AUSTRALASIAN
MARINE PILOTS INSTITUTE

POSITION STATEMENT

Title

Pilotage of Domestic and Foreign Military Ships in Australian Ports

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PS-07 Pilotage of Domestic and Foreign Military Ships in Australian Ports

Preamble

1.1 Marine safety legislation for declared ports and compulsory pilotage areas in Australia, including the Torres Strait and Great Barrier Reef, generally requires vessels above specified thresholds to engage a licensed Marine Pilot. Pilotage is a regulated professional service intended to manage navigational risk and support the safe movement of shipping, the protection of life, the environment, infrastructure, and trade.[1]

1.2 Warships operated by the Royal Australian Navy are exempt from compulsory pilotage requirements under State and Commonwealth marine safety legislation, reflecting their sovereign status. Nevertheless, Warships may voluntarily engage civilian Marine Pilots where local knowledge, risk considerations, or operational requirements warrant additional expertise.[2]

1.3 To manage defence capability requirements, the Royal Australian Navy maintains trained personnel capable of conducting pilotage of both domestic and foreign Warships. This capability ensures that Warships retain the ability to operate independently of civilian infrastructure when required, including during periods of heightened operational readiness or conflict. The maintenance of this capability necessitates regular operation during peacetime operations.

1.4 Foreign warships are not subject to compulsory pilotage. Decisions regarding pilotage arrangements are determined through coordination between the visiting navy, the Royal Australian Navy, and relevant port authorities, taking into account safety, operational requirements, and local conditions. Generally a Royal Australian Navy Pilot is provided in Naval Ports and a State Licensed Marine Pilot is provided elsewhere.[3]

1.5 The pilotage of foreign warships may involve heightened diplomatic and reputational considerations.

1.6 The safe navigation and berthing of Warships in Australian ports is of critical importance to national security, maritime safety, and port efficiency. The Australasian Marine Pilots Institute (AMPI), in collaboration with the Royal Australian Navy (RAN), recognises the need for clear and consistent guidance for Marine Pilots, Naval Authorities, Port Operators, and Regulators.

[1] Navigation Act 2012 (Cth), Part 4 - Pilotage
[2] Marine Safety Act 1998 (NSW); Transport Operations (Marine Safety) Act 1994 (Qld); Marine Safety Act 2010 (Vic).
[3] United Nations Convention on the Law of the Sea (UNCLOS), Article 32 – Sovereign Immunity of Warships.

Purpose

2. This position statement aims to:

2.1 Outline agreed expectations and practices for the pilotage of domestic and foreign Warships in Australian ports

2.2 Clarify the circumstances in which civilian Marine Pilots may be engaged

2.3 Support safe and efficient port operations while respecting Defence capability requirements and the sovereign status of visiting warships

Scope

3.1 The intended audience of this position paper are:

3.1.1 Civilian Marine Pilots and pilotage service providers

3.1.2 Port Authorities and marine safety regulators

3.1.3 Royal Australian Navy personnel and visiting foreign naval forces

3.2 This position statement does not override Defence, diplomatic, or statutory arrangements. It is intended to complement those arrangements by providing practical operational guidance.

Position

4.1 Port Authorities, pilotage service providers, the Royal Australian Navy and foreign naval attaché shall wherever possible liaise prior to a naval vessel visit to establish requirements.

4.2 Where a civilian Marine Pilot is engaged by a domestic or foreign warship on a voluntary basis, the pilotage may fall outside the compulsory pilotage framework established under Commonwealth and State marine safety legislation. Accordingly, the legal rights, obligations, liabilities, immunities and protections applicable to the Marine Pilot, Pilotage Service Provider, Port Authority and Defence Authorities may differ from those ordinarily applying during commercial pilotage operations. Prior to the provision of pilotage services, the parties should seek to clearly establish the intended role of the Marine Pilot, the allocation of navigational responsibilities, the source of any liability protections, indemnities or insurance arrangements, and any relevant Defence, diplomatic, contractual or Status of Forces Agreement (SOFA) provisions that may apply.

4.3 Pilotage service providers should endeavour to allocate a Marine Pilot to a naval vessel well in advance so that the pilot and naval vessel can liaise on pertinent information relating to the ship and port.

4.4 Warships are not subject to the requirements of SOLAS. However, warships invariably have arrangements to safely board personnel at sea, including pilots. For most warships, excepting submarines, this is largely consistent with recognised international guidance. If embarking/disembarking is challenging, this will usually be advised when arrangements are being made and otherwise they should inform pilotage service providers of alternative arrangements. Pilotage service providers should develop risk assessments for these arrangements. [4]

4.5 Port Authorities and Pilotage Service Providers are recommended to include differences training for the pilotage of Warships as part of Marine Pilot training programs.

4.6 Port Authorities, pilotage service providers and the Royal Australian Navy should endeavour to support cross-training to Marine Pilots and Naval Officers to encourage sharing of experiences and expectations. This could take the form of observations onboard both commercial ships and Warships, joint training opportunities on simulators and observations in VTS.

4.7 The Royal Australian Navy is encouraged, so far as is reasonably practicable, to volountarily adopt locally regulated training and currency requirements for Pilotage Exempt Masters in order to support operational familiarity with local port procedures.

4.8 Royal Australian Navy Officers engaged in pilotage duties are encouraged to attend AMSA approved Advanced Marine Pilot Training courses.

4.9 Where foreign warships are likely to engage a civilian pilot, the Royal Australian Navy through their respective Naval Attache are encouraged to advise foreign naval ships which are likely to engage a civilian marine pilotage of the following:

4.9.1 An IMO/SOLAS compliant boarding arrangement is strongly encouraged.

4.9.2 Helicopter may be used for pilot boarding where a helicopter landing area is available (Gladstone, Hay Point, Mackay, Newcastle, Dampier, Port Hedland and Great Barrier Reef)

4.9.3 Whilst Australian Marine Pilots usually prefer to take conduct of the vessel, in the case of warships this is rarely permissible. As such, a collaborative approach whereby a pilot's professional and local knowledge is imparted to the warships's Commanding Officer and bridge team is highly recommended.

4.9.4 Australian ports often provide 'Standard Routes' and 'Maneouvres' via email or on their website with waypoints, cross track and speed parameters. The use of these is encouraged.

[4] International Convention for the Safety of Life at Sea (SOLAS), Chapter I, Regulation 3 – Exceptions.

Annexure A - Principles & Practical Guidance

Principles

- **Safety First:** Pilotage should prioritise navigational safety, protection of life, the environment, infrastructure and port security.

- **Respect for Sovereignty:** Warships remain sovereign immune vessels, retaining the capacity to pilot their own vessels. Collaboration ensures complementary—not conflicting roles.

- **Legal and Liability Framework:** Before pilotage services are provided to a warship, consideration should be given to the legal framework governing the engagement, including any applicable contractual arrangements, indemnities, insurance provisions, Defence agreements, sovereign immunity considerations and, where relevant, Status of Forces Agreements. Parties should not assume that statutory pilotage liability protections applicable to commercial shipping automatically apply to voluntary pilotage of warships.

- **Clarity of Authority:** The legal framework applicable to a civilian Marine Pilot embarked on a warship differs significantly from that applying to compulsory pilotage operations under Commonwealth or State pilotage legislation. The role, authority, responsibilities and liability arrangements applicable to the pilot should be understood and agreed prior to the commencement of pilotage services. The Marine Pilot provides professional advice and local expertise to the Commanding Officer. Responsibility for the navigation, safety and command of the vessel remains with the Commanding Officer unless specific arrangements are agreed and communicated.

- **Compliance with Best Practice:** IMO standards (e.g. pilot transfer arrangements, bridge resource management) should be followed wherever practicable.

- **Diplomatic Sensitivity:** Warships are exempt from IMO/SOLAS conventions; guidance should acknowledge exemptions while encouraging compliance.

- **Pilotage Training:** While the training continuum, experience and role of an RAN navigator and marine pilot may differ, the common elements of planning, ship handling and risk management support shared objectives and outcomes.

- **Ports Australia Guiding Principles:** This document is designed to compliment the Ports Australia Guiding Principles, which express a clear and agreed understanding between the parties of their responsibilities and to encourage continued cooperation between ports and relevant Defence agencies, including with respect to pilotage.[5]

[5] Guiding Principles for Australian Defence Force (ADF) Access to National Ports, Ports Australia, 12th November 2019

Practical Guidance

- **Engagement of Civilian Pilots** – Warships; both Australian and foreign, may request a civilian pilot to provide pilotage services. Port Authorities may request/encourage pilotage of Warships for risk mitigation in certain situations such as challenging tidal conditions or fragile wharf infrastructure. Where Civilian Pilots are engaged for pilotage of Warships, the default position is an advisory capacity (as naval officers will keep the conduct of the vessel).

- **Selection of Civilian Pilots –** Due to the unique nature of a naval vessel in respect to manoeuvrability and bridge manning; pilotage service providers may consider training specialist pilots to ensure maintenance of skills currency and familiarity with naval operating procedures.

- **Pilot Transfer Arrangements** – Warships shall so far as practicable comply with IMO compliant boarding arrangements and pilot ladders when embarking pilots in any port in Australia. The hull design of many warships may preclude the pilot ladder from sitting flush against the ship's hull; in this case, pilots should take extra care when embarking or disembarking.

- **Bridge Resource Management** – Standardised and closed loop communication, shared passage planning, and defined roles should be covered and understood by all parties during the Master Pilot Exchange (MPX).

- **Legal Considerations** – Warships are exempt from Navigation and Marine Safety Acts. As a result of this exemption and their inherent sovereignty, the commanding officer of a warship is not obliged to handover conduct of the vessel to a pilot if embarked, as such the pilot is principally boarding in an advisory capacity only. During the conduct of the MPX it is essential that the Marine Pilot and Commanding Officer establishes the roles and responsibilities that will be retained by the ship and the level of service requested by the marine pilot.

- **Foreign Warships** – Foreign warships are equally exempt from compulsory pilotage, however this will only be exercised in Australian ports where a naval pilot is embarked. In principle, naval pilots will only conduct pilotage for foreign warships in naval ports, however there may be operational or other reasons for naval pilots to conduct pilotage for foreign warships in non-naval ports. Where a naval pilot is not employed; either in a naval port or non-naval port, the foreign warship will request a civilian pilot. When foreign warships are visiting Australian ports it is recommend that pre-arrival briefing of expectations are conducted through RAN/Naval Attachés.

- **Training & Collaboration** – Port authorities, pilotage service providers and Warships are encouraged to explore joint CPD opportunities (e.g. simulator training, AMPT course) where possible.

Annexure B - Warship Characteristics

Warships come in many sizes, classes and roles, and as such their individual characteristics vary. There are however several common features of which pilots should be aware prior to piloting these vessels:

- **Size:** Most warships, excluding larger "capital ships" such as aircraft carriers and amphibious ships, are much smaller and lighter than those to which civilian pilots would be accustomed to handling. They are generally shallow drafted, thin hulled and highly manoeuvrable.

- **Propulsion:** Warship propulsion can be varied, and includes diesel, diesel electric, gas turbine and nuclear. Notwithstanding the variance in options, most warships possess a high power to weight ratio and will generally be able to increase/reduce speed quickly with little to no notice.

- **Manoeuvring:** Warships are generally highly manoeuvrable and can generate high rates of turn. Furthermore, warships generally plan turns using "advance and transfer" data as opposed to constant radius turns. As a result, warships will generally plan to turn later and with increased ROT than as would be expected in a merchant ship.

- **Bollards:** The bollards on warships may have a lower SWL than expected because of their lighter construction. Some Naval personnel may not be familiar with the SWL of their bollards.

- **Mooring Arrangements:** Warships will rarely have more than one winch/capstan available forward and aft and will often rely on manpower and large numbers of crew to make lines fast. As such, mooring operations can be protracted and the tugs may be required longer than usual.

- **Sensitive Equipment:** Warships are fitted with a wide variety of specialist sensors and equipment that can be extremely sensitive; both physically and in terms of classification. These systems may not be readily apparent due to sensitivities and absence of publically available information. Importantly, these systems may influence aspects of the berthing, which may or may not be communicated to a civilian pilot.

- **Boarding Arrangements:** Due to their relative infrequency in taking pilots and exemption from SOLAS, Warships often employ non-compliant pilot ladders; which can include the equipment itself, how it is rigged or a combination of both. This can be mitigated through provision of required boarding arrangements in advance, however this will not always guarantee a compliant pilot ladder. The hull shape of a warship (normally a sharp chine toward the waterline as opposed to the flat side expected on a merchant ship) can also result in the pilot ladder hanging clear of the hull presenting a more difficult, albeit shorter, climb for the pilot. If in any doubt of the safety of the pilot ladder, a pilot should always take the time to conduct a deliberate dynamic risk assessment, and when required, direct the crew to adjust or

amend the ladder to ensure that the boarding is conducted safely. Marine Pilots retain the right to decline embarking due to safety concerns.

- **Security:** Pilots should expect to be escorted at all times onboard warships and also expect to be restricted in where they can proceed onboard. Most warships will have restrictions in the connecting of sensors (ie. PPU hardware through the pilot plug) to their equipment and as such pilots should be prepared to operate without input from the ship's AIS.

Bridge Manning and BRM

The manning of a warship bridge will vary depending on the operating procedures of the nation to which it belongs, however there are similarities of which a pilot should be aware. Overall, warships bridges will be manned by a larger team of personnel than a merchant ship and can be up to 20 personnel. Key members of the bridge team will include:

- **Commanding Officer:** Master of the Ship. Most Warship Commanding Officers will know their ship well and will be experienced shiphandlers, although in unusual circumstances they may come from an alternative background (i.e. aviation background on an Aircraft Carrier). Commanding officers will have a low appetite for risk given the value of their ship, sensitive nature of their equipment and loss of capability to their nations in the event of damage.

- **Executive Officer:** Second in command, responsible for seamanship and mooring arrangements

- **Navigating Officer:** Responsible for pilotage and the pilotage plan. Depending on the nationality of the warship, the navigating officer should be experienced in shiphandling and tug use.

- **OOW:** Responsible for the execution of the bridge routine

- **Conning Officer:** Responsible for execution of the navigation plan (may be the navigating officer or commanding officer)

Depending on the nationality of the warship, the pilot will either interact with the commanding officer or the navigating officer for routine matters, however the commanding officer will always be the final decision maker for any matters of significance.

In almost all circumstances, the conduct will be retained by one of the ship's officers. In this case, the pilot will provide advice, recommendations and if required direction to the bridge team.