

THE NORTHERN TERRITORY OF AUSTRALIA

Regulations 1980, No. 20 \*

By-Laws under the Ports Act

In pursuance of the powers conferred upon it by the Ports Act, the Northern Territory Port Authority at a meeting held on 30th day of January 1980, made the following By-laws.

Dated this *7th* day of *May*, 1980.

  
General Manager  
P. A. J. WARMAN

AMENDMENTS OF THE PORT BY-LAWS

1. AMENDMENT OF CHAPTER V

The Port By-laws are amended by omitting by-laws 27 to 36 inclusive and substituting the following by-laws:

"27. INTERPRETATION

In this Chapter, unless the contrary intention appears -

'Certificate' means a Pilotage Exemption Certificate granted under this Chapter;

'length' means length overall;

'passage' means one entry into or departure from the Port;

'the Port' means the Port of Darwin;

'voyage' means one entry into and departure from the Port.

\*Notified in the Northern Territory Government Gazette on  
, 1980.

"28. REQUIREMENT OF PILOTAGE

Except in the case of an emergency, a person shall not, unless he -

- (a) holds a Certificate in respect of that vessel; or
- (b) is directed by the Harbourmaster to move the vessel without the services of a pilot,

move a vessel exceeding 20 metres in length in the Port south of the Channel Rock Buoy (located approximately latitude 12° 25.1' South and longitude 130° 46.9' East) without the services of a pilot.

"29. RADIO NOTICE OF ARRIVAL TO BE GIVEN

The master of a vessel exceeding 20 metres in length intending to enter the Port shall, not later than 24 hours before his estimated time of arrival at the Channel Rock Buoy, radio to the Harbourmaster -

- (a) notice of that estimated time of arrival; and
- (b) whether he will require the services of a pilot.

"30. CONFIRMATION OF RADIO NOTICE

"(1) Where notice has been given under by-law 29 of the estimated time of arrival of a vessel at Channel Rock Buoy, the master of the vessel shall, not more than 2½ hours nor less than 1½ hours before the arrival of the vessel, give notice confirming or amending the estimated time of arrival.

"(2) Notice confirming or amending the estimated time of arrival shall be given -

- (a) where it is given during normal working hours -
  - (i) to the Harbourmaster; or
  - (ii) on Channel 16 of the Very High Frequency Band, to the authority known as Harbour Control; or
- (b) where it is given outside normal working hours - by radio to the Harbourmaster.

"(3) Where the services of a pilot have been requested or are required for a vessel to move in that part of the Port specified in by-law 28 and the vessel does not arrive at the Channel Rock Buoy -

- (a) at the confirmed or amended time of arrival of the vessel notified under this by-law; or

- (b) if such a notification has not been given, at the estimated time of arrival notified in pursuance of by-law 29,

the master and owner of the vessel are jointly and severally liable to pay to the Port Authority a charge of \$100 for every half hour, or part of a half hour, after the first, that a pilot waits for the vessel at the pilot boarding ground.

"(4) Where a vessel for which the services of a pilot have been requested or otherwise are required arrives at the Channel Rock Buoy after the pilot has left the pilot boarding ground to return to shore after having waited at the pilot boarding ground -

- (a) for more than half an hour after the confirmed or amended time of arrival of the vessel notified under this by-law; or
- (b) if such a notification has not been given, for more than half an hour after the estimated time of arrival of the vessel notified in pursuance of by-law 29,

the master and owner of the vessel are jointly and severally liable to pay to the Port Authority, in addition to any charge payable under clause (3), a charge equal to the expense of the pilot going to, and returning from, the pilot boarding ground, plus 10 per cent of that expense.

#### "31. SIGNAL FOR PILOT TO BE DISPLAYED

The master of a vessel which requires pilotage shall use or display the usual signals for a pilot whilst approaching and within 10 miles of the Port.

#### "32. MASTER TO ASSIST PILOT

The master of a vessel which requires pilotage or which has made use of pilotage shall, by any practicable means consistent with the safety of the vessel, facilitate the pilot's boarding or leaving and in particular shall -

- (a) lay to off the pilot boarding ground in such manner as to provide the best possible lee;
- (b) provide on the lee side, and adequately lit at night, a pilot ladder fitted with spreaders, and on either side of the ladder a man rope made fast to the vessel independent of the ladder;
- (c) in ships of high structure in which gangway doors are fitted, open one such door and rig the pilot ladder thereat; and
- (d) arrange for all scuppers, sanitary and other refuse outlets in the vicinity of the pilot ladder to be closed.

and such pilot ladder, man ropes, gangways and access shall be constructed, fitted and rigged in accordance with the Inter-governmental Maritime Consultative Organization Regulations 1979 as amended from time to time.

"33. APPLICATION FOR PILOT

"(1) The master of a vessel which requires the services of a pilot outwards or for a removal within the Port shall make application to the Harbourmaster not less than 6 hours before the pilot is required.

"(2) An application made under this by-law may be withdrawn without charge at any time prior to 4 hours before the appointed time.

"(3) Notwithstanding clause (2), during normal port working hours an application made under this by-law may be withdrawn without charge at any time prior to one hour before the appointed time.

"(4) Where an application made under this by-law is not withdrawn prior to 4 hours before the appointed time or, during normal port working hours, prior to one hour before the appointed time, and the pilot's services are not required at the appointed time, and he is not retained until his services are required, a charge of \$100 shall be made.

"(5) If the vessel is not ready to leave the berth at the appointed time, but the pilot is retained until it is so ready -

- (a) for the first half hour of such retention, no charge shall be made; and
- (b) for every subsequent half hour or part thereof, a charge of \$50 shall be made.

"34. GRANTING OF PILOTAGE EXEMPTION CERTIFICATES

The Port Authority may, on application by that person, grant a Pilotage Exemption Certificate to the master or mate of an Australian registered vessel, or a foreign registered vessel manned and managed within Australia and trading or operating between Australian ports or places, who -

- (a) has, within the 2 years immediately preceding the date of application, completed not less than -
  - (i) 4 voyages in command; or
  - (ii) 3 voyages as first mate on duty on the bridge throughout the entire pilotage area and 2 voyages in command,of a vessel of not less than the length of the vessel in respect of which the application is made, to the Port;
- (b) where the application is made for a certificate of exemption to be valid during the hours of darkness - has completed one entry to and departure from the Port of the voyages referred to in paragraph (a) in command during the hours of darkness;

## Port By-laws

- (c) produces to the Port Authority a certificate from a medical practitioner qualified to practise in a State or Territory of Australia certifying that he has examined the applicant to a standard not less than that set by the Department of Transport of the Commonwealth to be applied to seagoing personnel of the age of the applicant, and has found him to be, in the opinion of the medical practitioner, physically and mentally fit to carry out pilotage duties;
- (d) has passed an examination conducted by the Harbourmaster of the Port, or another person authorized by the Port Authority to conduct such an examination, which satisfies the Harbourmaster or that person, as the case may be, that the applicant is competent to navigate a vessel of not less than the length of the vessel in respect of which the Certificate is sought, through the pilotage area of the Port,
- (e) has demonstrated an ability to read a Snellen chart during a normal Snellen test and -
  - (i) where the applicant's vision is normally unaided - read the letters on the fifth line using both eyes; or
  - (ii) where the applicant's vision is normally aided - read the letters on the sixth line whilst his vision is so aided and the letters on the fourth line whilst his vision is unaided; and
- (f) has passed the Ishihara or equivalent test for colour vision conducted not earlier than at the time of undergoing the medical examination referred to in paragraph (c).

### "35. APPLICANT WITH ASSISTED VISION

Where the vision of an applicant for a Certificate is normally aided by glasses or other means he shall, at the time of applying for the Certificate, give to the Port Authority a certificate from an ophthalmologist indicating that the applicant is not currently suffering from a progressive eye disease and that the corrected vision to his better eye is not more than 6/6 on the Snellen test.

### "36. FEE TO ACCOMPANY APPLICATION

An application for a Certificate shall be accompanied by a fee of -

- (a) where the application is in respect of vessels of less than 45 metres overall length - \$45; and
- (b) where the application is in respect of vessels of 45 metres overall length - \$100.

"36A. FORM AND PERIOD OF CERTIFICATE

"(1) Subject to this by-law, where the Port Authority is satisfied that an applicant is a fit person to hold a Certificate, it may grant the Certificate, in accordance with Form 1 in the First Schedule, for any period not exceeding 2 years, subject to such conditions as it thinks fit.

"(2) A Certificate shall not be valid -

- (a) in respect of a vessel of greater length than 150 metres; or
- (b) in respect of a vessel carrying more than 500 tonnes of hazardous cargo or any amount of petroleum products in bulk.

"(3) There shall be endorsed on a Certificate issued to a person who normally wears glasses or whose vision is assisted in some other way the fact that he wears glasses or his vision is normally assisted and while that person is using the Certificate he shall wear those glasses or that other device for assisting his vision.

"36B. EXAMINATION OF APPLICANT

"(1) A person may apply to the Port Authority to be examined for the purposes of by-law 34(d) or 36D(2).

"(2) An application referred to in clause (1) shall be accompanied by a fee of \$40.

"(3) A person who fails an examination referred to in clause (1) shall not apply to be re-examined until he has completed one more voyage as master or mate of a vessel of at least the length of the one in respect of which the Certificate is sought.

"36C. RENEWAL OF CERTIFICATE

"(1) A Certificate may be renewed by the Port Authority on the application of the holder.

"(2) An application for the renewal of a Certificate shall be lodged with the Port Authority not later than 2 months after the expiration of the date shown on the Certificate as the date on which it ceases to have effect and shall be accompanied by -

- (a) the information required by by-law 34(c), (e) and (f) as if the application for a renewal were an application for the grant of a new Certificate;
- (b) proof to the satisfaction of the Port Authority of the date of last use of the Certificate; and

## Port By-laws

(c) a fee of \$20.

"(3) After considering an application for renewal lodged under this by-law the Port Authority may, if it thinks fit, renew the Certificate for a further period not exceeding 2 years and subject to such conditions varying or replacing those to which the original Certificate was subject as it thinks fit.

### "36D. CIRCUMSTANCES REQUIRING FURTHER EXPERIENCE, &c.

"(1) Subject to clause (2), where a person to whom a Certificate has been issued has not, during a continuous period of 12 months during the currency of the Certificate or the renewal of the Certificate, used that Certificate, the Certificate shall be of no effect and, subject to clause (3), shall again have effect only after the holder has made one passage on duty on the bridge through the entire pilotage area with a pilot and has been instructed by the pilot on the relevant variations in the pilotage area since the person last used that Certificate.

"(2) Where a person to whom a Certificate has been issued has not, during a continuous period of 2 years during the currency of the Certificate or the renewal of the Certificate, used that Certificate, the Certificate shall be of no effect and, subject to clause (3), shall again have effect only after the holder has made one voyage on duty on the bridge through the entire pilotage area with a pilot within 2 months after the expiration of the 2 year period and has passed another examination satisfactory to the Port Authority.

"(3) A Certificate validated under clause (1) or (2) shall be valid only in respect of a vessel of a length overall of not more than that in respect of which the original Certificate was granted or of the vessel on which the passage or voyage, as the case may be, referred to in those clauses was taken, whichever is the lesser.

"(4) Where a Certificate has not been validated within the period of 2 months referred to in clause (2), the Certificate shall be deemed to have been cancelled at the expiration of that 2 month period.

### "36E. DEVELOPMENT WORK IN PORT

The Port Authority may, at any time where it considers that development work in the Port so warrants that action, suspend a Certificate for the period during which that development is taking place or impose such conditions on the use of that Certificate as it thinks fit.

### "36F. PILOTAGE RATES EXEMPTION FEE

"(1) Where a vessel in respect of which a Certificate has been issued to a master trades in accordance with a published schedule to the Port under the command of that master or another master holding a Certificate, the owner of the vessel shall pay, in advance, an annual Pilotage Rates Exemption Fee calculated in accordance with this by-law.

## Port By-laws

"(2) The fee referred to in clause (1) shall be payable on the vessel's first arrival at the Port after 1 July of each year, and the exemption shall remain valid until 30 June next following that date.

"(3) The annual fee in dollars payable under this by-law shall be calculated by multiplying the length of the vessel expressed in metres minus 20 by 3.5, and adding 50."

### 2. INOPERATIVE CERTIFICATES

By-law 37 of the Port By-laws is amended by omitting clauses (2) and (3).

### 3. AMENDMENT OF FIRST SCHEDULE

The First Schedule to the Port By-laws is amended by omitting "By-law 35" and substituting "By-law 36A".

### 4. TRANSITIONAL

A Pilotage Exemption Certificate granted under the Port By-laws as in force immediately before the commencement of these By-laws and then current shall remain current and have effect as though these By-laws had never been made, but shall not be renewable.