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Report to Environment Committee
from Mike Pryce, Manager, Harbours

Maritime Legislation – Pilotage Law Reform

1. Purpose

To inform the Committee about the latest developments concerning maritime pilotage law reform.

2. Background

Attached is a letter received on 14 August from Russell Kilvington, the Director of the Maritime Safety Authority, outlining an interim pilotage regime to cover the period from 1 April 2003 to 31 March 2005, and proposals for developing new legislation to become effective from 1 April 2005.

For about a year prior to this, a small pilotage working-group had been assisting the Maritime Safety Authority with draft proposals for new legislation. This resulted in an informal draft of what were to become Rules 90A and 90B.

3. Issues

Rule 90A concerned full pilot licences and sought to raise and standardise the levels of training and competency required. Rule 90B concerned pilotage exemptions and compulsory pilotage areas.

When the Maritime Safety Authority released these informal draft rules for wider informal consultation in April 2002, it would be an understatement to report that draft Rule 90B was not well received by the majority of the Port Companies and Harbour Authorities. In general, Rule 90B, as drafted, was

perceived to be hastily and poorly written and biased towards a more liberal regime favoured by some shipping companies. The Rule was also seen to pose some significant liability issues for Harbour Authorities - if any actually declared any compulsory pilotage areas.

Additionally, a parliamentary moratorium (announced in March 2002) on rule production over the (then planned) election period from October 2002 to February 2003 inclusive further reduced the time period available for consultation. This would probably have resulted in the rule being finalised in advance of the public release of the accident report into the *Jody F. Millennium* grounding. Many considered that issues arising from that report should be taken into consideration in the new rules.

As indicated in Russell Kilvington's letter, an interim regime will be put into place for the next two of years to give time for a more comprehensive review of pilotage and harbour management issues.

From 1st April 2003, when the interim regime commences, Regional Councils will have a reduced role in pilots and pilotage exemptions, and thereafter, existing licences will be replaced by maritime documents issued by the Maritime Safety Authority. Details are still to be finalised.

4. **Communication**

Parties affected by this have received the same letter from the Maritime Safety Authority and there is no need for further communication at this time.

5. **Conclusion**

This continues the fragmentation of harbour legislation that commenced with the so-called "Port Reform" legislation of 1988, and which in some ways diluted the previous "whole-of-port" approach to risk management which is now again being striven for. The "clear distinction in pilotage matters between the legislative regime as it has been to date and best practice" confirm what many Harbour Authorities already suspected, and that "best practice" was being operated *despite* the current legislation.

6. Recommendation

That the report be received and its contents noted.

Report prepared by:

Approved for submission:

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Attachment:

1. Letter from Russell Kilvington (with an accompanying attachment)