

NORTHERN TERRITORY OF AUSTRALIA

MARINE (PILOTAGE) REGULATIONS

As in force at 28 August 2013

Table of provisions

Part I	Introductory	
1	Citation.....	1
2	Commencement.....	1
3	Interpretation.....	1
Part II	Taking pilot on board	
4	Notice that pilot is required.....	1
5	Taking pilot on board	2
6	Use of signals	3
Part III	Pilotage licences	
7	Application for pilotage licence	3
8	Issue and renewal of licence	3
9	Medical fitness of licensed pilot	4
Part IV	Pilotage exemption certificate	
10	Pilotage exemption certificate.....	4
11	Issue of pilotage exemption certificate.....	4
12	Record of usage of certificate.....	5
13	Renewal of certificate	5
14	Suspension or cancellation of certificate.....	5
Part V	Miscellaneous	
15	Fees.....	5
16	Exempt ships	6
17	Boarding grounds	6

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 August 2013

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:

exempt seaman, in relation to a ship, means a person holding a current pilotage exemption certificate that entitles him or her 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) Before a ship which requires the services of a licensed pilot enters a compulsory pilotage area, the owner or the master of the ship must give the pilotage services provider for the pilotage area the notice required by the provider that the services of a licensed pilot will be required.

- (2) If:
- (a) a pilotage services provider 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 must, 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 services provider.

5 Taking pilot on board

- (1) Subject to these Regulations, if:
- (a) the master of a ship that is approaching a compulsory pilotage area intends that the ship will 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 must cause the ship to be made ready to take the licensed pilot on board.

- (2) For 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) If 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.

Maximum penalty: 50 penalty units.

6 Use of signals

- (1) If a licensed pilot is required for a ship, the master of the ship must 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) If, by day, a licensed pilot is on board a ship, the master of the ship must cause International Code Signal "H" to be made.
- (3) If 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 must cause International Code Signal "Numeric Pennant 0" 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 must:
 - (a) contain:
 - (i) the name and address of the applicant; and
 - (ii) particulars of any certificate held by the applicant; and
 - (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) If 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 or her fitness to continue as a licensed pilot may be determined.
- (2) If:
 - (a) in the course of the navigation of a ship any damage is caused to, or by, the ship; and
 - (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 must require the licensed pilot to undergo a medical examination in order that his or her 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 the seaman a pilotage exemption certificate.

- (2) An exempt seaman is entitled to be in navigational control of a ship specified in the seaman's pilotage exemption certificate when within the compulsory pilotage area in respect of which it is issued without having a licensed pilot on board.
- (3) A pilotage exemption certificate is valid for an initial period of 2 years in respect of the ships and the compulsory pilotage area in respect of which it is issued.

12 Record of usage of certificate

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

13 Renewal of certificate

If 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

If, 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, the exempt seaman's 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 are as from time to time prescribed by the Minister by *Gazette* notice.

16 Exempt ships

For 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 *Gazette* notice, to be an exempt ship; or
- (d) a ship of a class which has been declared by the pilotage authority, by *Gazette* notice, to be exempt,

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

17 Boarding grounds

The Minister may, by *Gazette* notice, 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.

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.

[*name*] is entitled to be in navigational control of the ship or ships named in Schedule 1 without having a licensed pilot on board in the [*pilotage area name*] compulsory pilotage area.

This exemption certificate:

1. applies only to the areas of the compulsory pilotage area described in Schedule 2; and
2. is subject to the conditions specified in Schedule 3.

This certificate is valid until

Dated this day of,

.....
Pilotage Authority

Schedule 1 – Ship or ships

[*name of ship or ships*]

Schedule 2 – Description of areas of pilotage area

[*Areas of the pilotage area in respect of which the certificate is issued. The areas may also be depicted on a map or diagram.*]

Schedule 3 – Conditions

[*conditions or "nil"*]

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 = <i>Gazette</i>	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, 26 March 1982, p 4</i>)

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

Marine (Pilotage) Amendment Regulations 2012 (SL No. 22, 2012)

Notified	4 July 2012
Commenced	4 July 2012 (<i>r 2, s 29, Darwin Port Corporation Legislation Amendment Act 2011, Gaz G27, 4 July 2012, p 5</i>)

Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)

Assent date	12 July 2013
Commenced	28 August 2013 (<i>Gaz G35, 28 August 2013, p 2</i>)

3 LIST OF AMENDMENTS

r 3	amd No. 22, 2012, r 7
r 4	amd No. 22, 2012, rr 4 and 7
r 5	amd No. 11, 2001, r 1; No. 22, 2012, r 7; Act No. 23, 2013, s 4
r 6	amd No. 22, 2012, r 7
r 7	amd No. 22, 2012, r 7
r 8	amd No. 11, 2001, r 2; No. 22, 2012, r 7
r 9	amd No. 22, 2012, r 7
r 11	amd No. 11, 2001, r 3; No. 22, 2012, rr 5 and 7
r 12	amd No. 22, 2012, r 7

ENDNOTES

r 13	amd No. 11, 2001, r 4; No. 22, 2012, r 7
r 14	amd No. 22, 2012, r 7
r 15	amd No. 22, 2012, r 7
r 16	amd No. 10, 1984; No. 22, 2012, r 7
r 17	amd No. 22, 2012, r 7
sch	amd No. 22, 2012, rr 6 and 7