority, poses a threat to the safety of life or port property;
 - (f) any vessel determined by the Minister, by notice in writing given to the master or owner of the vessel, as a vessel for which a marine pilotage exemption certificate is not to be issued;

- (g) any class of vessel determined by the Minister, by order published on the NSW legislation website, as a class of vessel for which a marine pilotage exemption certificate is not to be issued.

(6) Records

- (1) Pilot exempt masters must maintain a record of training and assessment.
- (2) A description of each element of training and assessment undertaken is to be recorded and the details endorsed by the licenced marine pilot, master or other person under whom the training or assessment was undertaken.
- (3) Training undertaken on a tug must be endorsed by the master of the tug.
- (4) The results of all assessments are to be recorded by the person undergoing assessment and endorsed by the Port Authority.
- (5) The Port Authority must maintain a record of each occasion an exempt master has exercised the marine pilotage exemption certificate.

Schedule 3 – Certificate of Local Knowledge

(1) Preliminary

- (1) This Schedule outlines how compliance with the requirements and conditions of the Regulation are achieved in regard to certificates of local knowledge. It refers and applies to an applicant for a certificate and a holder of a certificate of local knowledge operating in any NSW pilotage port.
- (2) The requirements of this schedule may be varied by the Regulator, or the Port Authority with approval from the Regulator, to meet special requirements of the port or circumstance.
- (3) The holder of a certificate of local knowledge is required to maintain the certificate of competency for the type of vessel to which the certificate relates.
- (4) The required elements for training and assessment are to be determined by the Port Authority in accordance with this Code and the management of risk through the Port Authority's Safety Management System.

(2) Eligibility

2.1 Requirements and Conditions of the Regulation

- (1) The Regulation requires that a certificate of local knowledge is not to be issued unless the applicant for the certificate:
 - (a) holds a certificate of competency that authorises the applicant to be a master of the type of vessel to which the application relates; and
 - (b) has satisfactorily passed a Certificate of Local Knowledge examination approved by the relevant Harbour Master for the pilotage port; and
 - (c) provides evidence that the applicant is competent to carry out unsupervised movement of the type of vessel in the pilotage port to which the certificate relates to the satisfaction of the Harbour Master of that pilotage port; and
 - (d) meets the health requirements set out in the certificate of competency in respect of a master for the type of vessel to which the application relates.
- (2) It is a condition of each certificate of local knowledge that the holder of the certificate:
 - (a) must satisfactorily complete any training as required under this Code whether or not the holder of the certificate has previously undergone similar training; and
 - (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the type of vessel to which the certificate relates; and
 - (c) must not carry out any unsupervised movements in the pilotage port for which the certificate is valid if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to carry out such movements as are authorised by the certificate; and
 - (d) must maintain the records required to be maintained by this Code; and

- (e) must comply with any direction given by the relevant Harbour Master; and
- (f) must comply with any port procedures published by the relevant Harbour Master, Port Authority or the Minister.

2.2 Local Knowledge

- (1) An applicant for a certificate of local knowledge is to demonstrate current knowledge of the local environment that includes, but is not limited to, knowledge of:
 - (a) the pilotage port and pilotage area for which the application is being made, its physical geography and its effect on the manoeuvring of vessels;
 - (b) local weather conditions and their effect on the manoeuvring of vessels;
 - (c) navigation aids, including vessel traffic services and communications requirements;
 - (d) port customs, protocols and security measures;
 - (e) port infrastructure – including depths and high risk areas.

(3) Training and Assessment

3.1 General

- (1) Training of a holder of a certificate of local knowledge is to ensure competence to carry out unsupervised navigation within a pilotage port and is the responsibility of the certificate holder.
- (2) An applicant for a certificate of local knowledge must undertake initial training as required by the Port Authority.
- (3) A holder of a certificate of local knowledge must undertake periodic or additional training when:
 - (a) required by the Port Authority based on the performance or particular circumstance of the holder of a certificate of local knowledge; or the holder of a certificate of local knowledge self refers to the Port Authority, and the Port Authority deems it necessary.
- (4) Holders of a certificate of local knowledge should make every effort to keep themselves fully informed of changes in the local environment that may have an impact on pilotage.

3.2 Renewal

- (1) The performance of a holder of a certificate of local knowledge should be assessed by written and oral examination in the pilotage port by the Harbour Master or his/her delegate when:
 - (a) five years has expired since the certificate of local knowledge was issued;
 - (b) the holder of a certificate of local knowledge has not during the preceding 12 months carried out navigation in the pilotage port to which his or her certificate applies; or
 - (c) as deemed necessary by the Port Authority.
- (2) This Schedule does not limit the Port Authority or Harbour Master from requiring any additional training or assessments to be carried out as deemed necessary.

(4) Restrictions

- (1) The Regulation requires that a certificate of local knowledge is not to be issued in respect of the following vessels:
- (a) a vessel the length of which exceeds 80 metres unless approved by the Minister or the Port Authority; For the purposes of a tug and tow the length of the vessel is considered to be measured from the stem of the towing vessel to the stern of the tow
 - (b) a vessel that is nuclear powered;
 - (c) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the Port Authority;
 - (d) a vessel or class of vessels that, in the opinion of the Minister or the Port Authority, poses a threat to the safety of life or port property.

(5) Records

- (1) The holder of a certificate of local knowledge must maintain a record of training and assessment. A description of each element of training and assessment undertaken is to be recorded and the details endorsed by the licensed marine pilot, master or other person under whom the training or assessment was undertaken.

Schedule 4 – Marine Pilot Professional Conduct Standards

(1) General

These Standards form a framework of personal and professional conduct and procedures for marine pilots. They are to be followed in conjunction with any Standards, Codes or instructions issued by the Port Authority.

(2) Administrative

- (1) A marine pilot must not hold or acquire any financial interest likely to adversely affect the discharge of that marine pilot's duties.
- (2) Private interests must not interfere with any required availability for pilotage duties.
- (3) A marine pilot must not undertake pilotage duties while impaired by drugs or alcohol, as specified in the Act and the drug and alcohol program implemented by the Port Authority. A marine pilot who is taking any form of medication should ensure that such medication will not affect the marine pilot's ability to pilot vessels safely and effectively.
- (4) A marine pilot must not undertake pilotage duties if through illness, fatigue or other circumstance the marine pilot considers he or she cannot perform those duties in a safe and effective manner.
- (5) A marine pilot must comply with all relevant occupational health and safety legislation.

(3) Operational

- (1) A marine pilot must ensure that he or she is fully rested and fit for duty at the commencement of their rostered duty periods.
- (2) A marine pilot is to punctually attend pilotage duties as required during rostered periods of duty and be available for duty in accordance with the terms of any enterprise agreement, or as mutually agreed with the Port Authority employing the marine pilot in the absence of such agreement.
- (3) A marine pilot undertaking pilotage duties must maintain a correct master and marine pilot relationship and facilitate the mutual exchange of information between pilot and master as detailed in such guide publications as the International Chamber of Shipping (ICS) - "Bridge Procedures Guide" and the ICS, OCIMF, Intertanko "International Best Practice for Maritime Pilotage".
- (4) Notwithstanding the requirements of the master and the owner of a vessel under Part 8 Division 2 of the Act; when a vessel under pilotage has touched the ground, been in contact with any navigational aid, caused damage to any structure or collided or nearly collided with another vessel, the marine pilot should immediately report the occurrence to the Port Authority, and thereafter must remain available to assist in any required investigation until otherwise advised by the Port Authority.
- (5) A marine pilot, who observes any navigational aid to be defective or out of position or any other hazard to navigation, must report the observation as soon as practicable to the Port Authority.
- (6) A marine pilot who has been engaged to pilot a vessel and who has reasonable cause to believe the vessel is unsafe, should refuse to pilot that vessel and report the facts immediately to the Port Authority. Section 77 of the Act provides that a marine

pilot may defer pilotage and cease attendance in such a vessel. For the purposes of this Code a vessel is defined as being unsafe if, because of:

- (a) the condition or equipment of the vessel; or
- (b) the manner in which cargo or equipment on the vessel is stowed or secured; or
- (c) the nature of the cargo; or
- (d) the overloading of the vessel with personnel or cargo; or
- (e) the number or qualifications of the crew; or
- (f) any other reason

the operation of the vessel is a danger to human life, the vessel itself, other vessels, port infrastructure or the reputation of the Port Authority, the Regulator or the Minister.

(4) Pilot Vessel

- (1) The master of a pilot vessel has command of that vessel at all times.
- (2) When conveying a marine pilot to a vessel for pilotage purposes, the master of the pilot vessel and the marine pilot must both agree as to the position and manner in which the vessel to be piloted is to be intercepted.
- (3) When weather conditions or other circumstances make it necessary for a pilot vessel to lead a vessel into a pilotage area before the marine pilot can safely board it, the master of the pilot vessel will only comply with the advice of the marine pilot if it is safe to do so.