



MARINE ORDERS

Part 54

Coastal Pilotage

Issue 3 (Amendment)

Order No 11 of 2002

Pursuant to Section 425(1AA) of the *Navigation Act 1912*, I hereby make this Order amending Marine Orders, Part 54, Issue 3, by omitting pages (i), 3, 4 and 17 to 22 and substituting the attached pages (i), 3, 4 and 17 to 27, to come into operation on 1 August 2002.

Clive Davidson
Chief Executive Officer
22 July 2002

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Issue 1, Order No.8 of 1994

Issue 2, Order No.12 of 1999

Issue 3, Order No.6 of 2001

1 Purpose of this Part

Part IIIA of the Navigation Act 1912 provides for the regulations to make provision for the licensing of coastal pilots and the manner in which they carry out their duties.

Paragraph 425(1)(db) of that Act provides for the regulations to make provision for the safe navigation and operation of ships. This Part of Marine Orders makes such provision for coastal pilots and, to promote the safe operation of ships under pilotage, the manner in which they are assigned or allocated to ships.

2 Definitions of words and phrases used in this Part

approved means approved by the Manager;

AMSA means the Australian Maritime Safety Authority;

chemical tanker means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in either chapter 17 of the IBC Code or chapter VI of the BCH Code, as defined in Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers);

endorsed draught means the draught limit endorsed on a Restricted Licence in accordance with 6.1.2;

gas carrier means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other products listed in either chapter 19 of the IGC Code or chapter XIX of the GC Code, as defined in Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers);

General Manager means the person occupying the position of General Manager, Maritime Operations, in AMSA;

Great Barrier Reef Pilotage Safety Management Code means the Code set out in the Appendix to this Part;

Hydrographers Passage means the area the boundary of which begins at a point of Latitude 20° 39.2'S, Longitude 149° 49.3'E; then runs along the geodesic to a point Latitude 20° 36.0'S, Longitude 150° 07.3'E; then runs along the geodesic to a point Latitude 20° 28.4'S, Longitude 150° 18.0'E; then runs along the geodesic to a point Latitude 20° 03.0'S, Longitude 150° 03.0'E; then runs along the geodesic to a point Latitude 19° 55.0'S, Longitude 150° 16.5'E; then runs along the geodesic to a point Latitude 19° 45.0'S, Longitude 150° 12.5'E; then runs along the geodesic to a point Latitude 19° 54.0'S, Longitude 150° 31.0'E; then runs along the geodesic to a point

Latitude 20° 01.5'S, Longitude 150° 25.8'E; then runs along the geodesic to a point Latitude 20° 07.0'S, Longitude 150° 17.2'E; then runs along the geodesic to a point Latitude 20° 20.0'S, Longitude 150° 27.0'E; then runs along meridian of Longitude 150° 27.0'E to its intersection by parallel of Latitude 20° 33.0'S; then runs along the geodesic to a point Latitude 20° 41.6'S, Longitude 150° 11.6'E; then runs along the geodesic to a point Latitude 20° 54.5'S, Longitude 150° 01.9'E; then runs to the point of beginning;

Manager means the person occupying the position of Manager, Ship Operations and Qualifications, in AMSA, or in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Ship Operations and Qualifications, for that purpose;

month means a calendar month;

penal provision means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations.¹

oil tanker means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

pilotage provider means a person who assigns or allocates a pilot to a particular transit, irrespective of the legal relationship, contractual or otherwise, between that person and the pilot;

satisfactorily, in relation to a program of training, means satisfactorily in the opinion of the person or persons conducting the program;

sea service means service calculated in accordance with Appendix 3 of Marine Orders, Part 3 (Seagoing Qualifications);

the Great North East Channel means the navigable waters between Alert Patches and Bramble Cay, including the Great North East Channel;

the inner route means the waters between Booby Island and Latitude 16°40'S between the Australian mainland and the outer edge of the Great Barrier Reef;

¹ Regulation 4 of the Navigation (Orders) Regulations provides that a person who contravenes a provision of an order made under subsection 425(1AA) of the *Navigation Act 1912* that is expressed to be a penal provision is guilty of an offence and is punishable, upon conviction:—

- (a) if the offender is a natural person—by a fine not exceeding \$2,000; or
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.

By virtue of sections 4AB and 4AA of the *Crimes Act 1914*, these penalties are now \$2,200 and \$5,500 respectively.

valid, in relation to a licence or restricted licence, means a licence or restricted licence that is current, is not cancelled or under suspension, and that bears the signature of the holder.

3 Interpretation

In this Part:

- headings and sub-headings are part of the Part;
- a footnote is not part of the Part.

4 Application

This Part applies to pilots and pilotage in relation to ships in, or in transit to or from, any of the following parts of the Australian Coastal Sea:

- Hydrographers Passage;
- the inner route;
- the Great North East Channel.

5 Review of decisions

5.1 Internal review

5.1.1 If the Manager makes a decision under this Part, a person affected by the decision may apply to the General Manager for review of that decision.

5.1.2 An application for internal review under 5.1.1 must be made in writing to the General Manager and must be accompanied by such information as the General Manager requires to enable that officer to make a proper decision.

5.1.3 The General Manager may make a decision:

- affirming the original decision by the Manager; or
- making any decision that could be made by the Manager in accordance with this Part.

5.2 Review by the AAT

5.2.1 Application may be made to the Administrative Appeals Tribunal for review of a decision by:

- the General Manager under 5.1.3;

- by the General Manager, under 6.5.1, cancelling or suspending a licence or restricted licence, or imposing restrictions on the purposes for which a licence or restricted licence is valid for use;
- by the General Manager, or a person authorised by the General Manager, to cancel a licence or restricted licence under 6.5.6;
- by the General Manager to suspend a licence or restricted licence under 6.5.13.

5.2.2 The General Manager must give his or her decision in writing. The notice must include a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision. The notice must also include a statement to the effect that the person may request a statement under section 28 of that Act.

5.2.3 Failure to comply with 5.2.2 in relation to a decision does not affect the validity of that decision.

6 Licensing of pilots

6.1 Requirement for licence or restricted licence

6.1.1 For the purposes of section 186E of the Navigation Act, a person being the holder of a valid:

- licence; or
- restricted licence,

issued, renewed, endorsed or recognised under this Part is qualified to perform the duties of a pilot applicable to that licence or restricted licence, as follows:

<i>kind of licence</i>	<i>pilotage duties permitted</i>
licence, valid for the inner route	any ship through the inner route
licence, valid for Hydrographers Passage	any ship through Hydrographers Passage
licence, valid for the Great North East Channel	any ship through the Great North East Channel

<i>kind of licence</i>	<i>pilotage duties permitted</i>
restricted licence, valid for the inner route	any ship except: <ul style="list-style-type: none"> • a loaded oil tanker, chemical tanker or gas carrier • a ship the draught of which exceeds the endorsed draught through the inner route
restricted licence, valid for Hydrographers Passage	any ship, except a loaded oil tanker, chemical tanker or gas carrier, through Hydrographer's Passage
restricted licence, valid for the Great North East Channel	any ship, except a loaded oil tanker, chemical tanker or gas carrier, through the Great North East Channel

6.1.2 A restricted licence issued for use through the inner route is to be endorsed with the following draught limits:

On initial issue	10.0 metres
After holder has completed 12 transits, with ships of 10 metres draught or less	10.5 metres
After holder has completed a further 6 transits, with ships of 10.5 metres draught or less	11.0 metres
After holder has completed a further 6 transits, with ships of 11 metres draught or less	11.5 metres

6.2 Eligibility for licence or restricted licence

6.2.1 To be eligible for a licence, a person must:

- hold a restricted licence; and
- have completed:
 - the number of transits specified in 6.2.3; or
 - such other number of transits as is determined by the Manager, having regard to the relevant experience of the applicant.

6.2.2 To be eligible for a restricted licence, a person must:

- be entitled to permanent residence in Australia;
- hold a valid certificate as Master Class 1 issued under Marine Orders, Part 3 (Seagoing Qualifications);
- have completed not less than 36 months sea service, of which 18 months must have been completed during the previous 5 years, as master, navigating officer in charge of a watch, or pilot, on ships 35 metres or over in length while holding a certificate referred to above; and
- have satisfactorily completed an approved program of training, or training which the Manager considers is equivalent to all or part of the approved training.

6.2.3 For the purposes of 6.2.1, the number of transits that must be completed by the holder of a restricted licence to be eligible for a licence is as follows:

For a licence valid for the inner route	6 transits of the inner route while holding a restricted licence endorsed for 11.5 metres draught
For a licence valid for Hydrographers Passage	20 transits of Hydrographers Passage
For a licence valid for the Great North East Channel	2 transits of the Great North East Channel

6.3 Issue of licences and restricted licences

6.3.1 Application for the issue, renewal or endorsement of a licence or restricted licence must be made in an approved form and accompanied by such evidence of relevant service, certificates, licences or restricted licences held or other documents as the Manager considers necessary.

6.3.2 An applicant for the issue or renewal of a licence or restricted licence must:

- hold a valid certificate of medical fitness referred to in Marine Orders, Part 9 (Health—Medical Fitness); and

- for renewal, produce evidence that he or she has satisfactorily completed an approved course for professional development within four years of making application.²

6.3.3 A licence or restricted licence is to be issued, renewed or endorsed by the Manager.

6.3.4 If a person is eligible for licences or restricted licences valid for two or more routes, the Manager may issue a licence or restricted licence valid for both or all of those routes, as appropriate.

6.3.5 The Manager may endorse a licence or restricted licence to indicate any restrictions with respect to type or size of ship, or route, to which the holder is subject in accordance with this Part.

6.3.6 The Manager may require a person who is eligible for the issue of a licence or restricted licence to surrender any licence or restricted licence held by the person which entitles the person to perform duties permitted by the licence or restricted licence to be issued.

6.3.7 When an applicant is eligible for the issue, renewal or endorsement of a licence or restricted licence, the Manager may issue an interim document pending the issue, renewal or endorsement of the licence or restricted licence.

6.3.8 Subject to 6.3.9 an interim document is deemed, until its expiry, equivalent to the licence or restricted licence to which it refers.

6.3.9 An interim document is valid for 6 months or until it is required to be surrendered, whichever is the earlier.

6.3.10 The person to whom an interim document has been issued must surrender it to the Manager:

- within 14 days of the issue, renewal, endorsement, cancellation or suspension of the licence or restricted licence to which it refers; or
- when so required by the Manager.

This is a penal provision.

6.4 Duration and renewal of licences and restricted licences

6.4.1 A licence or restricted licence remains current for an initial term of 2 years and, if

² Details of courses may be obtained from the Manager.

the holder complies with 6.4.2, may be renewed for periods of up to 2 years.

6.4.2 The holder of a licence or restricted licence:

- valid for Hydrographers Passage—is eligible to have that licence or restricted licence renewed for that route if the holder has performed the duties of pilot on a minimum of 8 transits of the route, of which at least 4 must have been during the twelve months preceding renewal and all eight during the 24 months preceding renewal;
- valid for the inner route—is eligible to have that licence or restricted licence renewed for that route if the holder has performed the duties of pilot on a minimum of 8 transits of the route, of which at least 4 must have been during the twelve months preceding renewal and all eight during the 24 months preceding renewal;
- valid for the Great North East Channel—is eligible to have that licence or restricted licence renewed for that route if the holder has performed the duties of pilot on a minimum of 4 transits of the route, of which at least 2 must have been during the twelve months preceding renewal and all four during the 24 months preceding renewal.

6.4.3 If the Manager is satisfied that circumstances exist in which it would be unreasonable or impracticable for a person to meet the requirements of 6.4.2, the Manager may renew that person's licence or restricted licence:

- for such period as the Manager determines; or
- for a specified number of transits of one or more specified routes; or
- following completion of a specified number of transits on specified routes as an observer.

6.5 Cancellation or suspension of licences and restricted licences

6.5.1 If, in relation to a licence or restricted licence, the General Manager determines that:

- the holder has demonstrated incompetence or misconduct relating to the performance of his or her duties as a pilot; or
- the holder is unable from any cause to perform properly the duties appropriate to the licence or restricted licence; or
- the licence or restricted licence was obtained by reason of a false representation,

the General Manager may:

- cancel the licence or restricted licence;

- suspend the licence or restricted licence until specified conditions are met; or
- impose restrictions on the purposes for which the licence or restricted licence is valid for use until specified conditions are met.

6.5.2 Examples of the conditions that the General Manager might specify under 6.5.1 are:

- successful completion of a particular course;
- passing an oral examination in appropriate operational knowledge;
- completion of additional transits as observer;
- production of references.

6.5.3 Examples of restrictions that the General Manager might impose under 6.5.1 are:

- restriction on size of ship;
- restriction on type of ship;
- restriction on area of operation;

6.5.4 The General Manager must not suspend or cancel a licence or restricted licence under 6.5.1 until the following steps have been completed:

- the General Manager considers that there are *prima facie* grounds for believing that one or more of the circumstances listed in 6.5.1 exist in relation to the licence or restricted licence;
- the holder has been informed that action against his or her licence or restricted licence is contemplated, and the reason why;
- the holder has been provided with copies of any documents which the General Manager will be using to make his or her decision;
- the holder has been allowed sufficient time, which must not be less than 28 days, during which he or she may make submissions, which need not be in writing, in relation to the decision;
- the General Manager has given proper consideration to submissions made by the holder.

6.5.5 If a decision has been made to cancel or suspend a licence or restricted licence, the General Manager must cause to be given to the holder notice in writing of:

- the decision;
- the right of review contained in Provision 5; and

- the date on which the cancellation or suspension is to take effect.

6.5.6 The General Manager, or a person authorised by the General Manager for the purpose, may cancel at any time a licence or restricted licence that has been unlawfully altered by any kind of addition, interpolation or erasure and may cause such further action to be taken, including action for the issue of a replacement licence or restricted licence, as the circumstances of the case require.

6.5.7 The General Manager, or a person authorised by the General Manager for the purpose, may cancel at any time a licence or restricted licence that has been forged.

6.5.8 The holder of a licence or restricted licence that has been cancelled or suspended must surrender it to the Manager within 14 days of that cancellation or suspension.

This is a penal provision.

6.5.9 Subject to any conditions attached to the suspension, a suspended licence or restricted licence must be returned to the holder upon the expiration of the period of suspension.

6.5.10 The Manager may refuse to issue a licence or restricted licence to a person whose licence has been cancelled or is under suspension.

6.5.11 The Manager may cancel a licence or restricted licence that contains factual errors and issue a correct licence or restricted licence in its place.

6.5.12 If a ship under pilotage grounds, or collides with another ship or any other object, the Manager must as soon as practical after being advised of the grounding or collision, suspend the licence or restricted licence of the pilot having conduct of the vessel for a period not exceeding seven days.³

6.5.13 If a ship under pilotage grounds, or collides with another ship or any other object, and the General Manager is satisfied that it is in the interests of safety or the protection of the marine environment that the licence or restricted licence of the pilot having conduct of the vessel be suspended pending:

- a decision on whether action should be taken under 6.5.1; or
- the completion of the procedures specified in 6.5.4,

the General Manager may suspend the licence or restricted licence of the pilot for such period not exceeding six months as is reasonably necessary for a decision to be taken

³ Temporary suspension of a pilot's licence or restricted licence following a grounding or collision is automatic and does not necessarily mean that the pilot's conduct is being called into question.

under 6.5.1 or the completion of the procedures specified in 6.5.4.

6.6 Replacement of licences and restricted licences

6.6.1 The Manager, if satisfied that a licence or restricted licence has been lost, damaged or destroyed, may issue a certified copy of the licence or restricted licence.

6.6.2 Subject to 6.6.3, a certified copy of a licence or restricted licence is deemed for the purposes of this Part to be the original licence or restricted licence.

6.6.3 When a lost licence or restricted licence has been recovered and returned to the holder, the holder must return the certified copy to the Manager within 14 days for cancellation.

This is a penal provision.

7 Function & liability of pilots

7.1 The function of a pilot on board a ship is to provide information and advice to the master of the ship to assist the master and the ship's navigating officers to make safe passage through the pilotage area or areas for which the pilot is engaged.

7.2 Despite the presence of a pilot on a ship, the master of the ship continues to be responsible for the conduct and navigation of the ship in all respects.

7.3 If a pilot in the course of his or her duty and in good faith:⁴

- does any act; or
- issues any instruction; or
- provides any information or advice;

resulting in an act or omission affecting the navigation of a ship, the pilot is not to be personally liable in pecuniary damages for any damage or loss thereby occasioned.⁵

7.4 Provisions 7.1, 7.2 and 7.3 apply irrespective of whether the engagement of the pilot is compulsory or voluntary.

⁴ An act is considered not to have been done in good faith if it has been done recklessly and with knowledge that damage might result.

⁵ Although Provision 8.3 protects a pilot from liability for pecuniary damages in most circumstances, it does not prevent the General Manager from taking action against the pilot's licence under Provision 7.5.

8 Conduct of pilots

8.1 Code of Conduct

A pilot must carry out his or her duties in accordance with an approved Code of Conduct.

8.2 Reporting of deficiencies

8.2.1 If a pilot, during the course of his or her duty, becomes aware of a deficiency relating to a ship that renders, or has the potential to render, the ship unseaworthy, he or she must report the deficiency to an AMSA surveyor as soon as practicable.

8.2.2 Failure on the part of a pilot to comply with 8.2.1 is deemed to constitute misconduct for the purposes of 6.5.1.

9 Pilotage providers

9.1 A person must not act as a pilotage provider unless that person is the holder of a valid Document of Compliance.

This is a penal provision.

9.2 If satisfied that a person has in place systems and procedures that conform to the Great Barrier Reef Pilotage Safety Management Code, the Manager will issue to that person a Document of Compliance.

9.3 Subject to 9.4, a Document of Compliance remains valid for a period of 5 years.

9.4 If, in the opinion of the manager, the systems and procedures of a pilotage provider fail to conform in a major respect with the Great Barrier Reef Pilotage Safety Management Code, the Manager may withdraw that pilotage provider's Document of Compliance.

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Appendix

Great Barrier Reef Pilotage Safety Management Code (GBRPSMC)

PREAMBLE

This Code is designed to facilitate the effective, efficient and safe management of pilotage services on the Queensland coast. The Code is mandatory under Marine Orders Part 54 (Coastal Pilotage) and will be monitored and audited by the Australian Maritime Safety Authority (AMSA).

AMSA is the Commonwealth Government authority charged with responsibility for the regulation of coastal pilotage. This function was transferred from the Marine Board of Queensland to AMSA in 1993. Legislative power for regulation of pilot qualifications and operations is found in the *Navigation Act 1912*, and detailed requirements are set down in Marine Orders, Part 54 (Coastal Pilotage) and Part 9 (Health - Medical Fitness).

1 General

1.1 Definitions

accident means any unplanned event whereby a ship, person or the built or natural environment suffers any injury or damage during the course of a pilotage.

AMPA means the Australian Marine Pilots Association Incorporated;

approved means approved by the Manager;

audit means an audit carried out on a provider or a pilot by an AMSA auditor in accordance with agreed and documented procedures;

CASA means the Civil Aviation Safety Authority;

fatigue management means any written and structured plan for dealing with the problem of fatigue in pilots;

General Manager means the General Manager, Maritime Operations, AMSA;

hazardous situation means a situation where there is the likelihood of an accident;

internal audit means an audit carried out by a provider on their own activities to ensure compliance with the GBRPSM Code;

leave is any period where a pilot is not involved in pilotage duties and is not on call or roster for an agreed time;

Manager means the Manager Ship Operations and Qualifications, Maritime Operations, AMSA;

near miss is any incident where a pilot has to initiate sudden and unplanned action to avoid an accident;

non-conformity means a deviation from requirements specified in the SMS or an error which could endanger or has compromised the safety of people or the environment.

pilot means a person holding a valid licence or restricted licence issued, renewed, endorsed or recognised under Marine Orders, Part 54;

provider means a person or entity engaged in the business of provision of pilots to ships transiting the Queensland coast and Torres Strait areas including the compulsory pilotage areas of the Great Barrier Reef Marine Park;

QDoT means the Queensland Department of Transport;

RAN means Royal Australian Navy.

rest break means:

- if the pilot is on board a ship—any period during which the pilot has handed over the conduct of navigation to the ship's officers for an agreed time; and
- if the pilot is not on board a ship—any period during which a pilot is not engaged in any duties associated with providing pilotage services to a ship, including travelling time to and from ships, but is on call or roster to provide pilotage services;

SPQ means Sea Pilots Queensland Association Incorporated;

transfer arrangements means any method of conveying pilots between a ship and the shore; and

valid licence means a licence or restricted licence issued, renewed, endorsed or recognised under Marine Orders Part 54 that is current, is not cancelled or under suspension, and that bears the signature of the holder.

1.2 Objectives

1.2.1 The objectives of this Code are to promote:

- safety at sea in the GBR region;

- prevention of injury or loss of life; and
- avoidance of damage to the marine environment and to property,

by ensuring that all persons, procedures and operations involved in coastal pilotage are covered by an approved Safety Management System (SMS).

1.2.2 The objectives of each SMS include:

- the observance of safe working practices;
- the identification of risks; and
- the provision of continuous improvement through training.

1.2.3 The SMS should aim to ensure compliance with mandatory rules and regulations and that applicable codes, guidelines and standards are taken into account.

1.3 Application

The Code applies to all operations involved with the provision of pilotage services to shipping off the Queensland coast covered by Part IIIA of the *Navigation Act 1912*.

1.4 Functional Requirements

Every Provider must develop, implement and maintain a Safety Management System (SMS) which must include:

- 1.4.1 a safety and environmental protection policy describing how the objectives set out in 1.2.2 are to be achieved;
- 1.4.2 instructions and procedures for pilots to promote the safe pilotage of ships and protection of the environment in compliance with relevant legislation;
- 1.4.3 procedures for ensuring that non-conformities, accidents and hazardous situations are reported to the provider, investigated and analysed with the objective of improving safety and pollution prevention. Procedures should be established for the implementation of corrective action;
- 1.4.4 a fatigue management plan;
- 1.4.5 procedures to prepare for and respond to emergency situations; and
- 1.4.6 procedures for internal audits and management reviews.

2 SAFETY AND ENVIRONMENTAL PROTECTION POLICY

The policy should be a concise and clear statement. It should describe the aim of the SMS and outline a strategy and plan of action to achieve and maintain the aim.

Consideration should be given to the policy's interaction with existing policies and procedures, particularly the fatigue management plan. It should be reviewed at regular intervals to ensure that it remains relevant and effective.⁶

3 THE REponsibilities OF PROVIDERS

Each provider is responsible for:

- 3.1 ensuring that it only allocates appropriately qualified⁷ and prepared pilots who are fully conversant with the provider's SMS;
- 3.2 meeting any obligations under Commonwealth and State occupational health and safety legislation and relevant State/Commonwealth maritime legislation;
- 3.3 having in place a drug & alcohol policy and a harassment policy;
- 3.4 implementing its approved fatigue management system;
- 3.5 preparing rosters to cover leave for pilots, etc;
- 3.6 having in place procedures:
 - 3.6.1 to deal with any requirement for a change of pilots at short notice, such as a grounding or other incident;
 - 3.6.2 to deal with the unforeseen illness of a pilot (either on board or ashore);
 - 3.6.3 for pilots to identify, describe and respond to potential emergency shipboard situations;
- 3.7 establishing and maintaining procedures for ensuring that any training, which may be required in support of the SMS, has been undertaken by all personnel concerned;
- 3.8 designating a person or persons in the provider's office having direct access to the highest level of management with the function of providing a link between the provider and the pilot on board;
- 3.9 appointing a person approved by the Manager to be a Training Pilot;
- 3.10 appointing a person approved by the Manager to be a Check Pilot;

⁶ As an indication of top level management commitment, the policy should be signed by the Chief Executive or comparable senior decision maker.

⁷ A properly qualified pilot will hold the appropriate licence for the pilotage area to be transited (Marine Orders, Part 54) and be medically fit (Marine Orders, Part 9).

- 3.11 ensuring that procedures are in place covering the reporting of matters such as near misses, accidents, equipment failures, etc. to the appropriate regulatory authority (AMSA, QDoT, CASA)⁸; and
- 3.12 meeting the requirements of sections 8, 9, 10 and 11 of this Code.

4 THE RESPONSIBILITIES OF DESIGNATED PERSON(S)

4.1 A person designated by a provider under 3.8 has the responsibility to monitor the safety and pollution prevention aspects of the operation of each pilot, and to ensure that adequate resources and shore based support are applied, as required. A designated person is responsible for the maintenance of the SMS and, in particular, for:

- 4.1.1 verifying its effectiveness and degree of implementation;
- 4.1.2 reporting deficiencies to the responsible level of management; and
- 4.1.3 identifying persons responsible for rectifying deficiencies.

4.2 A designated person should be fully conversant with the provider's safety and environmental protection policies.

4.3 A designated person should have the independence and authority to report deficiencies observed to the highest levels of management.

4.4 A designated person should have the responsibility for organising safety audits, and should ensure that corrective action has been taken.

5 THE RESPONSIBILITIES OF TRAINING PILOTS

A person appointed by a provider as a Training Pilot under 3.9 has the responsibility for carrying out the duties of supervising pilot laid down in the Queensland Coastal Pilotage Training Program.

6 THE RESPONSIBILITIES OF CHECK PILOTS

A person appointed by a provider as a Check Pilot under 3.10 has the responsibility for undertaking observer voyages with licensed pilots in accordance with approved guidelines.⁹

⁸ Such reports should be able to be made on a confidential basis if required.

⁹ Guidelines that have been approved by the Manager are set out in Annex B.

7 THE RESPONSIBILITIES OF PILOTS

Each pilot is responsible for:

- 7.1 providing information and advice to the master of the ship to assist the master and the ship's navigating officers to make safe passage through the pilotage area or areas for which the pilot is engaged;
- 7.2 ensuring that he/she has prepared comprehensive passage plans, checklists, etc. and plans for dealing with situations on board related to lack of essential navigational equipment such as radar, compass etc. Passage plans must be discussed with the Master and any relevant information such as equipment malfunction or lack of navigation aids taken into account;
- 7.3 ensuring that he/she has confirmed with the master that emergency plans are in place on board the vessel and that there is a full understanding of the pilot's role in such plans;
- 7.4 ensuring correct communications procedures are used in relation to the VHF and any other equipment that may be used;
- 7.5 ensuring access is available to up to date charts, tide tables, Notices to Mariners;
- 7.6 carrying out all duties in accordance with the approved Code of Conduct;
- 7.7 compliance with the Provider's SMS;
- 7.8 compliance with any approved fatigue management system;
- 7.9 undertaking voyages with a Check Pilot as observer at least once as a condition of revalidation of his or her licence;
- 7.10 undertaking approved professional development courses at the agreed intervals.

8 EQUIPMENT

8.1 Each provider must establish procedures to ensure that any pilot launch or helicopter used for pilot transfers is maintained in conformity with the standards in Annex A, meets the requirements of QDoT and CASA and with any additional requirements which may be established by the provider.

8.2 In meeting these requirements the Provider must ensure that:

- inspections are held at appropriate intervals;
- any non-conformity is reported with its possible cause, if known;

- appropriate corrective action is taken; and
- records of these activities are maintained.

9 DOCUMENTATION

9.1 Each Provider should establish and maintain procedures to control all documents and data which are relevant to the SMS.

9.2 The Provider should ensure that:

- 9.2.1 valid documents are available at all relevant locations;
- 9.2.2 changes to documents are reviewed and approved by authorised personnel; and
- 9.2.3 obsolete documents are promptly removed.

10 PROVIDER'S VERIFICATION, REVIEW AND EVALUATION

10.1 Each provider should periodically evaluate the efficiency, and where needed, review the SMS in accordance with procedures established by the provider.

10.2 The audits and possible corrective actions should be carried out in accordance with documented procedures.

10.3 The results of the audits and reviews should be brought to the attention of all personnel in the area involved.

10.4 The provider should take timely corrective action on deficiencies found.

11 CERTIFICATION, VERIFICATION AND CONTROL

11.1 Each provider must be in possession of a valid Document of Compliance (DOC) issued by AMSA.

11.2 AMSA will issue the DOC, which will be valid for a period of five years, following a satisfactory audit of the provider.¹⁰

11.3 AMSA will conduct an audit of the Provider between the second and third year of the validity of the DOC.

¹⁰ Criteria to be used in conducting an audit is obtainable from AMSA.

ANNEX A

PILOT VESSEL STANDARD FOR QUEENSLAND COASTAL PILOTAGE

Part A—General

1 Application

The following standard has been agreed between AMSA, Pilot Representatives and the Service Providers as a benchmark standard for vessels effecting pilot transfers relating to Queensland coastal pilotage. These standards for pilot vessels will be introduced in a phased manner by being required to be implemented on any replacement pilot vessel introduced into service after 1 July 2001 except for items marked # which are required to be implemented immediately.

2 Objective

The objective of this standard is to provide the Service Providers with a set of guidelines to facilitate an adequate standard for the construction and operation of pilot vessels on the Queensland coast.

Part B—Pilot Vessels

1 Purpose

Pilot vessels are used to transfer pilots to and from the ships that are being piloted and also to provide a stable platform for the embarkation and disembarkation of pilots once the pilot vessel is alongside the ship.

2 Construction

Pilot vessels shall be constructed in such a way so as to:

- (a) adequately cope with the sea conditions which can reasonably be expected to exist in the pilotage area;
- (b) be capable of effecting the transfer, embarkation and disembarkation of pilots in safety, reasonable comfort and without exposing either the pilots or the boats' crew to undue stress or fatigue.

Part C—Construction and Equipment

1 Survey

A vessel required to be used as a pilot vessel shall be built, surveyed and maintained in accordance with the USL Code for a passenger vessel of that size and operating area.

2 Manoeuvrability

A pilot vessel shall:

- (a) have adequate manoeuvrability and reserve power to safely manoeuvre alongside vessels during pilot transfer.
- (b) have adequate sea-keeping qualities for operating in heavy sea, swell and wind conditions which can reasonably be expected in the pilotage area during continuous pilotage operations.

3 Construction

3.1 A pilot vessel shall:

- (a) be built with adequate strengthening to absorb heavy impacts when coming alongside ships whilst they are underway.
- (b) have a continuous deck, clear and free of obstructions with adequate width between the gunwale and superstructure for safe pilot access.
- (c) have the pilot transfer position forward of the wheelhouse.

3.2 A pilot vessel shall be so constructed so as to provide:

- (a) adequate visibility from the coxswain's normal operating position so that the pilot and deck hand can be seen when they are outside the cabin.
- (b) adequate visibility from the coxswain's normal operating position so that the pilot can be seen from the time of leaving the deck of the pilot vessel or ship and when ascending or descending the pilot ladder.

4 Manning

A pilot vessel shall:

- (a) be manned in accordance with its survey requirements but in any case shall not have a complement of less than two persons.
- (b) have a crew trained in all aspects of pilot transport, transfer and safety.

5 Equipment

A pilot vessel shall be fitted with:

- (a) adequate fendering¹¹ to allow the vessel to come alongside ships underway in all normal operating conditions without sustaining damage.#
- (b) the standard equipment for a vessel of this class includes, echo sounder, GPS plotter for navigation and event marking, compass, horn, VHF radio and external broadcast system.
- (c) noise suppression to meet the relevant Department of Occupational Health, Safety and Welfare specifications and should not exceed 78 db in the wheelhouse for new vessels.
- (d) adequate impact-absorbing seating for both crew and pilots situated to allow comfortable access to all necessary controls and equipment required to be used by both crew and pilots.
- (e) adequate on-board lighting – including a searchlight operable from the coxswains position and access lighting from the cabin.
- (f) adequate safety handrails on deck and inside accommodation #.
- (g) adequate rescue and associated equipment to a proven system to enable a person to be recovered from the water.
- (h) windscreen wipers that are effective in rough weather and a system for applying fresh water to the area of the forward windows covered by the wipers #.
- (i) air-conditioning (heating and/or cooling) which can be used for demisting.

Part D—Helicopter Standards

Any helicopter used for pilot transfers shall be licensed, manned and maintained in accordance with the relevant CASA regulations in force at the time of pilot transfer.

¹¹ Such fendering shall not interfere, obstruct or hinder pilot transfer. Fendering shall be continuous along gunwales. Tyres should not be used for fendering as they can become fouled on the ladder or recovery line.

ANNEX B

CHECK PILOT GUIDELINES

The concept of check pilots is not aimed at trying to identify less competent pilots and initiating any form of discipline. The check pilot concept is aimed at a continuous improvement process whereby experienced pilots are able to interact with other pilots and discuss pilotage procedures and techniques in a non-confrontational setting.

Due to the nature of coastal pilotage, pilots do not have many opportunities to discuss in detail with their fellow pilots the specific techniques and procedures used when conducting pilotage in various areas and with different types of ships.

A check pilot should not hesitate to mark “unsatisfactory” on a checklist if he believes this to be warranted for that particular aspect of the pilotage. Pilots should try not to become defensive if a check pilot considers some aspect of the pilotage to warrant an “unsatisfactory” assessment but should take advantage of the debriefing session to fully explore the reason for the check pilot’s assessment. It is quite possible that pilots could develop “bad habits” through the isolated manner in which coastal pilotage is conducted and it is only through continual self assessment and self improvement that the standard of the service can be maintained and improved.

All pilots have a common interest in the quality, professional standing and reputation of coastal pilotage services and should therefore fully support the introduction of the check pilot system.

MINIMUM REQUIREMENTS TO BE APPROVED AS A CHECK PILOT BY AMSA

Hold an unrestricted licence for the applicable check area and have held that licence for 5 years.

Never been involved in a serious pilotage incident (no suspension of licence exceeding seven days).

Have completed the following pilotage voyages:

GNEC: 200 POW transits plus 50 trips in GNEC, 6 of which have been in the previous 12 months.

Inner Route: Either:

- Have held an unrestricted licence continuously for the past 10 years and have completed 500 pilotages in the Inner Route or,
- Have completed 200 pilotages in the Inner Route in the past 5 years

and for both the above—must have completed 20 pilotages in the previous 12 months.

Hydrographers Passage: Have completed 50 pilotages in the past 5 years, 6 of which have been in the previous 12 months.

SELECTION PROCEDURE FOR CHECK PILOTS

- Initial interview with AMSA
- Psychometric test conducted by AMSA
- Completion of two day Workplace Assessor course conducted by Brisbane TAFE

OPERATIONAL PROCEDURE FOR CHECK PILOTS

- AMSA approved check pilots will be drawn from a pool of volunteers from all providers. Once a check pilot is approved by AMSA it is the responsibility of the pilotage provider to appoint the check pilot. It is also the responsibility of the provider to make a check pilot available, within a reasonable timeframe, to undertake an assessment voyage when requested by a pilot. It is the responsibility of each individual pilot to ensure that an assessment trip is undertaken with a check pilot within the previous twelve months as a prerequisite for renewal of the pilot's licence for each licensed area.¹² Depending on the availability of check pilots it may not be possible for a pilot to undertake an assessment voyage with a check pilot from the same provider. This does not negate the requirement to undertake the assessment voyage within the prescribed period. Check pilots are also required to undertake the prescribed assessment voyages with another check pilot in order to renew their licence.
- A check pilot will be approved by AMSA for an initial period of two years and will be re-approved for further two-year periods by AMSA subject to maintaining currency of the route/s approved and satisfactory performance as a check pilot.
- A check pilot will not interfere with the conduct of the pilotage. The licensed pilot engaged will at all times have conduct of the pilotage. The check pilot will be on the bridge at all times the pilot being assessed is on the bridge and should use his experience and discretion to ensure that he does not distract the pilot being assessed by questions or conversation at critical points during the pilotage.
- A voyage as a check pilot will count in full as a pilotage voyage for the purpose of maintaining the currency of the check pilot's licence and status as a check pilot.

¹² The check pilot scheme is to commence on 1 July 2002. It will not be a mandatory requirement for renewal of a pilot licence to have made a trip with a check pilot until 1 July 2004.

- The check pilot will inform Reef Centre that an assessment voyage is underway at the earliest available opportunity, which will usually be the first reporting point.
- A pilot that has been assessed is to be de-briefed. A full discussion of any perceived shortcomings should be undertaken and remedial action agreed. As noted in the *Pilot Audit and Check List* any “unsatisfactory” report is to be supported by written comment. As in any audit, an unsatisfactory finding in one or more check boxes does not indicate that the pilot being assessed is not competent or capable, it is only the opinion of the check pilot (auditor) that there is room for improvement in that specific area and should be regarded as such.
- In the event that the check pilot marks the “Overall Assessment” box as unsatisfactory, AMSA will immediately arrange to interview the check pilot and the assessed pilot regarding this overall assessment. AMSA will also arrange for another assessment voyage to be undertaken with a check pilot selected by AMSA and dependent on the outcome of this assessment will decide on what further action may be required.
- On completion of the assessment voyage, both the pilot and check pilot are to sign the *Pilot Audit and Checklist*. The original of the checklist is to be submitted to the Manager, Ship Operations & Qualifications, AMSA, with a copy to be retained by the pilot and the check pilot. The completed checklist is a confidential document and check pilots should ensure that assessments of pilots are not divulged to third parties or discussed with other pilots.

PILOT AUDIT and CHECK LIST

Name of Pilot & valid licence number		Name of Check Pilot	
From		To	
Date/Time Boarded		Date/Time Disembarked	
Vessel Name	LOA	Draft	Gross Tonnage
Weather		Visibility	

Check pilot must inform Reef Centre at the first appropriate reporting position that a check voyage is being undertaken

- Note:
- 1 The Check Pilot is not to intrude in any way upon the pilotage of the vessel. The master has command of the vessel, the pilot has conduct of the pilotage
 - 2 Any "unsatisfactory" report is to be supported by written comment
 - 3 Both pilot and check pilot are to sign after a debrief following the voyage

The original of this Check List is to be submitted to AMSA when completed

Check List

	<i>Satisfactory</i>	<i>Unsatisfactory</i>	<i>Comments</i>
Fatigue status at start of pilotage and Initial Passage Planning	<input type="checkbox"/>	<input type="checkbox"/>	
Charts, Tide tables both Queensland and AMSA, Annual summary of Notices to Mariners carried	<input type="checkbox"/>	<input type="checkbox"/>	
Master & Bridge Team Pilot interchange including UKC, Washdown procedures etc	<input type="checkbox"/>	<input type="checkbox"/>	
VHF procedures including general and specific calls i.e. Torres, Howicks, Reefrep	<input type="checkbox"/>	<input type="checkbox"/>	
On going communication with Bridge team including conning orders	<input type="checkbox"/>	<input type="checkbox"/>	
Information displayed on charts including courses, PI, tidal flows etc.	<input type="checkbox"/>	<input type="checkbox"/>	
General execution of pilotage task	<input type="checkbox"/>	<input type="checkbox"/>	
Location and awareness of manoeuvring data	<input type="checkbox"/>	<input type="checkbox"/>	
Awareness of tidal heights, squat restrictions, tidal streams and tidal windows	<input type="checkbox"/>	<input type="checkbox"/>	
Procedures for recall to bridge after rest break & restbreak management	<input type="checkbox"/>	<input type="checkbox"/>	
Contingency plans including behaviour under any extraordinary situations (visibility, breakdown, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Pilots conduct and appearance and personal possession of pilot licence	<input type="checkbox"/>	<input type="checkbox"/>	
Understanding of limitations of electronic charting equipment and use of pilotage techniques—visual marks, leads, etc.	<input type="checkbox"/>	<input type="checkbox"/>	
Overall Assessment	<input type="checkbox"/>	<input type="checkbox"/>	

Comments by Check Pilot

Signed: Date:
Check Pilot

Comments by Pilot

Signed: Date:
Pilot