NZMPA POSITION STATEMENT

MINIMUM ENTRY REQUIREMENTS FOR MARINE PILOT CANDIDATES

PURPOSE AND OBJECTIVE

The purposes of this document are to:

1. Summarise the current legal framework that regulates minimum entry requirements for Marine Pilot candidates in New Zealand.
2. Summarise recent discussions within the industry that have arisen with respect to the above.
3. State the official position of the NZMPA with respect to the above and recommend collaborative resolution of the issues raised.

The objective in publishing this statement is to promote and maintain best practice standards in marine pilotage in all New Zealand ports.

BACKGROUND

Marine Pilot qualifications fall outside the scope of IMO's STCW Convention. IMO Resolution A.960(23) Recommendations on Training and Certification and Operational Procedures for Maritime Pilots other than Deep-Sea Pilots is a collaborative work between ICS and IMPA. It was adopted by IMO in 2003 and strongly urges all governments to follow its recommendations - one of which is that "*the competent pilotage authority…"* (in this case Maritime New Zealand) "…*in cooperation with national or local pilots' associations, establishes the entry requirements and develops standards for obtaining a certificate or licence in order to perform pilotage services within the area under its jurisdiction."*

Maritime Rule Part 90 is the instrument by which Maritime New Zealand regulates all matters relating to the provision and maintenance of pilotage in New Zealand ports, including the licensing and training of pilots. Paragraph 90.41b specifies that applicants for a pilot's license shall have successfully completed an approved structured training plan ***and*** hold either:

i. A Master Unlimited (STCW A-II/2) certificate issued by MNZ, or
ii. An equivalent certificate recognised by the Director (of MNZ), or
iii. Provide evidence of experience and qualifications equivalent to the above, or otherwise relevant to pilotage.

Supporting the Maritime Rule, MNZ's Part 90 Advisory Circular gives the Director the authority to approve equivalent experience and qualifications pursuant to 90.41(b).

In 2019, a New Zealand High Court judgement (CIV-2018-485-000258) found that the Director of MNZ had incorrectly interpreted 90.41(b) when assessing equivalence for a Marine Pilot candidate holding a Master <500GT (STCW A-II/2) certificate and that *"… 90.41(1)(b)(iii) is to be interpreted in a way that gives primacy to the requirement to hold a certificate as Master or its equivalent"...*

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Since this judgement in 2019, further Director approvals under 90.41(b) have raised questions about how equivalency is established and the transparency of that process.

In a separate but relevant issue, there are compulsory pilotage areas (Appendix A ports) in NZ where pilotage provision has lapsed. There are also Appendix B ports where compulsory pilotage provision may be activated in the future.

Organisations in some of these locations have asked whether Marine Pilot candidates should be required to hold a Master Unlimited license due to the problems they have experienced in attracting such candidates, and due to the relatively small size of vessels that would be navigating in these areas.

NZMPA POSITION

1. In accordance with CIV-2018-485-000258, the NZMPA believes primacy should remain with a Master Unlimited (STCW A-II/2) certificate of competency as a minimum entry requirement for Marine Pilot candidates in NZ, as this forms the foundation for marine operations knowledge.
2. Notwithstanding point 1, where the Director's acceptance is sought for equivalent qualifications and experience pursuant to 90.41b (ii) & (iii) for a Marine Pilot candidate, the Director's decision should:
    a. Be guided by a credible standard to establish equivalency
    b. Form part of a transparent approval process
3. The NZMPA Executive commits to work collaboratively with MNZ and all other stakeholders to deliver on the above.

RECOMMENDATION

1. In accordance with IMO Resolution A.960(23), a technical work group be convened by MNZ, with representation from MNZ and NZMPA, that might extend to NZ Port Companies, NZ Harbourmasters, the NZ Maritime School and NZ Defence Force (Navy).
2. The scope of work of the technical group should include, but not be limited to:
    a. Drafting a standard of demonstrable skill, knowledge, and experience for determining equivalency of qualifications and experience, pursuant to 90.41b(ii) & (iii).
    b. Determining a transparent approval process for the above.

REFERENCES

- IMO Resolution A.960(23) - Recommendations on Training and Certification and Operational Procedures for Maritime Pilots other than Deep-Sea Pilots
- Maritime Rules Part 90: Pilotage (Maritime New Zealand Consolidation 1st December 2025)
- Part 90 Advisory Circular Issue No. 90-3, October 2020
- High Court of New Zealand Wellington Registry - CIV-2018-485-000002 [2019] NZHC 591

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