

Serial 153
Darwin Port Corporation Legislation Amendment Bill 2011
Ms Lawrie

A Bill for an Act to amend the *Darwin Port Corporation Act* and *Marine Act*

NORTHERN TERRITORY OF AUSTRALIA

DARWIN PORT CORPORATION LEGISLATION AMENDMENT ACT 2011

Act No. [] of 2011

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Schedule 2 Marine Act further amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2011

An Act to amend the *Darwin Port Corporation Act* and *Marine Act*

[Assented to [] 2011]
[Second reading [] 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Darwin Port Corporation Legislation Amendment Act 2011*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Darwin Port Corporation Act

3 Act amended

This Part amends the *Darwin Port Corporation Act*.

4 Section 5 amended

(1) Section 5(1)

omit

, unless the contrary intention appears

- (2) Section 5(1), definition ***harbourmaster***

omit

- (3) Section 5(1)

insert (in alphabetical order)

harbourmaster means the person holding or occupying the office of harbourmaster mentioned in section 25.

pilotage services means the service of providing pilots to conduct pilotage in relation to a vessel and related services.

Tribunal, see section 7(1) of the *Marine Act*.

- (4) Section 5(1), definition ***place***, paragraph (a), at the end

insert

and

- (5) Section 5(1), definitions ***port facilities***, paragraphs (a) to (c) and ***undesirable substance***, paragraphs (a) to (c), at the end

insert

or

- (6) Section 5(2)

omit

the purposes of

- (7) Section 5(2)

omit

notice in the *Gazette*

insert

Gazette notice

5 Section 16 amended

- (1) Section 16(1)(a) to (c) and (2)(a)(i) to (xvi) and (b)(i) and (ii), at the end

insert

and

- (2) Section 16(2)(a)(vi), after "provide"

insert

pilotage services in accordance with Part 7, Division 4A of the *Marine Act* if the Port Corporation is the appointed pilotage services provider as defined in section 181A of that Act

- (3) Section 16(2)(a)(xviii)

omit

Port.

insert

Port; and

- (4) After section 16(2)

insert

- (3) However, the regulations may:

- (a) prescribe particular activities (including particular types of business) for which, or circumstances in which, the Port Corporation may not perform any of the functions mentioned in subsections (1) and (2); and
- (b) provide for transitional arrangements for provisions made under paragraph (a).

6 Part II, Division 4 replaced

Part II, Division 4

repeal, insert

Division 4 Harbourmaster**25 Appointment of harbourmaster**

- (1) The Minister may, by written notice, appoint a Chief Executive Officer or public sector employee, to be the harbourmaster for the Port.
- (2) The Minister must be satisfied the person has appropriate qualifications and experience for the office of harbourmaster before making the appointment.
- (3) The appointed person holds office as the harbourmaster for 3 years or a lesser period specified in the appointment, unless the person vacates the office at an earlier time.
- (4) A person may be reappointed under subsection (1):
 - (a) before the appointment expires; and
 - (b) more than once.
- (5) A reappointment must be for not more than 3 years, as specified in the reappointment.

26 Functions and powers of harbourmaster

- (1) The harbourmaster has the following functions:
 - (a) making technical and safety standards for pilotage and the provision of pilotage services in relation to the Port as mentioned in section 26A;
 - (b) other functions conferred on the harbourmaster by this or another Act.
- (2) The harbourmaster has the powers necessary to perform the harbourmaster's functions.

26A Technical and safety standards for pilotage and provision of pilotage services

- (1) The harbourmaster must, by written notice, make technical and safety standards for pilotage and the provision of pilotage services in relation to the Port.
- (2) The harbourmaster must do so having regard to the Marine Orders made under the *Navigation Act 1912* (Cth) or *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cth).

- (3) As soon as practicable after making technical and safety standards, the harbourmaster must:
 - (a) notify the making of the standards by *Gazette* notice; and
 - (b) publish the standards on the Internet and in any other way decided by the harbourmaster.
- (4) A person must not contravene a standard made under subsection (1) when conducting pilotage or providing pilotage services in relation to the Port.

Maximum penalty: 50 penalty unit.

26B Annual report of harbourmaster

- (1) Before the end of 3 months after a financial year, the harbourmaster must:
 - (a) prepare an annual report about the performance of functions and exercise of powers by the harbourmaster during that year; and
 - (b) give the report to the Minister.
- (2) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

26C Independent role of harbourmaster

- (1) This section applies if an employee of the Corporation holds office as the harbourmaster.
- (2) In performing the functions and exercising the powers of the harbourmaster, the harbourmaster:
 - (a) is not subject to the direction of the Port Corporation, the Chief Executive Officer of the Port Corporation or any other person; and
 - (b) must act independently, impartially and in the public interest.

26D Vacating office of harbourmaster

The harbourmaster vacates the office of harbourmaster if:

- (a) the term of the harbourmaster's appointment expires; or
- (b) the appointment is terminated under section 26E; or

- (c) the harbourmaster resigns the office by written notice given to the Minister.

26E Suspension or termination of office of harbourmaster

- (1) The Minister may suspend the appointment of the harbourmaster if the Minister reasonably believes it is necessary to do so pending a decision to terminate the appointment under this section.
- (2) The Minister may terminate the appointment of the harbourmaster on the grounds of inability, inefficiency, misbehaviour, physical or mental incapacity or absence otherwise than on leave granted by the Minister.
- (3) The Minister must terminate the appointment of the harbourmaster if:
 - (a) the harbourmaster:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of a law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with creditors or makes an assignment of the person's remuneration for their benefit; or
 - (b) is found guilty by a court in the Territory of an offence punishable by imprisonment for 12 months or more; or
 - (c) is found guilty by a court outside the Territory of an offence which, if committed against a law of the Territory, would be an offence punishable by imprisonment for 12 months or more.
- (4) A suspension or termination under subsection (1), (2) or (3) must be by written notice given to the person whose appointment is suspended or terminated.

26F Acting harbourmaster

- (1) The Minister may, by written notice, appoint a Chief Executive Officer or public sector employee to act in the office of the harbourmaster:
 - (a) during a vacancy in the office (whether or not an appointment has previously been made to the office); or
 - (b) during a period or all periods when the harbourmaster is unable to perform the functions of the office.

-
- (2) The Minister must be satisfied the person has appropriate qualifications and experience to act in the office of harbourmaster before making the appointment.
 - (3) A person appointed under subsection (1)(a) must not act continuously for more than 12 months in the office of the harbourmaster.

26G Delegation by harbourmaster

The harbourmaster may delegate to a person any of his or her powers and functions (other than the power and function relating to making technical and safety standards) under this Act or another Act.

7 Section 38 amended

- (1) Section 38(2) and (3)

omit

shall

insert

must

- (2) Section 38(4)

omit, insert

- (4) In considering an application under subsection (1), the Port Corporation must have regard to:
 - (a) whether the applicant is a suitable person to hold the licence; and
 - (b) the applicant's experience, skill and ability to provide services in relation to the business of a stevedore in a port; and
 - (c) the standard of the applicant's equipment; and
 - (d) other matters that relate to ensuring the safety of anyone connected with the provision of the services.
- (5) In considering whether an applicant is a suitable person for subsection (4)(a), the Port Corporation must have regard to the following matters:
 - (a) whether the applicant has ever been:

- (i) found guilty of an offence against a law of the Territory, or the Commonwealth, a State or another Territory, that is punishable by imprisonment for more than 12 months; or
 - (ii) a director of, or involved in the management of, a company that was found guilty of such an offence;
 - (b) whether in the 10 years before making the application:
 - (i) the applicant has been found guilty of an offence against a law of the Territory, or the Commonwealth, a State or another Territory; or
 - (ii) the applicant has been a director of, or involved in the management of, a company that was found guilty of such an offence;
 - (c) whether the applicant has been a director of, or involved in the management of, a company that was wound up in the 2 years before making the application or is in the process of being wound up;
 - (d) whether the applicant is an individual who has become bankrupt or applied to take the benefit of a law for the relief of bankrupt or insolvent debtors;
 - (e) whether the applicant is a company that is under administration, in the process of being wound up or has executed a deed of company arrangement that is in force.
- (6) The Port Corporation must, as soon as practicable after deciding an application under subsection (1), give written notice of the decision to the applicant, specifying:
- (a) the reasons for the decision; and
 - (b) for a decision to refuse the application – that the applicant may appeal to the Tribunal against the decision.
- (7) The applicant may, within 28 days after receiving the notice, appeal to the Tribunal against the decision as mentioned in subsection (6)(b).

Note for subsection (7)

Section 11(2) of the Marine Act provides for the hearing and determination of the appeal by the Tribunal.

8 Section 39 amended

- (1) Section 39, heading

omit, insert

39 Suspension or cancellation of licence and variation or imposition of licence conditions

- (2) Section 39(1), after "if in"

insert

his

- (3) Section 39(2) and (3)

omit

shall

insert

must

- (4) Section 39(2)(a) and (b), at the end

insert

or

- (5) Section 39(4)

omit

shall be deemed to remain

insert

remains

- (6) Section 39(5)

omit, insert

- (5) In addition, if the licensee contravenes a licence condition, the Port Corporation may take one or more of the following actions as it considers appropriate:

(a) suspend the licence for a specified period;

(b) cancel the licence;

-
- (c) vary a condition to which the licence is subject;
 - (d) impose a condition for the licence.
- (6) If the Port Corporation decides to take an action under subsection (5) in relation to a licence held by a person, it must give written notice of its decision to the person:
- (a) specifying the reasons for the decision; and
 - (b) specifying that the person may appeal to the Tribunal against the decision; and
 - (c) if the licence is to be cancelled – requiring the person to surrender the licence document to the Port Corporation within the period specified in the notice.
- (7) The licensee may, within 28 days after receiving the notice, appeal to the Tribunal against the decision as mentioned in subsection (6)(b).

Note for subsection (7)

Section 11(2) of the Marine Act provides for the hearing and determination of the appeal by the Tribunal.

9 Section 49 replaced

Section 49

repeal, insert

49 Regulations

- (1) The Administrator may make regulations under this Act.
- (2) The regulations may prescribe fees for this Act.

10 Part 7 inserted

After section 51

insert

Part 7 Transitional matters for Darwin Port Corporation Legislation Amendment Act 2011

52 Application of amendments

- (1) Section 38(4) to (7) as amended by the amending Act applies to an application for a licence made under that section on or after the

commencement of the amending Act.

- (2) Subsection (1) does not prevent the Port Corporation taking into account a matter mentioned in section 38(5) that occurred before the commencement.
- (3) Section 39(5) to (7) as amended by the amending Act applies to a decision of the Port Corporation under that section made on or after the commencement of the amending Act.
- (4) This Act as in force immediately before the commencement continues to apply to an application for a licence mentioned in section 38 that was made, but not decided, before the commencement.
- (5) In this section:

amending Act means the *Darwin Port Corporation Legislation Amendment Act 2011*.

commencement means the commencement of the amending Act.

11 Act further amended

Schedule 1 has effect.

Part 3 Amendment of Marine Act

12 Act amended

This Part amends the *Marine Act*.

13 Section 7 amended

Section 7(1)

insert (in alphabetical order)

appointed pilotage services provider, see section 181A.

Darwin Port Corporation means the Darwin Port Corporation established by section 6(1) of the *Darwin Port Corporation Act*.

harbourmaster, see section 5(1) of the *Darwin Port Corporation Act*.

pilotage services means the service of providing pilots to conduct pilotage in relation to a vessel and related services.

pilotage services provider, for Part 7, Division 4A, see section 181A.

Port of Darwin means the area of water and land constituting the Port of Darwin comprised within the boundaries declared under section 43A of the *Darwin Port Corporation Act*.

14 Section 11 amended

(1) Section 11(1)

omit

appeals

insert

an appeal

(2) Section 11(2)

omit, insert

(2) In addition, the Tribunal may hear and determine an appeal against any of the following decisions under the *Darwin Port Corporation Act*.

(a) a decision of the Darwin Port Corporation refusing an application made under section 38(1) of that Act as provided by section 38(7) of that Act;

(b) a decision of the Darwin Port Corporation under section 39(5) of that Act to vary, suspend or cancel a licence as provided by section 39(7) of that Act.

(3) The Tribunal:

(a) may exercise all the powers conferred on the person (the *original decision maker*) who, under this Act or the *Darwin Port Corporation Act*, made the decision the subject of an appeal mentioned in subsection (1) or (2); and

(b) must, in writing:

(i) affirm the decision; or

(ii) vary the decision; or

(iii) make another decision in substitution for the decision after setting aside the decision; or

-
- (iv) remit the matter for reconsideration in accordance with any directions or recommendations of the Tribunal.
 - (4) For the appeal, the Tribunal may only consider information:
 - (a) that was available to the original decision maker when the decision was made; and
 - (b) that is made available to the Tribunal on the request of the Tribunal.
 - (5) The Tribunal must determine the appeal within a total period of 6 months after the appeal is made, discounting any period during which:
 - (a) the Tribunal has made a request for information to be made available as mentioned in subsection (4)(b); and
 - (b) the information is not made available to the Tribunal.
 - (6) The appeal does not affect the operation or implementation of the decision.
 - (7) However, the Tribunal may make another decision (the *interim decision*) staying or otherwise affecting the operation or implementation of so much of the decision as the Tribunal considers appropriate to effectively decide the appeal.
 - (8) The interim decision:
 - (a) is subject to the conditions specified by the Tribunal; and
 - (b) has effect:
 - (i) for the period specified by the Tribunal; and
 - (ii) if no period is specified by the Tribunal – until the appeal is determined.
 - (9) The Tribunal must give written notice of its decision to the appellant, specifying the reasons for the decision.

15 Section 93 amended

- (1) Section 93, heading
omit
, &c.,

insert

etc.

- (2) Section 93(1)

omit

shall

insert

must

- (3) Section 93(1), at the end

insert

Maximum penalty: 100 penalty units.

- (4) Section 93(2)(b)

omit

may be,

insert

may be;

- (5) Section 93(2)

omit

Penalty for an offence against this section:

insert

Maximum penalty:

16 Section 141 amended

- (1) Section 141(1)(a) and (b), at the end

insert

or

(2) Section 141(5)

omit

shall

insert

must

(3) Section 141(7)

omit

The Local Court may

insert

The Local Court may do one or more of the following

(4) Section 141(7)(c) and (8)

omit

shall

insert

must

(5) Section 141(7)(c)

omit

and/or

17 Section 161 amended

(1) Section 161(1)

omit, insert

- (1) The harbourmaster is the pilotage authority for the pilotage areas within the Port of Darwin.

(2) Section 161(2)

omit

shall

insert

must

18 Section 166 replaced

Section 166

repeal, insert

166 Procedure on entering compulsory pilotage area

Except as provided by section 168, the master of a ship must, before the ship enters a compulsory pilotage area:

- (a) present the ship at a boarding ground for the area; and
- (b) receive on board a licensed pilot; and
- (c) receive on board any persons and equipment required by the pilot; and
- (d) if the pilot is to conduct pilotage as part of pilotage services provided by an appointed pilotage services provider – receive on board any persons and equipment as required by the service provider; and
- (e) provide any reasonable assistance required by the pilot or a person mentioned in paragraph (c) or (d); and
- (f) give pilotage charge of the ship to the pilot.

Maximum penalty: 50 penalty units.

19 Section 171 replaced

Section 171

repeal, insert

171 Issue and renewal of pilotage licence and pilotage exemption certificate

- (1) A pilotage authority may issue or renew a pilotage licence or pilotage exemption certificate on an application under section 170 if the authority is satisfied of the matters prescribed by regulation.
- (2) The pilotage authority may, when issuing or renewing a pilotage licence, specify that the licence is subject to one or more of the following conditions:

-
- (a) a condition that the licence applies only to specified vessels (including, for example, vessels of a specified size or kind);
 - (b) a condition specifying the licence only applies to a specified part of the pilotage area.
- (3) The pilotage authority may, when issuing or renewing a pilotage exemption certificate, specify that the certificate is subject to one or more of the following conditions:
- (a) a condition that the certificate only applies to:
 - (i) a specified vessel; or
 - (ii) specified vessels (including, for example, vessels of a specified size or kind);
 - (b) a condition specifying the certificate only applies to specified hours during a day;
 - (c) a condition specifying the certificate only applies to a specified part of the pilotage area.
- (4) In addition, the pilotage authority must not issue to, or renew a pilotage exemption certificate held by, a person who is not the master of a vessel to which the certificate relates.
- (5) Subsections (2) and (3) do not limit the conditions that may be imposed by the pilotage authority for a pilotage licence or pilotage exemption certificate.
- (6) The regulations may provide for:
- (a) the matters that a pilotage authority may take into account in making a decision under this section; and
 - (b) a qualification or requirement in relation to any of the matters mentioned in paragraph (a) (including, for example, whether an applicant for a pilotage licence has undertaken a specified number of supervised transits); and
 - (c) a variation of a condition of a pilotage licence or pilotage exemption certificate.

20 Section 172 amended

(1) Section 172(1)

omit (all references)

shall

insert

must

(2) Section 172(2)

omit, insert

(2) A pilotage licence has effect for a period of 3 years from the date it is issued.

(3) A pilotage exemption certificate has effect for a period of 2 years from the date it is issued.

21 Section 173 amended

Section 173(1)

omit

178(1) or (b)

insert

178

22 Section 174 repealed

Section 174

repeal

23 Section 178 amended

(1) Section 178(a), after "his"

insert

or her

(2) Section 178(b)

omit

his duties,

insert

his or her duties; or

(3) After section 178(b)

insert

- (c) has repeatedly failed to comply with requests made to him or her by the pilotage authority under this Act;

24 Section 181 replaced

Section 181

repeal, insert

181 Appeals of decisions under this Division

- (1) This section applies to any of the following decisions of a pilotage authority in relation to a person:
- (a) a refusal to issue or renew a pilotage licence or pilotage exemption certificate to the person;
 - (b) a decision to specify or vary a condition of a pilotage licence or pilotage exemption certificate held by the person;
 - (c) a decision to suspend or cancel a pilotage licence or pilotage exemption certificate held by a person.
- (2) The pilotage authority must, as soon as practicable after making the decision, give written notice of the decision to the person, specifying:
- (a) the reasons for the decision; and
 - (b) that the person may appeal to the Tribunal against the decision; and
 - (c) if the licence or certificate is cancelled – that the person must surrender the licence or certificate to the pilotage authority within the period specified in the notice.
- (3) If the notice requires a person to surrender the licence or certificate to the pilotage authority as mentioned in subsection (2)(c), the person must not contravene the requirement.

Maximum penalty: 50 penalty units.

- (4) The person may, within 28 days after receiving the notice, appeal to the Tribunal against the decision as mentioned in subsection (2)(b).

25 Part VII, Division 4A inserted

After section 181

insert

Division 4A Pilotage services for Port of Darwin**181A Definitions**

In this Division:

appointed pilotage services provider means:

- (a) if the Darwin Port Corporation is the pilotage services provider under section 181C – the Darwin Port Corporation; or
- (b) a person otherwise appointed to be the pilotage services provider for the Port of Darwin under section 181B.

pilotage services provider means a person who carries on an operation of providing pilotage services.

181B Minister may appoint pilotage services provider for Port of Darwin

- (1) Subject to section 181C, the Minister may, on application made by a person, appoint the person to be the pilotage services provider for the Port of Darwin.
- (2) Except as otherwise provided by the conditions of the appointment, the appointed person has the exclusive right to provide pilotage services in all the pilotage areas in the Port of Darwin.
- (3) The Minister may appoint an applicant under subsection (1) only if the Minister is satisfied:
 - (a) the applicant has the necessary capability to conduct pilotage by one or more licensed pilots in the pilotage areas; and
 - (b) in conducting pilotage in the pilotage areas, each of the licensed pilots would be employed or engaged by, and under the control of, the applicant; and
 - (c) the applicant is a suitable person to be appointed; and
 - (d) the applicant meets other requirements prescribed by regulation (including, for example, safety requirements, the qualifications of persons providing the service and the requirement to pay any fees or charges).

- (4) In considering whether the applicant is a suitable person for subsection (3)(c), the Minister must take into account all of the following matters:
- (a) whether the applicant has ever been:
 - (i) found guilty of an offence against a law of the Territory, or Commonwealth, a State or another Territory that is punishable by imprisonment for more than 12 months; or
 - (ii) a director of, or involved in the management of, a company that was found guilty of such an offence;
 - (b) whether, in the 10 years before the making of the application:
 - (i) the applicant has been found guilty of an offence against a law of the Territory, or the Commonwealth, a State or another Territory; or
 - (ii) the applicant has been a director of, or involved in the management of, a company that was found guilty of such an offence;
 - (c) whether the applicant has been a director of, or involved in the management of, a company that was wound up in the 2 years before the making of the application or is in the process of being wound up;
 - (d) whether the applicant is an individual that has become bankrupt or applied to take the benefit of a law for the relief of bankrupt or insolvent debtors;
 - (e) whether the applicant is a company that is under administration, in the process of being wound up or has executed a deed of company arrangement that is in force.
- (5) The appointment has effect:
- (a) subject to the conditions specified in the appointment; and
 - (b) for the term specified in it unless, at an earlier time:
 - (i) it is terminated under section 181F; or
 - (ii) the appointed person resigns the appointment by written notice given to the Minister.
- (6) Subsection (5) does not prevent the reappointment of the appointed person under subsection (1).

- (7) The Minister must, as soon as practicable after deciding an application mentioned in subsection (1), give written notice of the decision to the applicant, specifying:
- (a) the reasons for the decision; and
 - (b) for a decision to refuse the application – that the applicant may appeal to the Tribunal against the decision.
- (8) The applicant may, within 28 days after receiving the notice, appeal to the Tribunal against the decision as mentioned in subsection (7)(b).
- (9) The regulations may provide for the following matters:
- (a) the conditions that may be specified under subsection (5)(a), including, for example, conditions about:
 - (i) the pilotage services provider's insurance coverage; and
 - (ii) the pilotage services provider's capability for providing pilotage services; and
 - (iii) the qualifications of persons to provide the service; and
 - (iv) the provision of reports to the Minister about the performance of the pilotage services provider;
 - (b) matters that may be considered by the Minister when specifying the conditions;
 - (c) any other matters arising from this section.

181C Darwin Port Corporation taken to be appointed

- (1) The Darwin Port Corporation is taken to be appointed under section 181B(1) as the pilotage services provider for the Port of Darwin for a term of 10 years from the commencement of this section.
- (2) The appointment has effect subject to:
- (a) section 181F and regulations made under section 181G; and
 - (b) any conditions specified by the Minister by written notice given to the Darwin Port Corporation; and
 - (c) the operation of section 15 of the *Darwin Port Corporation Act*.

Note for subsection (2)(c)

The Minister administering the Darwin Port Corporation Act may give directions

to the Corporation in relation to the performance of the Corporation's functions (see section 15 of that Act).

- (3) Without limiting subsection (2)(b), the conditions may include conditions about the technical competency, qualifications and experience of persons providing the pilotage services and provision of reports to the Minister about the Corporation's performance as the pilotage services provider.
- (4) To avoid doubt, this section does not prevent the reappointment of the Corporation under section 181B after the 10 years mentioned in subsection (1).
- (5) The regulations may provide for a matter arising from this section (including, for example, a matter arising from an application by the Corporation for a reappointment under section 181B).

181D Offences

- (1) A person who is not the appointed pilotage services provider must not provide pilotage services in the Port of Darwin.

Maximum penalty: 100 penalty units.

- (2) The appointed pilotage services provider must not, without a reasonable excuse, contravene a condition of the appointment.

Maximum penalty: 100 penalty units.

181E Provision of pilotage services by appointed pilotage services provider

- (1) The appointed pilotage services provider may, with the Minister's written approval, by *Gazette* notice, fix the rate of charges payable to the appointed pilotage services provider for the service.
- (2) The owner, agent or master of a ship is liable to pay to the appointed pilotage services provider the charges for pilotage services provided in relation to the ship.
- (3) Charges payable under subsection (1) and collected by the appointed pilotage services provider may be retained by the provider.

181F Termination and suspension of appointment and variation of conditions of appointment

- (1) The Minister may terminate, or suspend for a specified period, the appointment of a person as the pilotage services provider if:
 - (a) the Minister considers the person:

- (i) has contravened a condition of the appointment; or
 - (ii) for a person other than the Darwin Port Corporation – no longer meets the requirements for the appointment under this Division; and
- (b) for a termination of the appointment, the Minister:
 - (i) has notified the person of the Minister's intention to terminate the appointment; and
 - (ii) has specified in the notice that the person may, within a reasonable period specified in the notice, explain to the Minister why the appointment should not be terminated; and
 - (iii) has taken into account any explanation given to the Minister within the specified period.
- (2) The Minister may vary a condition of the appointment of a person as the pilotage services provider if the Minister considers the variation is necessary:
 - (a) to ensure compliance with this Act; or
 - (b) in other circumstances prescribed by regulation.
- (3) The Minister must, as soon as practicable after making a decision under subsection (1) or (2) in relation to a person, give written notice of the decision to the person, specifying:
 - (a) the reasons for the decision; and
 - (b) that the person may appeal to the Tribunal against the decision.
- (4) The person may, within 28 days after receiving the notice, appeal to the Tribunal against the decision as mentioned in subsection (3)(b).

181G Regulations may provide for other matters about appointment

The regulations may provide for a matter arising from the appointment of a pilotage services provider, including, for example, the monitoring of compliance with this Division by the appointed pilotage services provider.

26 Sections 184 and 185 replaced

Sections 184 and 185

repeal, insert

184 Pilotage services for other pilotage areas

- (1) This section applies to a pilotage area other than a pilotage area in the Port of Darwin.
- (2) The Minister may approve the provision of pilotage services by the pilotage authority for the pilotage area.
- (3) The pilotage authority may, with the Minister's written approval, by *Gazette* notice, fix the rate of charges payable to the authority for any pilotage services provided by the authority.
- (4) The owner, agent or master of a ship is liable to pay to the pilotage authority the charges fixed under subsection (3) for pilotage services provided in relation to the ship.
- (5) Charges payable under subsection (4) and collected by the pilotage authority may be retained by the pilotage authority.
- (6) Regulations may prescribe matters arising from this section.

27 Section 189 amended

- (1) Section 189(a) to (g), (j) and (k), at the end
insert
and
- (2) Section 189(h)
omit
Part V;
insert
Part 5; and
- (3) Section 189(n)
omit, insert
 - (n) a specified person was, or was not, a licensed pilot or the holder of a pilotage exemption certificate; and

- (o) a specified person was, or was not, the appointed pilotage services provider; and
- (p) a specified person was, or was not, approved to provide pilotage services in a pilotage area;

28 Section 191A amended

- (1) Section 191A

omit

or failing to comply

- (2) Section 191A(a)

omit

166, 174(3) or 175

insert

165(1), 166, 175, 176, 180(2), 181(3) or 181D(1) or (2)

- (3) Section 191A(a) and (b)

omit

with

29 Part 10 inserted

After section 211

insert

Part 10 Transitional matters for Darwin Port Corporation Legislation Amendment Act 2011

212 Application of amendments

- (1) Section 11 as amended by the amending Act applies to an application for an appeal made under that section on or after the commencement.
- (2) Section 172 as amended by the amending Act applies to a pilotage licence or pilotage exemption certificate issued on or after the commencement.

- (3) Section 181 as amended by the amending Act applies to a decision of the pilotage authority mentioned in that section that is made on or after the commencement.
- (4) Part 7, Division 4A applies to the provision of pilotage services on or after the commencement.
- (5) Subsection (4) does not prevent the Minister taking into account a matter mentioned in section 181B(4) that occurred before the commencement.
- (6) In this section:

amending Act means the *Darwin Port Corporation Legislation Amendment Act 2011*.

commencement means the commencement of the amending Act.

30 Act further amended

Schedule 2 has effect.

Schedule 1 Darwin Port Corporation Act further amended

section 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	Part II	Part 2
section 6(2)(a), at the end		and
section 6(2)(b)	shall	is to have
section 6(3)	shall (<i>all references</i>)	must
section 17(2)(a) to (u), at the end		and
section 17(2)(r)	authorize	authorise
section 18(1)	(1) The	The
section 18(2) and (3)	whole subsection	
Part IIA, heading	Part IIA	Part 2A
section 27D(2)	an employee, within the meaning of the <i>Public Sector Employment Act</i>	a public sector employee,
section 27E(b)	appointment,	appointment;
section 27G	or fails to comply with	
Part IIB, heading	Part IIB	Part 2B
section 28(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
sections 28A(1)(a), 28B(a) and (b) and 28C(1)(a) and (3)(a) and (b)(i), at the end		and

Part III, heading	Part III	Part 3
section 29(2), penalty provision	Penalty:	Maximum penalty:
section 30(4)	shall	must
section 30(4), penalty provision	Penalty:	Maximum penalty:
section 31, heading	, &c.	etc.
section 31(1)(b)	Port,	Port;
section 31(1)(d)	insurance,	insurance;
section 32(1)	shall	must
section 32(2)	authorize	authorise
section 32(3) and (4)	shall be	is
section 32(5)	authorized	authorised
section 32(6)	fails to comply with or	
section 32(6), penalty provision	Penalty:	Maximum penalty:
section 32(7)	shall authorized	must authorised
section 32(7), penalty provision	Penalty:	Maximum penalty:
section 33(2)	fails to comply with or	
section 33(2), penalty provision	Penalty:	Maximum penalty:
section 34(1)(b)	Port,	Port;
section 34(1), penalty provision	Penalty:	Maximum penalty:
section 34(2)(a), at the end		or
section 34(2)(c)	is,	is;

section 34(2), penalty provision	Penalty:	Maximum penalty:
section 35(1)(a), at the end		or
section 36, heading	removal of undesirable substance, &c.	removal etc. of undesirable substance
section 36(3)(a)	shall prevent	prevents
section 36(3)(a) and (b), at the end		and
section 36(3)(b), (c) and (d)(i) and (ii) and (4)	shall (<i>all references</i>)	must
section 37, heading	, &c.,	etc.
section 37(1)(a) to (c) and (d)(i), at the end		or
section 37(2)	, shall	must
section 37(2)(a) and (b), at the end		and
section 40(1)	shall	must
section 40(1), penalty provision	Penalty:	Maximum penalty:
section 41, heading	, &c.	etc.
section 41(b)	goods,	goods;
Part IV, heading	whole heading	Part 4 Miscellaneous matters
section 43A	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 44, heading	, &c.	etc.
section 44	deemed	taken
section 44(a), at the end		or

section 45, heading	rates, charges, &c.	local government rates, charges and taxes
section 45(4)	authorizes shall be	authorises is
section 46, heading	, &c.	rates, dues, charges or rental for storage
section 46(2)	shall have	has
section 47, heading	or failure to comply with	
section 47	all words from "or fails" to "failure to comply with which"	an order or direction given under this Act (including the by-laws) by an employee, being an order or direction for the contravention of which
section 47, penalty provision	Penalty:	Maximum penalty:
section 48(1)	in relation to:	in relation to any or all of the following:
section 48(1)(zc)	; and	;
section 48(1)(zd)	or failure to comply with	
section 48(2)	shall cease	ceases
section 48(3)(a), at the end		or
Part V, heading	Part V	Part 5
section 59(4)(a) and (b), at the end		or
section 50(4)(d)	authorized officer,	authorised officer;
section 50(7)(a)		and
Part VI, heading	Part VI	Part 6

Schedule 2 Marine Act further amended

section 30

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
section 4(2)	Part IV	Part 4
section 4(2)(b)	he	the person
section 4(3) and (4)	Part VII	Part 7
section 6	of the Commonwealth	(Cth)
section 7(1)	, unless contrary intention appears	
section 7(1), definition <i>advisory committee</i>	Division 3 of Part II	Part 2, Division 3
section 7(1), definition <i>casualty</i> , paragraphs (a) and (c)(i), at the end		or
section 7(1), definition <i>casualty</i> , paragraph (c)(iii)	board	board;
section 7(1), definition <i>certificate</i>	Part III	Part 3
section 7(1), definitions <i>crew</i> , paragraph (a) and <i>interstate voyage</i> , paragraph (a), at the end	or	
section 7(1), definition <i>interstate voyage</i> , paragraph (c)	Australia,	Australia;

section 7(1), definitions <i>Navigation Act</i> and <i>Northern Territory waters</i> , paragraph (a)	of the Commonwealth	(Cth)
section 7(1), definition <i>off-shore industry mobile unit</i> , paragraphs (a)(i) and (b)(iii)(A), at the end		or
section 7(1), definition <i>off-shore industry mobile unit</i> , paragraph (b)(i),		and
Section 7(1), definition <i>off-shore industry mobile unit</i> , paragraphs (a)(iii) and (b)(iii)(C)	seabed,	seabed;
section 7(1), definitions <i>off-shore industry vessel</i> , paragraph (a)(i) and <i>overseas voyage</i> , paragraphs (a) to (d), at the end		or
section 7(1), definition <i>pleasure craft</i> , paragraph (b)	purpose,	purpose;
section 7(1), definition <i>suspended person</i> , paragraph (a), at the end		or
section 7(1), definition <i>Uniform Code</i>	of the Commonwealth	
section 7(1), definition <i>vessel</i> , paragraph (a), at the end		and
section 7(3)(a) and (b), at the end		or

section 7(3)(d)	operations,	operations;
section 7(5)	shall	is to
section 7(6)	shall be	is to be
section 7(7)	<i>Navigation Act</i>	Navigation Act
Part II, heading	Part II	Part 2
Part II, Division 1, heading	, &c.	etc.
section 8(2)	him	the Director
section 8(2)(a), at the end		or
section 8(3)	he (<i>all references</i>)	the shipping inspector
section 8(3)(b), after "his"		or her
section 8(3)(a) to (e), at the end		and
section 8(4) and (5)	shall	must
section 8(6)	he shall	the shipping inspector must
section 8(6), after "his"		or her
section 8(7)	shall	must
section 8(7), after "his"		or her
section 8(7), penalty provision	Penalty:	Maximum penalty for an offence against subsection (7):
section 8A	member of the Police Force	police officer
section 9	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 10(2)	shall consist	consists

sections 13 and 17(1)	shall	must
section 17(1)	organizations	organisations
section 17(2)(b)	seamen,	seamen;
sections 18 and 19(1) and (2)	shall	must
section 20, heading	whole heading	20 Application of other Act
section 21(1)	(1) The his	The his or her
section 21(2) and (3)	whole subsections	
section 22	him (all references) himself	the person the person
Part III, heading	Part III	Part 3
Part III, Division 1, heading, at the end		matters
section 23, heading	Part III	Part 3
section 23(a) to (c) and (ca)(ii) to (dc), at the end		or
section 25(1), penalty provision	Penalty:	Maximum penalty:
section 25(3)	shall he	must he or she
section 25(3)(a), at the end		and
section 26	shall	may
section 26(a), at the end		or
section 26(c)	watch,	watch;

section 26, penalty provision	Penalty:	Maximum penalty:
section 27(1)	shall	must
	he	he or she
section 27(2)	shall	must
section 27, penalty provision	Penalty:	Maximum penalty for an offence against subsection (1) or (2):
sections 28(2) and 29A(2)	shall	must
section 32	shall	must
	he	the person
section 32, penalty provision	Penalty:	Maximum penalty:
section 33	his <i>(all references)</i>	his or her
	shall	must
section 33, penalty provision	Penalty:	Maximum penalty:
section 34(1), after "himself"		or herself
section 34(2)	shall	must
	him	him or her
section 34(2), penalty provision	Penalty:	Maximum penalty:
section 51	shall	must
section 51, penalty provision	Penalty:	Maximum penalty:
section 69	shall	must
	authorized	authorised
section 69, penalty provision	Penalty:	Maximum penalty:

section 70(1)	shall	must
section 70(1), penalty provision	Penalty:	Maximum penalty:
section 71	shall	must
section 71, penalty provision	Penalty:	Maximum penalty:
section 72(1)	shall	must
section 72(1) and (2), penalty provision	Penalty:	Maximum penalty:
section 73(1)(b)	vessel,	vessel;
section 73(2)	shall	must
section 73(3)	shall he	must the person
section 74(1)	shall his	must the person's
section 74(2)	shall	must
section 74(2)(b)(i), at the end		and
Part IV, heading	Part IV	Part 4
Part IV, Division 1, heading, at the end		matters
section 75, heading	Part IV	Part 4
section 75(1)	recognized	recognised
section 75(2)(a) to (f) and (fa)(ii) to (fc), at the end		or
section 75(3)	shall	must
section 75(4)	shall be	is
section 76(2)	notice in the <i>Gazette</i> he	<i>Gazette</i> notice the Minister

section 76(3)	shall him	must the surveyor
section 76(3), penalty provision	Penalty:	Maximum penalty:
section 77(1)(a) to (d), at the end		and
section 77(1)(b)	he his	the surveyor the surveyor's
section 77(1)(c)	he his	the owner the owner's
section 77(1)(f)	him	the surveyor
section 77(2)	shall	must
section 78(1)	shall his	must the surveyor's
section 78(1), penalty provision	Penalty:	Maximum penalty:
section 78(2)	shall him	must the person
section 78(2), penalty provision	Penalty:	Maximum penalty:
section 79	shall	must
section 79(a), at the end		and
section 79, penalty provision	Penalty:	Maximum penalty:
section 80(1)(b)	surveyed,	surveyed;
section 80(2)	shall he	must the Director
section 80(3)	shall	must

section 80(3), penalty provision	Penalty:	Maximum penalty:
section 81, heading	, &c.,	of survey
section 81(1)	him (<i>all references</i>)	the Director
section 81(2)	shall	must
section 81(2), penalty provision	Penalty:	Maximum penalty:
section 82(2)	shall	must
section 82(2), penalty provision	Penalty:	Maximum penalty:
section 83(1)	him (<i>all references</i>)	the owner or master (as appropriate)
section 83(2)	shall	must
section 83(2), penalty provision	Penalty:	Maximum penalty:
section 84	shall be deemed shall have	is taken to be has
section 85	he	the owner
section 86	he shall his	the Director must the owner's
section 87(1) and (2)	shall	must
section 87(1) and (2), penalty provision	Penalty:	Maximum penalty:
section 88	shall he	must the Director
section 88(a) and (b), at the end		or
section 89(1)	he shall	the Director must
section 89(2) and (3)	shall	must

section 91(1)	authorized	authorised
sections 91(2) and 92(1)	shall	must
section 92(1), penalty provision	Penalty:	Maximum penalty:
section 92(3)	shall be deemed	is taken to
section 94(1), penalty provision	Penalty:	Maximum penalty:
section 94(3)	deemed	taken
section 96(a) and (b), at the end		or
section 96(d)	reason,	reason;
section 97(1) and (2)	shall	must
section 97(1) and (2), penalty provision	Penalty:	Maximum penalty:
section 97(4)	shall not be	is not
section 99	shall	must
section 99, penalty provision	Penalty:	Maximum penalty:
section 100	shall	must
section 100, penalty provision	Penalty:	Maximum penalty:
section 101(b)	number,	number;
section 101	shall	must
section 101, penalty provision	Penalty:	Maximum penalty:
section 102(1)	he	the Director
section 102(3)	shall comply with and	must
section 102(3), penalty provision	Penalty:	Maximum penalty:

section 103(1)	shall	must
section 103(2)	Penalty	Maximum penalty
section 104(1)(a), at the end		and
section 104(1)(a) and (b), after "he"		or she
section 104(1)(c)(i) and (ii)	his (<i>all references</i>)	the owner's or the master's
section 104(2)	shall not be	is not
section 105(1)	he (<i>all references</i>)	the Director
section 105(2)	shall comply with and	must
section 105(2), penalty provision	Penalty:	Maximum penalty:
section 106(1)	shall	must
section 106(1)(a) and (b), at the end		or
section 106(1)(d)	on,	on;
section 106(2)	shall	must
section 106, penalty provision	Penalty:	Maximum penalty:
Part 4, Division 6, heading	, &c.	etc.
section 109	shall	must
	he (<i>all references</i>)	he or she
	his (<i>all references</i>)	his or her
section 109(a) and (c)(i), at the end		and
section 109, penalty provision	Penalty:	Maximum penalty:

section 110(1)	shall not contravene or fail to comply with	must not contravene
section 110(1), penalty provision	Penalty:	Maximum penalty:
section 110(2)	shall	must
section 110(2), penalty provision	Penalty:	Maximum penalty:
section 111	shall	must
	he	he or she
	his	his or her
section 111, penalty provision	Penalty:	Maximum penalty:
section 112	shall	must
section 112, penalty provision	Penalty:	Maximum penalty:
section 113(1) and (2)	shall	must
	<i>(all references)</i>	
	he	he or she
	<i>(all references)</i>	
section 113(2), penalty provision	Penalty:	Maximum penalty:
section 113(3)	he is	he or she is
	whom he	from whom the master
	his	his or her
section 114	shall	must
section 114(b)	he	the master
section 114, penalty provision	Penalty:	Maximum penalty:
section 115(2)	shall	must
	his	his or her
	<i>(all references)</i>	

section 115(2), penalty provision	Penalty:	Maximum penalty:
section 115A	shall	must
section 115A, penalty provision	Penalty:	Maximum penalty:
section 115B	shall	must
section 115B, penalty provision	Penalty:	Maximum penalty:
section 115C(1)	, unless the contrary intention appears	
section 115C(1), definition <i>owner</i> , paragraph (a), at the end		or
section 115C(1), definition <i>owner</i> , paragraph (c)	wrecked,	wrecked;
section 115C(1), definition <i>owner</i>	shall be deemed	is taken
section 115D(1)(a), at the end		and
section 115D(3)	shall	must
section 115D(4)	shall be	are
section 117, heading	, &c.	etc.
section 117(a) to (e), at the end		or
section 117(g)	place,	place;
section 117	shall him	must the Director
section 117, penalty provision	Penalty:	Maximum penalty:

section 118(2)	he shall shall his	the person must must the person's
section 118(3)	he	the Minister
sections 118(4) and 119(1)	shall	must
section 119(2)	shall be deemed	is taken
section 120(1)(a), at the end		and
section 120(2)(a)	shall	must
section 120(2)(b)	his	the person's
section 120(2), penalty provision	Penalty:	Maximum penalty:
section 120(3)	him	the person
section 120(4)	shall <i>(all references)</i>	must
section 120(5)	shall give his he	must give the person's the person
section 121(1)	he	the person
section 122(1)(a), (b) and (d)	his <i>(all references)</i>	his or her
section 122(1)(a), at the end		or
section 122(1)(c)	Act,	Act;
section 122(2)	shall	must
section 122(2)(a)	him concur;	the person conducting the formal investigation concur; and
section 122(2)(c) and (3), after "his"		or her

section 122(3)	shall	must
section 122(3), penalty provision	Penalty:	Maximum penalty:
section 123(b)	he it,	the Minister it;
section 124(1)	shall	must
section 124(3)	shall be deemed shall apply	is taken apply
section 124(4)	shall have (<i>all references</i>)	has
section 124(4)(a) and (b), at the end		or
sections 125(2)(a) and (b) and 126(1)	shall	must
section 126(1), penalty provision	Penalty:	Maximum penalty:
section 127(1)	shall	must
section 127(1), penalty provision	Penalty:	Maximum penalty:
section 127(2), after "himself"		or herself
section 128(1)	he (<i>all references</i>)	the Director
section 128(2)	shall comply with and	must
section 128(2), penalty provision	Penalty:	Maximum penalty:
Part V, heading	Part V	Part 5
section 131(1)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 131(1)(b)	area,	area;
section 131(3)	shall	must

section 131(3)(b)	declaration,	declaration;
section 132(2)	shall	must
section 133(1)(b)	operations,	operations;
section 133(2)	shall	must
section 133(3)	deemed	taken
section 134(2)	shall	must
section 134(2)(a) and (b), at the end		and
section 134(3)(a) to (d), at the end		or
section 134(4)	shall	must
section 134(4)(a), at the end		and
sections 134(5) and 135(2)	shall	must
section 135(2), penalty provision	Penalty:	Maximum penalty:
section 136(1) and (2)	shall	must
section 136(1)(a) and (2)(a), at the end		and
section 138, heading	&c.,	suspension or variation
section 138(1)(a) to (d), at the end		or
section 138(1)(a) and (d)	or failed to comply with	
section 138(2)	shall	must
section 138(2)(a) and (b), at the end		and
section 139(1)	failed to comply with or	

section 139(4)	shall	must
section 139(4), penalty provision	Penalty:	Maximum penalty:
section 140, heading	, &c.	etc.
section 140(1), (2) and (3)	shall	must
section 140(4)	shall comply with and	must
section 140(1), (2), (3) and (4), penalty provision	Penalty:	Maximum penalty:
section 142A(1)(a) and (b), at the end		or
Part VI, heading	Part VI	Part 6
Part VI, Division 1, heading, at the end		matters
section 143	, unless the contrary intention appears	
section 144(a)	<i>1911</i> of the Commonwealth	<i>1911</i> (Cth)
section 145, heading	, &c.,	
section 147(2)	authorize his	authorise the Director's
section 148	shall	must
section 148, penalty provision	Penalty:	Maximum penalty:
section 149(2)	his	the Director's
section 149(2)(a) and (b), at the end		or
section 149(3)	shall	must
section 149(3), penalty provision	Penalty:	Maximum penalty:

section 149(4)	served,	served;
section 150	authorized his	authorised the person's
section 151	authorized he	authorised the Director or person
section 152	shall	must
section 152, penalty provision	Penalty:	Maximum penalty:
section 153	shall authorized his <i>(all references)</i>	must authorised the authorised person's
section 153, penalty provision	Penalty:	Maximum penalty:
section 154	shall	must
section 154(a) and (b), at the end		or
section 154, penalty provision	Penalty:	Maximum penalty:
section 155	shall	must
section 155, penalty provision	Penalty:	Maximum penalty:
section 156(a), at the end		or
section 156(c)	aid,	aid;
section 156(e)	which,	which;
section 157(1)	shall	are to
Part VII, heading	Part VII	Part 7
Part VII, Division 1, heading, at the end		matters

section 158	, unless the contrary intention appears	
sections 160 and 162	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 163(2)	shall	must
section 163(2)(a) and (b), at the end		and
section 163(3)	shall him	must the master
section 163(3), penalty provision	Penalty:	Maximum penalty:
section 165(1)	shall an area where pilotage is compulsory	must a compulsory pilotage area
section 165(1), penalty provision	Penalty:	Maximum penalty:
section 168	an area where pilotage is compulsory	a compulsory pilotage area
section 175	shall his	must his or her
section 175, penalty provision	Penalty:	Maximum penalty:
section 176	shall	must
section 176(b), after "himself"		or herself
section 176, penalty provision	Penalty:	Maximum penalty:
section 177(1)	shall	must
section 177(1)(b)	him	the licensed pilot
section 177(1), penalty provision	Penalty:	Maximum penalty:

section 177(2)(a), after "him"		or her
section 177(2)(b)(i) and (ii), after "he"		or she
section 180(1)(a) and (b), at the end		and
section 180(2)(a) and (b)	shall	must
section 180(2)(b)	his	the person's
section 180(2), penalty provision	Penalty:	Maximum penalty:
section 180(3)	him	the person
section 180(4)	shall	must
section 182	his	the master's
section 183	him his licence	the licence to the pilot
Part VIII, heading	whole heading	Part 8 Miscellaneous matters
section 186, heading	Parts III and IV	Parts 3 or 4
section 186(1)(a)(i)	Part III or IV	Part 3 or 4
section 186(1)(b)	occur,	occur;
section 186(3)	shall comply with and	must
section 186(3), penalty provision	Penalty:	Maximum penalty:
section 186(4), after "his"		or her
section 187	shall	must
section 188(a)	Parts III and IV	Parts 3 and 4
section 188A(1) and (2)	shall	must
section 188A(1), penalty provision	Penalty:	Maximum penalty:

section 188B(1)(a) and (b), at the end		or
section 188B(2)	shall publicize	must publicise
section 188B(3)	shall	must
section 188B(3), penalty provision	Penalty:	Maximum penalty:
section 190	shall	is to
section 190(a), at the end		or
section 191	shall be	are
section 191AA	shall, on being found guilty of the offence, be	is, on being found guilty of the offence,
section 192	he	the person
section 193(1)(a), at the end		or
section 193(1)(c)	requirement,	requirement;
section 193(1) and (2)	he	the Administrator
section 193(2)	shall not be	is not
section 193(4)	shall his	must the Administrator's
Part IX, heading	Part IX	Part 9
section 194(1)(b)	authorizing	authorising
section 194(2)	authorize shall apply	authorise applies
section 194(2)(a) to (j) and (3)(a), at the end		and
section 194(2)(m)	Act,	Act;
section 194(3)(a)	shall	must

section 196(2)	shall (<i>all references</i>)	
section 196(4)	shall	do
section 196(6)(a)	shall (<i>all references</i>)	must
sections 196(6)(a), 197(a), 198(a), 199(a) to (d) and 200(1)(a), at the end		and
section 200(2)	shall he	must the Administrator
section 203(a) to (k), at the end		and
section 203(n)	vessels,	vessels;
section 203	Part IV	Part 4
section 203	shall	
section 205(a) to (c), at the end		and
section 205(b)	shall	must
sections 208(1)(a), 209(a) to (c) and 210(1)(a) to (e) and (2)(a), at the end		and
