

1995—No.316

MARINE PILOTAGE LICENSING ACT 1971—REGULATION

(Amendments consequent on the Ports Corporatisation and
Waterways Management Act 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Marine Pilotage Licensing Act 1971, has been pleased to make the Regulation set forth hereunder.

P. C. Scully
Minister for Ports.

The Pilotage and Rates Regulations—N.S.W. are amended:

- (a) by omitting Regulation 1 (1) and by inserting instead the following clause:
 - (1) These Regulations may be cited as the Marine Pilotage Licensing Regulations.
- (b) by omitting from Regulation 2 the definition of “Act” and by inserting instead the following definition:

“Act” means the Marine Pilotage Licensing Act 1971.
- (c) by omitting from Regulation 2 the definitions of “Board”, “Local ship”, “Pilot vessel” and “Ton”;
- (d) by omitting from the definition of “Notice” in Regulation 2 (1) the word “Secretary” and by inserting instead the word “Director-General”
- (e) by omitting the word “Board” wherever occurring and by inserting instead the word “Director-General” (except where occurring in Regulation 2 (1) and except where occurring in the expressions “Board of Medical Examiners”, “Board of Review” and “officer of the Board,”);

- (f) by omitting Parts 2 and 3 (Regulations 3 to 19);
- (g) by omitting from Regulations 23 (1) and 41 (1) the words “it may” wherever occurring and by inserting instead the words “the Director-General may”;
- (h) by omitting from Regulations 23 (1) and 41 (1) the words “appointed by it” wherever occurring and by inserting instead the words “appointed by the Director-General”;
- (i) by omitting from Regulations 23 (2) and 41 (2) the words “as it considers” wherever occurring and by inserting instead the words “as he or she considers”;
- (j) by omitting Part 5 (Regulations 26 to 32);
- (k) by omitting from Regulations 35 (4) and 44 (1) (a) the words “Board’s satisfaction” wherever occurring and by inserting instead the words “Director-General’s satisfaction”;
- (l) by omitting from Regulations 39 (2) (b) and 40 (2) (a) the words “a ship of the kind referred to in Regulation 15 (2) (d) (i) or (ii)” wherever occurring and by inserting instead the words “a prescribed ship”;
- (m) by inserting at the end of Regulations 39 and 40 as Regulation 39 (3) and Regulation 40 (4) the following clause:
 - In this clause, “**prescribed ship**” means a ship registered in Australia, or an unregistered ship eligible to be registered in Australia, if the master of the ship holds a certificate of local knowledge and the ship:
 - (a) operates solely within the port concerned and is the subject of a Class 1 D 1 E 2D or 2E vessel permit under the Commercial Vessels Act 1979; or
 - (b) is less than 80 metres in length and is the subject of a Class 1 B 1 C 2B or 2C vessel permit under the Commercial Vessels Act 1979.
- (n) by omitting from Regulation 42B the words “an authorised officer of the Board” wherever occurring and by inserting instead the words “the Director-General or a person authorised by the Director-General”;
- (o) by omitting Regulation 43;
- (p) by omitting from Regulation 45 the words “an officer of the Board” and by inserting instead the words “the Director-General or a person authorised by the Director-General”;

(q) by inserting after Regulation 46 the following Regulation:

Dissolution of Maritime Services Board—savings and transitional

47. (1) Anything done by the Maritime Services Board or by an officer of or appointed by the Board under a provision of these Regulations (other than a repealed provision) before the commencement of this clause that had any force or effect immediately before that commencement is taken to have been done by the Director-General or by a person authorised or appointed by the Director-General, as the case requires.

(2) In this clause, a reference to a repealed provision is a reference to a provision of Regulations 3 to 19, 26 to 32 or 43 as in force immediately before the commencement of this clause.

EXPLANATORY NOTE

The object of this Regulation is to update the Pilotage and Rates Regulations—N.S.W. consequent on the amendments to the Marine Pilotage Licensing Act 1971 (formerly the Pilotage Act 1971) contained in the Ports Corporatisation and Waterways Management Act 1995.

That Act repealed the provisions in the Marine Pilotage Licensing Act relating to when pilotage is required. This Regulation repeals the Regulations that were made under the repealed provisions of the Act and makes other savings and transitional amendments consequent on the dissolution of the Maritime Services Board.

This Regulation is made under the Marine Pilotage Licensing Act 1971, including section 52 (the general regulation making power).
