

## COMMENT

### **EXTRACT FROM THE NMSC DRAFT REGULATORY IMPACT STATEMENT (RIS) FOR A NATIONAL STANDARD FOR COMPETENCIES FOR TRAINEE MARINE PILOTS**

#### **1. INTRODUCTION**

The following extract from the NMSC Draft RIS for a National Standard for Competencies for Trainee Marine Pilots, Section 2.2.4 *Declining recruitment pool of marine pilots in Australia*, was provided for comment on the 26<sup>th</sup> January 2009.

*"that there are fewer marine pilot applicants as a result of a declining recruitment pool means that the only option for employers of pilots is to make the existing marine pilots work over-time, inside or outside the roster periods. This increase in working hours usually leads to fatigue at the workplace which has a very high risk for workplace injury and marine accidents.*

*The marine pilot pool in Australia has halved in the last 6 years and is expected to get worse in the future years. From Table 3, for the period 2005 to 2008 alone, 60 marine pilots retired. 28 marine pilots are expected to retire in 2009-2010 and 26 from 2011 to 2014. Although the number of marine pilots continues to decline, pilotage movements are expected to increase during the next two to three years.*

*Marine pilots are expected to satisfy certain medical conditions before operating ships. Some marine pilots have deteriorating health conditions as they age and are not medically or physically fit to work as pilots. Some of the retired pilots have been taken back on a contract basis but this number is not high enough to meet the demand of pilotage movement in the country. For example, recently, a 70-year-old pilot who was retired was engaged in some of the regional ports to help ease the shortage crisis at the port. Older Pilots continue to work for many years and in WA several have worked in this vein until well into their 70's but this scenario depends heavily on continued good health, continued insurance cover.*

*Some coastal ports have to pay large sums of money to attract marine pilots which ultimately end up being borne by consumers. For example to ensure that iron ore exports are not delayed, Dampier Port is paying pilots \$AU400,000 a year, while Port Hedland offers a package up to \$530,000. Ships have been delayed off Sydney awaiting pilots. Although this is attractive to those with experience and qualifications, it is not sustainable. Eventually the lower paying shipping jobs will not be filled and some ships will not operate. The problem of marine pilot shortages has nothing to do with low salary remuneration packages or lack of incentives given to the pilots by port authorities or government but just that the marine pilots are not there. Marine pilots are highly paid so that by the time the pilot reaches the age of retirement, incentive payments are no longer a priority. The number of years used under the current system in training mariners before they acquire the skills and qualifications needed to become marine pilots make mariners under this pathway become pilots at an advanced age."*

Because of its almost impenetrable style and discontinuous nature, the content of the paragraph has been reproduced below in its entirety, italicised and numbered in their original sequence in order to assist analysis and comment. A feature of the extract is that its sentences are frequently composed of two, sometimes unrelated, assertions telescoped together to be presented as a single statement of fact so making analysis difficult and meanings unclear, even for those familiar with marine pilotage.

## 2. BASIS OF COMMENTARY

The basis of this commentary relies on experience of Australian and overseas ports and shipping over thirty-nine years, possession of a current Class One Masters Certificate and Diploma in Port Management, experience of marine pilotage and ship-assist towage of over of 12,500 vessels in six ports, and of ocean towages, and further experience as a harbourmaster, port manager, manager of towage in major Australian ports, and as an Australian ship manager, shipping agent and maritime consultant.

## 3. COMMENT

In the following, each sentence of the extract from the Draft RIS is considered in turn and numbered sequentially from 1 to 13 (corresponding to sentences 3.1 to 3.13 of the original).

<b>3.1</b> Sentence (1)	<i>"... that there are fewer marine pilot applicants as a result of a declining recruitment pool means that the only option for employers of pilots is to make the existing marine pilots work over-time, inside or outside the roster periods".</i>
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That there is a perception of a “declining recruitment pool” for marine pilots is not new. It has been well-documented<sup>1</sup> and has occurred generally in parallel with the decline of the Australian merchant service as a provider of qualified applicants for pilotage positions.

Australian “employers of pilots<sup>2</sup>” have historically used national shipping and, to a lesser degree, overseas shipping as a no-cost training facility without having to contribute in any way to the primary training of mariners making up a pool of potential pilots. Having thus contributed nothing to initial training and development of candidates, pilot service providers have then benefitted further by way of cash flow generated by the provision of pilotage services provided under compulsion and free of liability for any shortcomings of the services delivered.

As to the term “*employers of pilots*” used frequently in the RIS, such usage reveals inadequate understanding of the role of a marine pilot when acting as such on board a vessel. When in charge of the navigation of a vessel under pilotage, a pilot is acting as an independent professional person and in the nature of a public officer. Pilot service providers may be independent pilotage contractors, port authorities, commercial service providers, or members of an association of pilots, just as the masters and owners of ships are the actual “employers” of pilots.

Yet nowhere in the NMSC Draft RIS (or in any other NMSC document) are these invariable statutory facts acknowledged or reflected in the views expressed.

However, if as stated, that because “*there are fewer marine pilot applicants as a result of a declining recruitment pool ..... the only option for employers of pilots is to make the existing marine pilots work over-time, inside or outside the roster periods*” such circumstance reveals a significant disregard of the risk management function of marine pilots by “*employers*” of pilots, despite its being unsupported by verifiable facts.

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<sup>1</sup> J F E Crawford (2003) *The future supply of marine pilots for Australia*, Baird, Conference Paper, Ausmarine 2003 Brisbane, 30<sup>th</sup> October 2003

<sup>2</sup> The term “pilot service provider” is preferred in line with AMSA usage

Although the draft RIS suggests that as it has now become more difficult for “*employers of pilots*” to attract and to retain pilots those same “*employers*” now appear to be seeking simplistic solutions by way of reduced standards of qualification together with reduced costs in order to develop competitive pressure on incumbents.

Whether contemplating reduced standards, fast-tracking of candidates, and dumbing down of future marine pilots, an inescapable subtext is one of abrogated duty of care by pilotage service providers and, where a harbour authority, a significant failure of public duty (as apparently confirmed by 3.2 following).

<b>3.2</b> Sentence (2)	<i>“This increase in working hours usually leads to fatigue at the workplace which has a very high risk for workplace injury and marine accidents”.</i>
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That the circumstance described by the Draft RIS is such that “*this increase in working hours usually leads to fatigue*” (which may result in) “*very high risk for workplace injury and marine accidents*” is disturbing in that some pilot service providers are currently prepared to tolerate “very high” levels of risk related to “workplace injury” of personnel and to vessels by “marine accidents”.

Such assertions, if true, are serious and should have been referenced by port and by service provider. However, as with other assertions of the Draft RIS no evidence is offered for them.

<b>3.3</b> Sentence (3)	<i>“The marine pilot pool in Australia has halved in the last 6 years and is expected to get worse in the future years”.</i>
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The sentence of 3.3 makes an unsupported and unquantified assertion coupled with an alarmist conclusion which, without being quantified, makes little sense. Even less sense is made by coupling this with the sentence of 3.4 which deals with another aspect of the problem purportedly being addressed.

<b>3.4</b> Sentence (4)	<i>“From Table 3, for the period 2005 to 2008 alone, 60 marine pilots retired. 28 marine pilots are expected to retire in 2009-2010 and 26 from 2011 to 2014”.</i>
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The origin and accuracy of these numbers is unstated. There is no indication whether the assertion “*...marine pilots are expected to retire in 2009-2010 and 26 from 2011 to 2014*” is based on supposition, informed source, or survey. Again, the Draft RIS is silent on vague assertions presented as facts.

More significant is the fact that the reasons for the levels of “*retirement*” given are not analysed or how replacement pilots were obtained. Are such retirements prompted by natural attrition or are they representative of churning as pilots move from port to port.

In particular, how many of the pilots described as retired left pilotage but continued in ports and shipping related employment. The Draft RIS does not say.

<b>3.5</b> Sentence (5)	<i>“Although the number of marine pilots continues to decline, pilotage movements are expected to increase during the next two to three years”</i>
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Although sentence 3.5 does not follow from preceding sentences of the extract the phraseology used is framed to make it look so and, as such, to provide a false veneer of factual integrity to the arguments being advanced. To provide some veracity to the statement of 3.5 the expected increase should have also been quantified.

Although this statement asserts that less pilots are doing more work, yet industry sources suggest otherwise. For example, both Gladstone and Newcastle are examples of ports which have increased the number of pilots employed in order to deal with greater numbers of ships using those ports. What then is the actual situation referred to by the Draft RIS?

<b>3.6</b> Sentence (6)	<i>“Marine pilots are expected to satisfy certain medical conditions before operating ships. Some marine pilots have deteriorating health conditions as they age and are not medically or physically fit to work as pilots”.</i>
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The second part of the sentence is unacceptable for the following reasons:

Marine pilots, in common with all other responsible and certificated professional mariners employed in maritime industries, must adhere to the health requirements of the Commonwealth as prescribed by AMSA Marine Orders.

An associated fact is that ageing may result in conditions of health which result in some pilots being *“not medically or physically fit”* and able to continue to work as pilots (or masters, or officers) which simply means that, being unable to obtain a medical certificate they must cease to be employed as a pilot (or master, or officer). That is why an AMSA formalised Health Certificate regime is in place.

If some marine pilots are still acting as such when not medically or physically fit (as suggested) then both pilot and relevant pilot service provider are in breach of their statutory and ethical duties to the masters of vessels piloted and to the community at large.

How many marine pilots have been unable to continue to work as a result of not being medically fit?

Again, the Draft RIS does not support its assertion with any data<sup>3</sup>.

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<sup>3</sup> Notwithstanding that such data is administered in detail by AMSA

<b>3.7</b> Sentence (7)	<i>“Some of the retired pilots have been taken back on a contract basis but this number is not high enough to meet the demand of pilotage movement in the country”.</i>
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This is another pair of unsupported and unquantified statements telescoped together to be presented as a revelation of fact.

Rigour in presentation of the RIS is almost entirely lacking, and 3.7 should have included data to support the statement.

Apart from that, it is not unknown in marine pilotage, particularly in smaller ports or under conditions of urgency, for marine pilots to be “*taken back*” on a temporary basis to overcome such contingencies as ill-health or maternity leave, extended training of pilots, or relief to allow outstanding leave to be taken. However, this facility only exists where pilot service providers and the pilots of a service are willing to accept a retired pilot on a temporary basis.

<b>3.8</b> Sentence (8)	<i>“For example, recently, a 70-year-old pilot who was retired was engaged in some of the regional ports to help ease the shortage crisis at the port”.</i>
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That such a situation occurred as a result of a “*shortage crisis*” indicates a poor management on the part of the pilot service provider rather than any significance associated with the age of the pilot allegedly referred to.

The most significant aspects of the comments of sentence 3.8 are the inferences that, (a) the age of the pilot prevented him from carrying out his duties, and (b) that a retired person has lost the ability to carry out their previous job. Apart from being ageist and unacceptable on that score alone, such comments are unsupportable on the basis of wider industry experience and international practice.

It is also contrary to current Commonwealth government policy relating to employment of older Australians.

<b>3.9</b> Sentence (9)	<i>Older Pilots continue to work for many years and in WA several have worked in this vein until well into their 70’s but this scenario depends heavily on continued good health, continued insurance cover”.</i>
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Notwithstanding the statements of the Draft RIS, it is a fact that pilots working “*well into their 70’s*” continue to serve competently and without difficulties, both in Australian and overseas pilotage services. It is also a fact that current policy of the Commonwealth government is designed to encourage persons to work past their normal retirement age, and tax inducements to do so are offered to facilitate this.

As to the assertion that such continued service “*depends heavily on continued good health*”, that is a self-evident nonsense. It is the very reason that sensible and prescriptive regulations are in place to ensure satisfactory standards of health of marine pilots (and of other certificated mariners) and why efficient pilot service providers demand recency and competency audits and periodic retraining to ensure that their pilots of any age remain competent.

Yet, none of this appears to have been translated into the Draft RIS said to be derived from discussions with industry “stakeholders” and advisors to the NMSC.

As to the reference to “*insurance cover*” appearing in the final sentence of 3.9, what is meant by this? What “*insurance cover*”? Why has it not been quantified? This is another example of an unreferenced statement in the RIS designed to suggest significant information but which does not bear examination. If age relevant “*insurance cover*” is a requirement and a significant impediment to employment of aging marine pilots, what are its cost and policy conditions and who requires it?

As to the curious phrase “*worked in this vein*” used when referring to several “*older pilots*” working in W.A. some explanation of this is required. At the least, it suggests a lack of objectivity in the analysis being attempted.

Why is W.A. special in this regard?<sup>4</sup>

<b>3.10</b> Sentence (10)	<i>“Some coastal ports have to pay large sums of money to attract marine pilots which ultimately end up being borne by consumers”.</i>
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Again, as elsewhere, the RIS at 3.10 makes a point that is both unsubstantiated and unquantified.

The assertion of 3.10 that some ports “*have to pay large sums of money to attract marine pilots*” makes as much sense as a statement that “*dredging costs a lot of money*”. That said, it is duplicitous to then link such an assertion as “*large sums of money paid to marine pilots*” to costs “*which ultimately end up being borne by consumers*”.

The relevance of this statement to the RIS is undetermined.

Pilotage fees are a fraction of the costs borne by shipowners when they enter or depart from Australian ports (and every other significant port). To put pilotage charges into perspective other port related charges and fees such as port dues, towage costs, costs of mooring and unmooring, stevedoring costs, customs, agency fees, channel usage charges, etc, should also have been considered by the Draft RIS to make the argument intended. In addition, operational port costs on shipping accruing from time delays associated with loading / unloading, berth restrictions, tidal operating windows, availability of tugs or lines handlers, queuing for berths, etc., are all greater contributors to the costs of shipping than is pilotage.

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<sup>4</sup> Experience of remote ports of W.A. during the period 1997 to 2008 indicated a shortage of marine pilots in this State to have been rare and associated with conditions of employment rather than as result of a genuine shortage. To suggest otherwise is not correct.

In failing to make the comparisons noted the Draft RIS reveals an unacceptable lack of thoroughness and of analytical rigour.

If nothing else, 3.10 appears to reveal the real basis for the NMSC proposed changes to marine pilots to be driven by commercial expediency for unidentified “coastal ports” and not by the legitimate imperatives of providing efficient, cost-effective and safe pilotage services to shipping when in Australian pilotage waters.

<b>3.11</b> Sentence (11)	<i>“For example to ensure that iron ore exports are not delayed, Dampier Port is paying pilots \$AU400,000 a year, while Port Hedland offers a package up to \$530,000”.</i>
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Sentence 3.11 again suggests duplicity in making assertions which are unsupported by explanation or expansion.

What do the “packages” of \$AU400,000 and \$530,000 noted by 3.11 actually represent in the applicable ports and mining regions in which they are situated. How do such packages compare with other professional persons engaged in, and obliged to live in the Pilbara and Karratha regions and what is required of marine pilots to earn such sums. Do the alleged packages contribute to accommodations and or service delivery?

Typically, the Draft RIS, having played an envy card, then fails to explain the reasons or relevance of the sums quoted to ruling structures of the region such as those in comparable positions of high responsibility in mining, transport, and essential port services. Without relevant comparisons and full information relating to the salaries of pilots in ports of the Pilbara and Karratha regions the statements of 3.11 are not only mischievous, but misleading.

By any measure, the Pilbara and Karratha regions are socially among the most difficult to be found in Australia. The locations are remote, travel costs are high (e.g. the costs of housing in the Pilbara increased by 800% between 2000 and 2006<sup>5</sup>), the climate is extreme, and social life limited.

Notwithstanding the opinions of the NMSC the cost of the packages mentioned (whether accurate or not) have been set by competent port authorities (and port operators) and pilot service providers in order to attract appropriate skills and to ensure vocational focus. As such, all are operating in a globally competitive market for the skills required.

By choosing to disregard such facts, the Draft MIS suggests policies and processes being pursued by the NMSC and its advisory committee that adds nothing to the stated aim of evolving a credible ad initio training scheme for Australians.

A further fact, clearly unappreciated by the NMSC, is that the standards of critical pilotage required by both Dampier and Port Hedland are very high and potential costs to those ports ruinous to trade in the event of a failure to deliver anything other than the highest standards of performance.

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<sup>5</sup> Karratha Regional Development Council

If “packages” of “\$AU.400,000 and \$530,000” are required to attract marine pilots of the calibre, focus and tenacity required to maintain a continuous operations to just-in-time pressures, then that is what is determined by the market.

<p><b>3.12</b> Sentence (12)</p>	<p><i>“Ships have been delayed off Sydney awaiting pilots”.</i></p>
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As elsewhere in the Draft RIS, unquantified and unreferenced events are asserted to have occurred and presented as argument to support an innovative training process for marine pilots.

In 3.12 occurrences at unspecified dates are alleged to have occurred to unnamed vessels “off Sydney” under unknown circumstances. If, as alleged in 3.12 “ships have been delayed off Sydney awaiting pilots”, what were the circumstances.

If such an occurrence took place as described, this indicates a serious failure of management of the pilot service provider and a further failure on the part of the NSW authority responsible for navigation safety charged with ensuring an adequate supply of appropriately trained pilots. To be credible, the Draft RIS should describe reasons for the circumstance described by 3.12.

As such, without background, the allegation of 3.12 is wholly irrelevant to the RIS.

<p><b>3.13</b> Sentence (13)</p>	<p><i>“Although this is attractive to those with experience and qualifications, it is not sustainable”.</i></p>
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Whether linked with the preceding sentence of 3.12 or as an aside, the statement “*Although this is attractive to those with experience and qualifications, it is not sustainable*” is an opinion that is both emotive and dishonest and has no place in a Draft RIS ostensibly created to facilitate an ab initio training process for marine pilots.

<p><b>3.14</b> Sentence (14)</p>	<p><i>“Eventually the lower paying shipping jobs will not be filled and some ships will not operate”.</i></p>
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Again, as in 3.13, the emphasis in 3.14 is on costs and not on the safety of navigation, efficiency of conservancy, or quality in service delivery and not on the nature of marine pilotage itself. As elsewhere, apparently reasonable statements are co-joined to become into a single meaningless assertion capable impressing only those who are ignorant of shipping<sup>6</sup>.

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<sup>6</sup> A problem, since Australia now has little professional shipping knowledge on which to call (as demonstrated by the NMSC documentation relating to marine pilots) and as repeatedly acknowledged by John Anderson, Minister of Transport “Australia is a shipper nation not a shipping nation”.

Is the NMSC, by asserting that “*eventually the lower paying shipping jobs will not be filled and some ships will not operate*” actually suggesting that the higher wage structures applicable to marine pilots in Taiwan, Japan, United States of America, and parts of the EU (and most OECD nations) has caused shipping in those nations to cease to operate.

If so, it should be noted that Australia no longer possesses a significant shipping industry and that the remaining shipping relies for its existence exclusively on closed markets and infrastructure subsidies. That “*some (Australian) ships will not operate*” may be true but is an inevitable consequence of consistent and predictable Commonwealth government policy over some decades<sup>7</sup> and not relevant to advancing a credible case for ab initio training for marine pilots.

<b>3.15</b> Sentence (15)	<i>“The problem of marine pilot shortages has nothing to do with low salary remuneration packages or lack of incentives given to the pilots by port authorities or government but just that the marine pilots are not there”</i>
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Sentence 3.15 provides further examples of unsupported assertions presented together as a fact yet not borne out by consistent industry experience.

As to “*... the problem of marine pilot shortages has nothing to do with low salary remuneration packages or lack of incentives given to the pilots by port authorities or government*”, it may be that, in being drawn from experienced mariners, potential pilots become aware of some less attractive and more onerous aspects of marine pilotage, none of which are discussed by the Draft MIS or any of the NMSC background documentation.

Examples<sup>8</sup> of negative aspects of marine pilotage include poor management practices of (most) pilot services providers, confused regulation, lack of industry knowledge among authorities and port operators, declining skills and support levels among service providers, insalubrious port areas and shiftwork hours and the ever present threat of uninformed censure.

That “*marine pilots are not there*” is untrue<sup>9</sup> and unsubstantiated.

A number of existing sources of supply for marine pilots may be identified, but none have been identified or objectively discussed by the Draft RIS or prior NMSC documentation relating to ab initio Training of Marine Pilots.

Such sources include:

- Australian seamen (who, prior to the 1970’s made up a substantial proportion of marine pilots in Australian ports) have been declining in number as potential candidates for further certifications to Master Class One level (although no analysis of this is made by the RIS).

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<sup>7</sup> As can be attested by reference to the many information papers and studies produced by the Australian Shipowners Association (ASA) and by its lobbying efforts to successive Commonwealth governments.

<sup>8</sup> The NMSC itself may also be cited as an example of inadequate knowledge of marine pilotage and shipping industry.

<sup>9</sup> Personal experience over two decades of no less than eight remote regional ports in three states has shown that each port had more than enough experienced marine pilots for permanent service and relief purposes. Similarly, a currently licensed (and experienced) marine pilot providing relief services can confirm that such services are rarely required.

- Women, who are similarly under represented among marine pilots, have been insufficiently encouraged to take up careers leading to Master Class One and thence to pilotage (although no analysis of the numbers involved, or of potential numbers is made by the RIS).
- Master Class One serving in offshore services and ocean towage (although no analysis of numbers of such masters taking up pilotage is made by the RIS).
- Naval personnel, having Master Class One equivalent qualifications, are a ready source of supply of marine pilots for Australian pilotage services but, again, the Draft RIS has not quantified or otherwise noted why this source (together with other sources) is not sufficient for future purposes.

Overall, it is apparent that the NMSC has not studied alternative sources sufficiently to be able to assert (as in 3.15) that *“marine pilots are not there”*.

It could be, of course, that pilot service providers are simply failing to meet contemporary expectations and competing attractions for mariners in the current employment market. In this context, the declining status of shipping, mariners, shipmasters and pilots may also be having a negative effect on potential applicants for employment in marine pilotage. Again, however, the Draft RIS makes no attempt to analyse root causes of the decline in applicants for what was once a sought after career.

As an alternative, importation of qualified mariners with appropriate experience and skills and Master Class One certification has been a consistent and time-tested means of satisfying demand for marine pilotage in Australia, but this is not sufficiently assessed or recorded by the Draft RIS.

As such, this source of marine pilots has the advantage of having been tacitly encouraged by successive Commonwealth governments and accommodated by AMSA regulation

Again, the NMSC appears to not have studied any of these sources sufficiently to be able to assert (as in 3.15) that *“marine pilots are not there”*. If it has done so, then groundless assertions such as those of 3.15 should not be made and the real situation revealed.

<b>3.16</b> Sentence (16)	<i>“Marine pilots are highly paid so that by the time the pilot reaches the age of retirement, incentive payments are no longer a priority”.</i>
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Sentence 3.16 provides a further example of unsupported evidence masquerading as fact.

Such statements are not borne out by consistent industry experience or by current observation of the ports industry.

Marine pilots are paid whatever is judged by employers to be the appropriate level of remuneration. If the Draft RIS is suggesting that reward is the primary driver of most pilots’ interest in their vocation then such a view is not borne out by observation or experience. Such assertion shows the NMSC appearing to have little no understanding of what drives good pilots or where their dedication to their profession originates.

While marine pilots do not readily fit into management boxes they are almost always driven by personal aims of integrity and excellence in performing their task.

In making such assessments (here as elsewhere), the NMSC does not appear to have availed itself of the opinions of serving shipmasters to whom efficient and safe pilotage is of vital importance and who in the event of accident to their vessel will alone will attract civil liability<sup>10</sup> and the greater share of public opprobrium for any errors of pilotage.

<b>3.17</b> Sentence (17)	<i>“The number of years used under the current system in training mariners before they acquire the skills and qualifications needed to become marine pilots make mariners under this pathway become pilots at an advanced age”.</i>
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In common with previous sentences of the Draft RIS, 3.17 presents two disparate parts of a sentence as a common fact. For example, what is meant, in the context used, by “*advanced age*”. Apart from being ageist, such a statement is discriminatory and probably illegal.

As to the “*number of years used under the current system in training mariners before they acquire the skills and qualifications needed to become marine pilots*” the pathway described in the RIS indicates a pathway of internationally typical duration. Further, the pathway identified by the Draft RIS has been established by the national Administration of Australia, AMSA, as being sufficient to ensure that shipmasters “*acquire the skills and qualifications*” appropriate to the task of competently operating a vessel on the high seas and in restricted waters.

This is precisely why a Masters Class One certification is currently deemed to be an appropriate minimum qualification for nearly all marine pilots in Australia and all of those operating in significant ports.

In making such unsubstantiated statements as those of 3.17, it seems apparent that the NMSC is pursuing an unrevealed policy which has little to do with ab initio training of marine pilots or the safety of navigation but a great deal to do with manipulating the employment market for marine pilots by inflating its supply side to provide “competition” in order to curtail remuneration. This is contrary to policies of successive Commonwealth governments (albeit by inaction)<sup>11</sup> which have restricted the domestic basis of supply of qualified mariners for pilotage and other maritime related purposes and thereby assisted creation of the current situation.

#### 4. Summary and Conclusions

The NMSC Draft RIS extract which provides the basis for this commentary suggests that the NMSC, rather than being a body promoting marine safety, is acting as a de facto lobby group relying on the widespread national ignorance of shipping to promote an inferior system of certification to be administered by “stakeholder interests” in order to manipulate and to provide for commercial objectives, a supply of ersatz marine pilots.

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<sup>10</sup> The Navigation Act 1912 (amended) and pursuant statutes, regulations and operating rules are designed to place undivided responsibility on ship masters for all accidents under pilotage (and, at the same time, ensure that pilot service providers, authorities and port managers are wholly excluded from responsibility).

<sup>11</sup> Source: Repeated representations over time by the Australian Shipowners Association.

Ab initio training of young Australians as trainee marine pilots is a fine idea which should be pursued intelligently and objectively. However, the NMSC Draft MIS and its preceding documents does neither since the stated aim of the Draft MIS in laying the foundation for an alternative regime for trainee pilots is corrupted by its own demonstrated lack of comprehension of marine pilotage as regulated and practised.

The NMSC Draft MIS is poorly constructed document and the extract on which the comments of this commentary are based is but a typical example of its confused and inaccurate presentation which lacks rigour and integrity. Overall, the NMSC and its documents where discussing marine pilotage fail to recognise the historical, statutory and regulatory facts of it's being a public service good delivered as an integral part of a conservancy function in the public interest.

The mission of the NMSC, according to paragraph 1.1 of the Draft RIS, is “*to improve marine safety in Australia, for the benefit of the community and the maritime industry by facilitating and supporting a co-operative and coordinated approach to the efficient and effective administration of marine safety within the Australian Federation, comprised of the Commonwealth, States and Territory Governments”<sup>12</sup>. As is made abundantly clear by the Draft RIS and its supporting documents, the NMSC in endeavouring to comprehend marine pilotage with its international connotations, is venturing well outside its domestic Australian brief.*

At its core, the NMSC Draft RIS is unacceptable as a basis for advising or guiding government decision-making at any level with sufficient authority to enable its stated aim of creating a technically viable ab initio training programme for marine pilots.

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(Captain) J F E Crawford  
14<sup>th</sup> January 2010

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<sup>12</sup> Underlines inserted by author