



L'ASSOCIATION DES PILOTES MARITIMES DU CANADA
CANADIAN MARINE PILOTS' ASSOCIATION

REPORT ON PILOTAGE DEVELOPMENTS IN CANADA

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I am happy to have this opportunity to report on pilotage developments in Canada. Our two countries are close neighbours and we have many things in common. One of the most important is a shared border, thousands of miles long, and includes the Great Lakes.

I mention the Great Lakes at the outset because a pilotage issue related to the navigation of vessels in these waters has been the single most important issue the CMPA has been involved with in the past year.

The matter revolves around the question of who determines competency of candidates applying for pilotage certificates in the Great Lakes region. These certificates are issued to mariners who have demonstrated a knowledge of local waters equivalent to that of a licensed marine pilot. They exempt the vessels under the conduct of the certificate holders from the need to board a pilot in compulsory areas.

A similar practice, using different terminology, exists in the United States for the same waters. It also exists in almost every other country with government- regulated pilotage.

Observers of the Canadian marine pilotage scene, especially those from other countries, are often puzzled by the fact that we seem to always be in the middle of a dispute or challenge that threatens the very foundation of the marine pilotage system itself.

I must say, I often ask myself the same question. After all, Canada's current marine pilotage system – which came into effect in 1972 after nine exhausting years of study, discussion, consultation and law-making – is one of the best in the world.

It has certainly stood the test of time; the *Pilotage Act* has now been in place for almost 40 years and during that time has required only minor amendments by Parliament.

Pilotage tariffs in Canada are well below world averages and the system is administered entirely on a cost-recoverable basis, without requiring any public subsidy.

Most important, the system sustains a near-perfect safety record year in and year out, thanks, in great part, to a very rigorous training and examination regime that pilot candidates must complete before being licensed.

Unfortunately, there is, and there has always been since the *Pilotage Act* came into force, one stakeholder that has never reconciled itself with the idea of an independent pilotage authority that determines which vessels require a pilot and in what waters this requirement pertains. That stakeholder is the domestic shipowners.

Virtually every challenge to the regime, and every significant dispute concerning pilotage, has had, one way or another, at its root, a desire on the part of domestic shipowners to undermine, if not completely abolish the current system.

Certainly, that is the case in respect of the pilot certification issue in the Great Lakes region.

Canadian shipowners have not only asserted that mariners on board their vessels are sufficiently qualified so that the requirement to board a pilot in compulsory waters need not apply, but they have insisted that they have the right to make this determination themselves, without the independent regulating authority playing a decisive role.

This is in direct contravention of the *Pilotage Act*. Many of you will know that it is also the opposite of the practice used by the American government in the same waters. The U.S. Coast Guard determines whether or not mariners on board domestic vessels are sufficiently qualified so as to eliminate the need to board a pilot.

In Canada, after nearly 40 years and a series of findings, recommendations and directives to end a “grand-father provision” the issue finally appears to be coming to a head. This grandfather provision has been quite improperly used by shipowners to avoid the *Pilotage Act*’s requirement to either have their mariners assessed as competent by the pilotage authority for a pilotage certificate or, failing that, to board a licensed pilot in compulsory waters.

After a series of stakeholders’ meetings convened by Transport Canada, we now await what is supposed to be a “final” recommendation as to how the exemption anomaly will be corrected.

We believe we have made a very compelling case as to why the responsibility for assessing the competence of candidates for certification must ultimately be with the Pilotage Authority.

Despite this, we remain concerned that the government officials’ final recommendation could result in control of the process for certification of ships’ officers being given to industry, rather than the Pilotage Authority. The fact that we have this concern says a great deal about the lobbying power of the domestic shipping industry.

The next stakeholder meeting, convened by Transport Canada, takes place in just a few days in Ottawa. While I hope that the Department’s proposal will recognize the central and decisive role that the Great Lakes Pilotage Authority must play in the assessment of pilotage certificate candidates, we are certainly not taking anything for granted. We will, if necessary, make this a political issue and remind politicians – and Canadian voters – of the dangers and safety risks that come with industry self-regulation.

In fact, it is because of the upcoming meeting in Ottawa and related activities that I have not been able to spend as much time with you as I had hoped. I leave tonight for Ottawa and hope that there will be good news on this file to report shortly.

There were, of course, other matters that occupied Canadian pilots over the last year or so. These included the question of who actually has the **conduct of a vessel when a pilot is on board** in a compulsory pilotage area. Some shipping lines, mainly cruise lines, have insisted that their masters have the conduct of the vessel, especially for the purposes of berthing and unberthing operations, despite the fact that a pilot is on board. The CMPA argued successfully with both the four regional pilotage authorities and Transport Canada that the conduct of a vessel in compulsory waters resides, at all times, with the pilot on duty, just as is stated in the Pilotage Act. Further, meetings with the cruise lines have been successful in gaining their acceptance to this interpretation of the law. The cruise lines have undertaken to review the terminology used in their printed instructions to masters and bridge teams so as to eliminate any ambiguity or confusion on this subject.

The CMPA has also been focused on a very important upcoming event –the third CMPA Congress – scheduled to take place from July 5th to July 9th 2011 in Halifax. The Congress will be an excellent opportunity for Canada’s marine pilots to share ideas with other members of the maritime community and with their colleagues from other countries. We would be honoured if you were able to attend and, in so doing, contribute greatly to the event’s success.

As an organization, the CMPA continues to grow in its capacity to deal with political and professional issues affecting its members. Most recently, the Association has decided to hire a full-time Executive Director to coordinate its various activities. Fortunately, the CMPA was able to engage its long-time government relations consultant, Tristan Laflamme, for this role. Tristan will collaborate with the Ottawa-based public affairs firm that has served us well for many years.

For the past two years, as Vice President of IMPA, I have had the privilege of working closely with Mike Watson who, as you know, is not only President of the APA but is also President of IMPA. This experience has taught me many things, one of the most important being how well Mike discharges his responsibilities at the international level. He is well-respected by the maritime community worldwide and his leadership on behalf of marine pilots is strategic and effective. I will be with Mike next month in Australia, at which time I will have the pleasure of joining all the other pilots attending in unanimously endorsing his re-appointment by acclamation as President for a second four-year term.

Thank you!