



New South Wales

Marine Safety (General) Amendment (Pilotage) Regulation 2011

under the

Marine Safety Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Safety Act 1998*.

ERIC ROOZENDAAL, MLC
Minister for Ports and Waterways

Explanatory note

The object of this Regulation is to provide for the issue, suspension, cancellation, conditions, requirements and other matters in respect of the following types of marine safety licences:

- (a) marine pilot's licences,
- (b) marine pilotage exemption certificates,
- (c) certificates of local knowledge.

This Regulation is made under the *Marine Safety Act 1998*, including sections 83 and 137 (the general regulation-making power).

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Clause 1 Marine Safety (General) Amendment (Pilotage) Regulation 2011

Marine Safety (General) Amendment (Pilotage) Regulation 2011

under the

Marine Safety Act 1998

1 Name of Regulation

This Regulation is the *Marine Safety (General) Amendment (Pilotage) Regulation 2011*.

2 Commencement

This Regulation commences on 1 February 2011 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Marine Safety (General) Regulation 2009

[1] Clause 51A

Insert before clause 52:

51A Definitions

In this Part:

marine pilotage code means the NSW Marine Pilotage Code as in force from time to time and published by the Minister on the website of the Maritime Authority.

Note. The website of the Maritime Authority is www.maritime.nsw.gov.au.

port authority means:

- (a) in the case of Newcastle Harbour—the Newcastle Port Corporation, or
- (b) in the case of Port Kembla Inner and Outer Harbours—the Port Kembla Port Corporation, or
- (c) in the case of Botany Bay and Sydney Harbour—the Sydney Ports Corporation, or
- (d) in the case of the ports of Eden and Yamba—the Minister.

[2] Clause 52 Application of Part and declaration of certain marine safety licences

Insert after clause 52 (1) (c):

- (d) a marine pilot's licence—being a marine safety licence to act as pilot of a vessel in any port that is required by Part 6 of the Act,
- (e) a marine pilotage exemption certificate—being a marine safety licence exempting a vessel from compulsory pilotage under Part 6 of the Act,
- (f) a certificate of local knowledge—being a marine safety licence exempting a vessel whose master is the holder of the certificate from compulsory pilotage under Part 6 of the Act.

[3] Clause 55 Suspension or cancellation of marine safety licence

Insert after clause 55 (3):

- (3A) In addition to the circumstances in which the Minister may suspend or cancel a licence under subclause (1), the Minister may

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suspend or cancel a marine pilot's licence, a marine pilotage exemption certificate or a certificate of local knowledge if:

- (a) the holder of the licence or certificate is, in the opinion of the Minister, incapable of safely operating a vessel of the type to which the licence or certificate relates or is physically or medically unfit to operate such a vessel, or
- (b) the holder of the licence or certificate fails to provide any medical or eyesight assessment or report required by the Minister, or
- (c) the holder of the licence or certificate has failed to satisfactorily complete any further courses or training required by the Minister, or
- (d) the holder has had a similar licence or certificate suspended or cancelled under the laws of the Commonwealth or another State or a Territory for disciplinary reasons.

[4] Part 4, Divisions 5–7

Insert after Division 4:

Division 5 Marine pilot's licences

80A Additional requirements for applications for marine pilot's licences

- (1) A marine pilot's licence is not to be issued unless the applicant for the licence:
 - (a) meets the health requirements set out in the marine pilotage code, and
 - (b) holds a relevant qualification, and
 - (c) provides evidence that the applicant is competent to carry out unsupervised duties as a marine pilot in the relevant pilotage port in accordance with the marine pilotage code.
- (2) For the purposes of this clause, a **relevant qualification** is:
 - (a) a certificate of competency issued under Marine Orders, Part 3 (Seagoing qualifications), made pursuant to the *Navigation Act 1912* of the Commonwealth, as master for the gross tonnage of vessel to be piloted, or
 - (b) a certificate of recognition issued under Marine Orders, Part 3 (Seagoing qualifications) made pursuant to the *Navigation Act 1912* of the Commonwealth, in relation to

an international qualification equivalent to a certificate referred to in paragraph (a), or

- (c) the equivalent of a marine pilot's licence issued in another Australian jurisdiction (other than a coastal pilot licence issued under Marine Orders, Part 54 (Coastal Pilotage), made pursuant to the *Navigation Act 1912* of the Commonwealth) and at least one year's experience piloting all vessels in the port to which that licence relates (but only if the vessels are of a similar tonnage to those to which the application relates), or
- (d) a demonstrated level of competency that is, in the opinion of the Minister, equivalent to a qualification referred to in paragraph (a), (b) or (c).

80B Conditions of marine pilot's licences

- (1) It is a condition of each marine pilot's licence that the holder of the licence:
 - (a) satisfactorily completed any training as required under the marine pilotage code, and
 - (b) undergo any health assessment as required under the marine pilotage code,whether or not the holder of the licence has previously undergone similar training or assessments.
- (2) It is a condition of each marine pilot's licence that the holder of the licence must not act as a marine pilot if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to act as a marine pilot as authorised by the licence.
- (3) It is a condition of each marine pilot's licence that the holder of the licence maintain the records required to be maintained by the marine pilotage code.

Division 6 Marine pilotage exemption certificates

80C Additional requirements for applications for marine pilotage exemption certificates

A marine pilotage exemption certificate is not to be issued unless the applicant for the certificate:

- (a) holds a certificate of competency that authorises the applicant to be a master of the vessel to which the application relates, and

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- (b) has satisfactorily completed the training required by the marine pilotage code and passed an examination approved by the relevant port authority, and
- (c) provides evidence, in accordance with the marine pilotage code, that the applicant is competent to carry out unsupervised movements of the vessel to which the certificate relates in the relevant pilotage port, and
- (d) meets the health requirements set out in the certificate of competency in respect of a master for the vessel to which the application relates, and
- (e) is the master of the vessel to which the certificate relates.

80D Conditions of marine pilotage exemption certificates

It is a condition of each marine pilotage exemption certificate that the holder of the certificate:

- (a) must satisfactorily complete any training as required under the marine pilotage code whether or not the holder of the certificate has previously undergone similar training, and
- (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the vessel to which the certificate relates, and
- (c) must not move a vessel in the relevant pilotage port other than the vessel specified in the certificate, and
- (d) must not move a vessel in the relevant pilotage port if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to conduct such movements as are authorised by the certificate, and
- (e) must maintain the records required to be maintained by the marine pilotage code, and
- (f) must comply with any direction given by the relevant harbour master, and
- (g) must comply with any port procedures published by the relevant harbour master, relevant port authority or the Minister.

80E Vessels for which marine pilot exemption certificates are not valid

A marine pilotage exemption certificate is not to be issued in respect of the following vessels:

- (a) a vessel the length of which exceeds 215 metres, unless approved by the Minister or the relevant port authority,
- (b) a vessel with a single person bridge operation,
- (c) a vessel that is nuclear powered,
- (d) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the relevant port authority,
- (e) a vessel or class of vessels that, in the opinion of the Minister or the relevant port authority, poses a threat to the safety of life or port property,
- (f) any vessel determined by the Minister, by notice in writing given to the master or owner of the vessel, as a vessel for which a marine pilotage exemption certificate is not to be issued,
- (g) any class of vessel determined by the Minister, by order published on the NSW legislation website, as a class of vessel for which a marine pilotage exemption certificate is not to be issued.

Division 7 Certificates of local knowledge

80F Additional requirements for applications for certificates of local knowledge

A certificate of local knowledge is not to be issued unless the applicant for the certificate:

- (a) holds a certificate of competency that authorises the applicant to be a master of the type of vessel to which the application relates, and
- (b) has satisfactorily passed an examination approved by the relevant harbour master for the pilotage port, and
- (c) provides evidence that the applicant is competent to carry out unsupervised movements of the type of vessel to which the certificate relates in the relevant pilotage port to the satisfaction of the relevant harbour master, and
- (d) meets the health requirements set out in the certificate of competency in respect of a master for the type of vessel to which the application relates.

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80G Conditions of certificates of local knowledge

It is a condition of each certificate of local knowledge that the holder of the certificate:

- (a) must satisfactorily complete any training as required under the marine pilotage code whether or not the holder of the certificate has previously undergone similar training, and
- (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the type of vessel to which the certificate relates, and
- (c) must not carry out any unsupervised vessel movements if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to carry out such movements as are authorised by the certificate, and
- (d) must maintain the records required to be maintained by the marine pilotage code, and
- (e) must comply with any direction given by the relevant harbour master, and
- (f) must comply with any port procedures published by the relevant harbour master, relevant port authority or the Minister.

80H Vessels for which certificates of local knowledge are not valid

A certificate of local knowledge is not to be issued in respect of the following vessels:

- (a) a vessel the length of which exceeds 80 metres unless approved by the Minister or the relevant port authority,
- (b) a vessel that is nuclear powered,
- (c) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the relevant port authority,
- (d) a vessel or class of vessels that, in the opinion of the Minister or the relevant port authority, poses a threat to the safety of life or port property.

[5] Schedule 1 Fees

Insert at the end of the Schedule:

Marine pilot's licence (initial application)	400
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Amendment of Marine Safety (General) Regulation 2009

Schedule 1

Marine pilot's licence (application to extend licence to add a new port)	10
Marine pilot's licence (renewal application)	200
Marine pilotage exemption certificate	400
Marine pilotage exemption certificate (renewal application)	200
Certificate of local knowledge (initial application)	60
Certificate of local knowledge (renewal application)	30