The Role and Responsibilities of the Pilot in Port Logistics

Pilotage and Port Logistics Conference
6 October 2015
Role? Responsibility?

- Port efficiency
- Port Development
- Cruise Ships
- Towage innovations
- Training and Professional Development
- Human Element
- Pilot Transfer
- Technology
Themes

- Change
- Challenges
- Some predictions
Everything changes and nothing stands still.

Heracleitus of Ephesus c. 535 BC - 475 BC
Pilots

Captain Woods Trinity House 1850

Brisbane Marine Pilots 2015
Pilot boats

Cutter Style

Launch Style
Pilot Transfer

Aerial Style

Star Trek Style?
Pilot Transfer

Gangnam Style
Situational Awareness

Cook’s tour of the Pacific

EC DIS
Other ships...

Go your OWN WAY...

AIS

Head Up

- O = Original target
- A = Actual target
- O - W = Way (speed) of your boat

CPA = Closest Point of Approach
- O - A = Direction of Relative Motion
- Target Speed = W - A
- Target True Relative Course = W - A
- Target True Course = WA + Your Course
Ship to Shore

Semaphore

REEFVTS
Can you remember when?

- Smart phones
- Camera phones
- Wireless broadband
- Social media
- MP3 players
- Streaming video
- Portable GPS

How long ago was this dim, distant, pre-digital past?
A lot can happen in 15 years...

- iPhone 2007 - Only 50% of developed world population had a mobile phone in 2000; now 97%
- Camera phone 2002
- Wireless broadband widely available in USA from 2009 - In 2000, most homes had dial-up access
- iPod 2001
- YouTube 2005
- In-car GPS navigation devices TomTom and Garmin 2001
- Very first mobile phone with integrated GPS (Benefon Track) 2000; standard from about 2004
- Google Maps 2005
What about the next 15 years?

- Global Marine Trends 2030
- Qinetiq, Lloyd’s Register, University of Strathclyde
- Technology Report - 7 September 2015
- From the Intelligent Ship to the Autonomous Ship
- Crew will be “Data Warriors” - training and skills
Challenges

If you aren't in over your head, how do you know how tall you are?
— T.S. Eliot
The role of the pilot

- Understanding Risk
- Relationships Manager
- Efficiency in the port
- Technophile
- Multi-tasking
- Customer Service
- Community Expectation
Key Challenges

- Legal
- Organisational
- Practical
Legal

- Definition of a pilot
- Pilot Liability
- Competitive Regulation

“I started to think outside the box. Then I started to think outside the law.”
Legal - Definition of a Pilot

- Navigation Act 2012 - section 14
  - The Pilot is
    - a person who does not belong to the vessel
    - but has the conduct of the vessel
  - The Master is
    - the person in command or in charge of the vessel
    - who is not the pilot
Pilot liability

- Voluntary pilotage
  - private decision by the shipowner or master
  - licensing by harbour authority didn’t change liability
  - negligence of the pilot belonged to the shipowner
  - pilot considered at law as an ‘independent professional’
  - engaged by the shipowner or master
  - therefore a servant of the shipowner

- See Shaw, Savill and Albion Co. v. Timaru Harbour Board (1887) 6 NZLR 456
Pilot liability

- Compulsory pilotage
  - Harbour authorities began to make taking a licensed pilot compulsory
  - No longer a contract between the pilot and shipowner
  - Pilot negligence belongs to the harbour authority

See The Maria, 1 Wm Rob 95
Pilot liability

- Legislative response - Navigation Act 1912/2012
  - harbour authorities and pilots NOT liable
  - as if the pilotage were voluntary
  - legal fiction
  - status of pilot as servant of shipowner at law
  - therefore the negligence of the pilot = negligence of shipowner

- Insurance and limitation of liability considerations
Pilot Liability

- statutes expressed by reference to centuries old common law
- distinction based on volunteer/compulsion
- liability for the pilotage belongs to shipowner
- the legal position of the pilot is that of the owner’s servant
- Based on a public policy of government pilotage
- Private ports? Private Pilotage Providers?
Pilot Liability

- Fowles v Eastern and Australian Steamship Company [1913]
- Oceanic Crest Shipping Company v Pilbara Harbour Services Pty Ltd [1986]
- Amarantos Shipping Co Ltd v The State Of South Australia [2004]
- Braverus Maritime Inc v Port Kembla Coal Terminal Ltd [2005]
Competitive Regulation

Oh Pilot! ‘tis a fearful night, There’s danger on the deep
I’ll come and pace the deck with thee, I do not dare to sleep
The Pilot - Thomas Haynes Bayly (1797-1839)
The Milford Haven Port Authority (MHPA) was prosecuted by the UK Environment Agency, the MHPA pleaded guilty to a charge under the 1991 Water Resources Act. A fine of USD 6.5 million was imposed ... three years later in January 1999. It was held that pilotage standards were inadequate, and pilot error caused by inadequate training and experience were seen as contributory factors to the accident. The ... head of the Environment Agency, Ed Gallagher, left no doubt as to his satisfaction. He saw the huge fine as “an important landmark in environmental protection.”
Zim Mexico III - 2006

- Electrician killed
- Master convicted and jailed
- Seaman's Manslaughter Act
- Pilot not charged
WASHINGTON—... the pilot who caused the Cosco Busan... to collide with the San Francisco Bay Bridge and discharge... oil into San Francisco Bay, was today sentenced to serve 10 months in federal prison by U.S. District Court Judge ...

... he pleaded guilty to negligently causing discharge of a harmful quantity of oil in violation of the Clean Water Act (CWA) ... and to violating the Migratory Bird Treaty Act, by causing the death of protected species of migratory birds.
Yao Hai - Neftegaz-67 Collision - 2008

- Investigation by the HK Marine Department slow
- HK Police charged the pilots with dangerous operation
- Both the conducting pilot and assistant convicted
- Sentenced to 3 years imprisonment
- Quashed on appeal
The accident investigation carried out by the marine police appears to have been conducted without the benefit of any input from maritime professionals.

The court case itself was a criminal case heard in the district court. The learned judge had no assessors to assist her and, with expert witnesses holding widely different views as to the causes of the collision, she was forced to choose between conflicting interpretations of the facts without professional advice.

Of particular concern ... is the judge's finding that ... where the collision occurred is a narrow channel, which conflicts with the stated opinion of the Marine Department.
Competitive Regulation

- Major shipping incident
- Career Making Opportunity
- The choice of regulatory scheme is critical
- Outcome depends on the regulatory system chosen
- Who chooses?
- Is there an effective pilotage regulation system?
Organisational Challenges

Hell, there are no rules here - we're trying to accomplish something.
- Thomas A. Edison
Organisations

- How many pilot organisations are there in Australia?
- How many pilot regulators/licensing bodies are there?
- What is critical mass?
- How do you get consistency?
- The role of the professional body
Organisations

- Recruitment Standards
- Training Standards
- Continuous Professional Development
- Technical Standards
- Relationship with VTS
- Effective Maritime Regulation
Practical Challenges

The faces of old seamen have always an expression of severity left upon them by the vexation of perpetually looking out for changes

Les Travailleurs de la mer [The Toilers of the Sea]
Victor-Marie Hugo (1866)
Practical Challenges

- Bigger ships
- VTS/Pilot/Ship interface
- Where is the next generation of pilots & regulators?
- Dredging?
- Managing incidents?
Some predictions

Prediction is very difficult, especially about the future.
Attributed to Niels Bohr
2030?

- Technology
- Pilots still needed
- The job will be different
- Liability will be different
- Community expectations
- Professionalism
Thank you