

NORTHERN TERRITORY OF AUSTRALIA

MARINE (PILOTAGE) REGULATIONS

As in force at 2 April 2001

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 2 April 2001. Any amendments that commence after that date are not included.

MARINE (PILOTAGE) REGULATIONS

Regulations under the *Marine Act*

Part I **Introductory**

1 **Citation**

These Regulations may be cited as the *Marine (Pilotage) Regulations*.

2 **Commencement**

These Regulations shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

3 **Interpretation**

In these Regulations, unless the contrary intention appears:

exempt seaman, in relation to a ship, means a person holding a current pilotage exemption certificate that entitles him to be in pilotage charge of that ship in the compulsory pilotage area in respect of which that certificate is issued.

International Code Signal means a signal referred to in the International Code of Signals adopted by the Fourth Session of the Assembly of the Inter-governmental Maritime Consultative Organisation.

Part II **Taking pilot on board**

4 **Notice that pilot is required**

- (1) Where a licensed pilot is, or will be, required to be on board a ship within a compulsory pilotage area, the owner or the master of a ship shall give to the pilotage authority of that area such notice as it may require that the services of a licensed pilot are required.

(2) Where:

- (a) a pilotage authority has made the services of a licensed pilot available; and
- (b) for reasons beyond the control of the licensed pilot, the ship in respect of which the services have been made available is not ready to proceed,

the owner or master of the ship shall, for every hour or part of an hour during which the ship is not ready to proceed, pay such charges as are fixed by the pilotage authority.

5 Taking pilot on board

(1) Subject to these Regulations, where:

- (a) the master of a ship that is approaching a compulsory pilotage area intends that the ship shall enter that area; or
- (b) a ship is at a boarding ground, and:
- (c) a licensed pilot:
 - (i) is within hail of the ship; or
 - (ii) approaches the ship,

the master of the ship shall cause the ship to be made ready to take the licensed pilot on board.

(2) For the purposes of this regulation, a ship is made ready to take a licensed pilot on board when:

- (a) the ship has, in a seamanlike manner, created a lee; and
- (b) a pilot ladder, mechanical hoist, or other safe means of access has been placed so as to facilitate the boarding of the ship by the licensed pilot.

(3) Where a master of a ship refuses, or fails without reasonable excuse, to cause the ship to be made ready to take a licensed pilot on board, the owner and the master of the ship are each guilty of an offence.

Penalty: 50 penalty units.

6 Use of signals

- (1) Where a licensed pilot is required for a ship, the master of the ship shall cause the following signals to be made to denote that a licensed pilot is required:
 - (a) by day, International Code Signal "G"; and
 - (b) by night, International Code Flash "G".
- (2) Where, by day, a licensed pilot is on board a ship, the master of the ship shall cause International Code Signal "H" to be made.
- (3) Where a ship that is an exempt ship under regulation 16 is about to enter, or is moving within, a compulsory pilotage area by day, the master of the ship shall cause International Code Signal Numeral Pennant "O" to be made.

Part III Pilotage licences**7 Application for pilotage licence**

- (1) A person may apply to a pilotage authority for the issue of a pilotage licence in respect of the pilotage area for which it is the authority.
- (2) An application for a pilotage licence shall:
 - (a) contain:
 - (i) the name and address of the applicant;
 - (ii) particulars of any certificate held by the applicant;
 - (iii) particulars of any relevant qualifications held by the applicant; and
 - (iv) details of the relevant service of the applicant; and
 - (b) be accompanied by evidence as to the age, competency, experience, skill, character and medical fitness of the applicant.

8 Issue and renewal of licence

- (1) Where a pilotage authority is satisfied as to the suitability, competency, fitness and skill of an applicant for a pilotage licence, it must, upon payment of the prescribed fee, issue to the applicant a pilotage licence.

- (2) A pilotage licence is valid for a period of 3 years from the date of issue or renewal.
- (3) Upon the expiry of 3 years from the date of issue or renewal of a pilotage licence, the pilotage authority must, if it is satisfied as to the suitability, competence, fitness and skill of the holder, renew the licence.

9 Medical fitness of licensed pilot

- (1) A pilotage authority may at any time require a licensed pilot to undergo a medical examination in order that his fitness to continue as a licensed pilot may be determined.
- (2) Where:
 - (a) in the course of the navigation of a ship any damage is caused to, or by, the ship;
 - (b) the ship is in pilotage charge of a licensed pilot; and
 - (c) in the opinion of the pilotage authority, the medical fitness of the licensed pilot may have been a contributory factor,

the pilotage authority shall require the licensed pilot to undergo a medical examination in order that his fitness to continue as a licensed pilot may be determined.

Part IV Pilotage exemption certificate

10 Pilotage exemption certificate

- (1) A pilotage authority may determine the circumstances in which and the conditions on which it will issue a pilotage exemption certificate to a seaman employed in a ship regularly engaged in trade with or within the Territory.
- (2) A pilotage authority may require an applicant for a pilotage exemption certificate to produce such evidence of competency and service and such testimonials of character and conduct as it thinks fit and may require a medical examination of an applicant.

11 Issue of pilotage exemption certificate

- (1) Where satisfactory testimonials and evidence of service have been produced and the pilotage authority is satisfied as to the experience, ability, conduct and medical fitness of a seaman making application for the issue of a pilotage exemption certificate, the pilotage authority must, upon payment of the prescribed fee,

issue to him a pilotage exemption certificate.

- (2) An exempt seaman is entitled to be in pilotage charge of a ship specified in his pilotage exemption certificate when within the compulsory pilotage area in respect of which it is issued.
- (3) A pilotage exemption certificate shall be valid for an initial period of 2 years in respect of the ship or class of ship and the compulsory pilotage area in respect of which it is issued.

12 Record of usage of certificate

- (1) An exempt seaman shall keep and maintain a record of usage of the pilotage exemption certificate which he holds and such record shall contain full particulars of each usage of the certificate.
- (2) The record of usage shall be produced on request to an authorized officer of the pilotage authority and shall accompany an application for a renewal of the pilotage exemption certificate.

13 Renewal of certificate

Where a pilotage authority is satisfied as to the suitability, competence, fitness and skill of the holder, it must, upon application and payment of the prescribed fee by the holder, renew a pilotage exemption certificate for a period of 2 years from the date of expiry of the previous pilotage exemption certificate.

14 Suspension or cancellation of certificate

Where, in the opinion of the pilotage authority, an exempt seaman is unfit to continue to hold a pilotage exemption certificate, it may cancel or suspend for such period as it thinks fit, his pilotage exemption certificate and may require the exempt seaman to deliver up the pilotage exemption certificate to it.

Part V Miscellaneous

15 Fees

Fees for the issue and renewal of pilotage licences and pilotage exemption certificates shall be as from time to time prescribed by the Minister by notice in the *Gazette*.

16 Exempt ships

For the purposes of section 158 of the Act, in relation to a pilotage area, a ship that is:

- (a) less than 25 metres in length not being a tug with a vessel or barge in tow;
- (b) under the pilotage charge of an exempt seaman;
- (c) declared by the pilotage authority, by notice in the *Gazette*, to be an exempt ship; or
- (d) a ship of a class which has been declared by the pilotage authority, by notice in the *Gazette*, to be exempt,

is exempt from the requirement to take or have on board a licensed pilot.

17 Boarding grounds

The Minister may, by notice in the *Gazette*, specify an area to be a boarding ground for or in relation to a compulsory pilotage area.

Schedule

MARINE (PILOTAGE) REGULATIONS

regulation 8

Form 1

PILOTAGE LICENCE

No.

The holder of this licence whose photograph appears opposite and whose signature appears below is authorised to take pilotage charge of any ship within the pilotage areas listed on the reverse side thereof.

FULL NAME OF HOLDER

COLOUR OF EYES

COMPLEXION

COLOUR OF HAIR

HEIGHT

This licence is valid until

Dated this day of,

.....
Signature of holder. Pilotage Authority

Reverse side

This licence is valid within the pilotage areas of:

1.
2.
3.

.....
Pilotage Authority

MARINE (PILOTAGE) REGULATIONS

Regulation 11

Form 2

PILOTAGE EXEMPTION CERTIFICATE

No.

I hereby certify that is entitled to be in navigational command of * within the pilotage areas listed on the reverse side hereof.

This certificate is valid until

Dated this day of,

.....
Pilotage Authority

* Here insert name of ship or class of ships.

Reverse side.

This certificate is valid within the pilotage areas of:

1.
2.
3.

.....
Pilotage Authority

ENDNOTES**1 KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Marine (Pilotage) Regulations (SL No. 19, 1982)***

Notified	12 March 1982
Commenced	31 March 1982 (<i>Gaz G12</i> , 26 March 1982, p 4)

Amendments of the Marine (Pilotage) Regulations (SL No. 10, 1984)

Notified	7 March 1984
Commenced	7 March 1984

Amendments of Marine (Pilotage) Regulations (SL No. 11, 2001)

Notified	2 April 2001
Commenced	2 April 2001

3 LIST OF AMENDMENTS

r 5	amd No. 11, 2001, r 1
r 8	amd No. 11, 2001, r 2
r 11	amd No. 11, 2001, r 3
r 13	amd No. 11, 2001, r 4
r 16	amd No. 10, 1984