

# Marine Pilotage Licensing Regulations (1974 SI 9)

[1974-9]



New South Wales

## Status Information

### Currency of version

Repealed version for 27 November 2003 to 31 January 2011 (accessed 26 November 2024 at 3:29)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Pilotage and Rates Regulations—N.S.W.
- **Repeal**  
The Regulations were repealed by Part 2 of Sch 2 to the [Marine Safety Act 1998 No 121](#) with effect from 1.2.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 February 2011

# Marine Pilotage Licensing Regulations (1974 SI 9)



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulations and commencement .....	4
2 Definitions .....	4
<b>Parts 2, 3 (Repealed)</b> .....	5
<b>Part 4 Licensing of pilots</b> .....	5
20 Classes of licence .....	5
21 Issue of licences .....	5
22 Further examining of pilots .....	6
23 Restriction of licensed functions .....	6
24 Extension of licence to additional ports .....	7
25 Physical fitness of pilots .....	7
<b>Part 5 (Repealed)</b> .....	9
<b>Part 6 Pilotage exemption certificates</b> .....	9
33 Classes of certificate .....	9
34 Application for certificate .....	9
35 Requirements for issue of certificate .....	9
36 Certificate must be issued as Class A, B, C or D certificate .....	10
37 Imposition of class restrictions on existing certificates .....	10
37A Requirements for continuation of certificates .....	11

37B Fees for continuance of certificates.....	12
37C Alteration of certificate—ports and class of certificate.....	12
<b>Part 7 Certificates of local knowledge .....</b>	<b>12</b>
38 Application for certificate .....	12
39 Issue of certificates .....	12
40 Requirements for continuation of certificates.....	13
40A Fees for continuation of certificates .....	14
41 Restriction of authorised functions of certificate holder .....	14
42 Alteration of certificate—ports.....	15
42A Use and possession of artificial aids.....	15
42B Keeping records.....	15
<b>Part 8 General .....</b>	<b>16</b>
43 (Repealed).....	16
44 Replacement of licence or certificate .....	16
45 Production of certificate .....	16
46 Penalties .....	16
47 Dissolution of Maritime Services Board—savings and transitional .....	16
<b>First Schedule First class pilotage ports.....</b>	<b>17</b>
<b>Second Schedule, Third Schedule (Repealed).....</b>	<b>17</b>
<b>Fourth Schedule Service requirements for a first-class pilot’s licence .....</b>	<b>17</b>
<b>Fifth Schedule Service requirements for a second-class pilot’s licence ..</b>	<b>17</b>
<b>Sixth Schedule Initial eyesight test .....</b>	<b>18</b>
<b>Seventh Schedule Further eyesight tests .....</b>	<b>18</b>
<b>Eighth Schedule Medical fitness standard .....</b>	<b>19</b>

# Marine Pilotage Licensing Regulations (1974 SI 9)



New South Wales

## Part 1 Preliminary

### 1 Name of Regulations and commencement

- (1) These Regulations may be cited as the *Marine Pilotage Licensing Regulations*.
- (2) These Regulations shall take effect on and from the date of commencement of the *Pilotage Act 1971*.

#### Editorial note—

Date of commencement, 1.12.1974—see Gazette of 29.11.1974, p 4601.

### 2 Definitions

- (1) In these Regulations, unless the context or subject matter otherwise requires:

**Act** means the *Marine Pilotage Licensing Act 1971*.

**Chief officer on the bridge** means the chief officer on duty on the navigation bridge of the ship throughout the entire passage through pilotage waters.

**Harbour and river ship** means a ship which may not lawfully be used for profit or reward on any voyage or excursion to sea.

**Notice** means a written notice signed by the Director-General.

**Pilot's licence** means a licence issued under the Act to a person to conduct ships to which he does not belong.

**Schedule** means Schedule to these Regulations.

- (2) Any reference in these Regulations to the withdrawal or suspension of, or the imposition of a restriction on the application of, a licence, pilotage exemption certificate or certificate of local knowledge by the Director-General shall, unless the context otherwise requires, include a withdrawal or suspension of, or the imposition of a restriction on the application of, a licence, pilotage exemption certificate or

certificate of local knowledge ordered by a Board of Review.

## **Parts 2, 3**

### **3-19 (Repealed)**

## **Part 4 Licensing of pilots**

### **20 Classes of licence**

- (1) A pilot's licence which applies to any of the ports listed in the First Schedule shall be a first-class pilot's licence.
- (2) A pilot's licence which does not apply to any of the ports listed in the First Schedule shall be a second-class pilot's licence.

### **21 Issue of licences**

- (1) Every applicant for a pilot's licence must:
  - (a) either hold a pilotage exemption certificate for an Australian port approved by the Director-General or have been issued with a certificate of capacity referred to in Regulation 35 (7) for the port in respect of which the application is made, and
  - (b) produce evidence satisfactory to the Director-General that the applicant is, having regard to the matters prescribed in the Eighth Schedule, in good health and is physically capable of the navigation of a ship in the port in respect of which the application is made, and
  - (c) produce evidence satisfactory to the Director-General that the applicant has passed the eyesight test prescribed in the Sixth Schedule and indicating whether the test was undertaken with any artificial aid, and
  - (d) pay a fee of \$400.
- (2) Every applicant for a first-class pilot's licence is required to satisfy the requirements of clause (1) and in addition must produce evidence satisfactory to the Director-General:
  - (a) that the applicant has held a certificate as Master Class 1 (Unlimited) for a period of at least 5 years, and
  - (b) that the applicant has fulfilled the requirements prescribed in the Fourth Schedule.
- (3) Every applicant for a second-class pilot's licence shall, in addition to the requirements of clause (1):
  - (a) hold and produce a certificate as master which authorises him to take charge of a seagoing ship registered in Australia,
  - (b) produce satisfactory evidence of having fulfilled the service requirements set out

in the Fifth Schedule, and

(c) (Repealed)

(4) Every applicant for a pilot's licence who has satisfied the requirements of clause (1) and also, as the case may require, the requirements of clause (2) or clause (3) shall, in respect of each port for which he has applied for such licence, attend as the Director-General may require before an Examining Authority consisting of one or more officers appointed by the Director-General and shall in respect of each such port obtain the certificate of such Authority that it has been satisfied, by:

(a) the production of such evidence,

(b) the undergoing of such practical tests,

(c) the accompanying of an experienced pilot during the pilotage of ships for such period, and

(d) the answering of such questions relating to local knowledge of the port concerned and the handling of ships in a port,

as it has considered appropriate that the applicant is, subject to such restrictions as it may state in its certificate, capable of performing the functions of a pilot in respect of such port.

(5) (Repealed)

## **22 Further examining of pilots**

(1) Where a pilot has not during the last preceding twelve months carried out pilotage in a port to which his licence applies, the Director-General by notice to him may restrict his licence so that it does not apply to that port until he obtains and produces to the Director-General a fresh certificate of the nature referred to in regulation 21 (4) in respect of that port.

(2) Upon production by a pilot of a certificate required by a notice under clause (1) in respect of any port specified in that notice, the restriction of his pilot's licence so that it does not apply to that port shall be revoked.

(3) A pilot's licence which has been restricted under clause (1) so that it does not apply to any port to which it formerly applied for a period exceeding three months may be withdrawn by the Director-General.

## **23 Restriction of licensed functions**

(1) Where it appears to the Director-General that reasons may exist for restricting in any port the functions authorised by the licence of a pilot, the Director-General may by notice to the pilot impose such restrictions until a date specified in such notice, and

may further by such notice require the pilot to undergo before that date such examinations and practical tests by a person or persons appointed by the Director-General for that purpose, as the Director-General may deem necessary.

- (2) Upon the date specified in a notice given under clause (1) or at such later time as delay in the undergoing by the pilot of an examination or test specified in such notice may make necessary, the Director-General, as he or she considers appropriate, may continue the restriction referred to in that notice, or may vary or revoke the restriction.
- (3) Any restriction continued or varied under clause (2) may be absolute, or may be limited as to the period of its application or subject to or contingent upon such conditions as the Director-General considers appropriate.
- (4) If any pilot who has been required by a notice under clause (1) to undergo an examination or test fails to do so by the date specified in such notice, the Director-General may suspend his licence until he has undergone such examination or test.

#### **24 Extension of licence to additional ports**

- (1) A pilot who wishes his licence varied to apply to any additional port or ports may make application to the Director-General for such variation.
- (2) Upon payment of a fee of ten dollars and on satisfaction by the applicant of all of the requirements of regulation 21 which would apply to the issue of a pilot's licence for that port or those ports and which he did not satisfy when obtaining the licence which he holds, his licence shall be varied so as to apply to such additional port or ports, subject to any restriction which the Director-General imposes.

#### **25 Physical fitness of pilots**

(1)

(a) In this clause:

**tested aid** means an artificial aid used by a pilot in successfully undergoing an eyesight test prescribed by regulation 21 or by this regulation, and

**substitute aid** means an artificial aid prescribed for a pilot by a medical practitioner in substitution for a tested aid, with the use of which the pilot has familiarised himself to the satisfaction of a medical practitioner.

- (b) A pilot who has used an artificial aid in successfully undergoing an eyesight test prescribed by regulation 21 or by this regulation shall at all times whilst engaged in pilotage duties:
  - (i) make use of, and

(ii) carry on his person a duplicate replacement of,  
his tested aid or his substitute aid.

(2)

(a) A pilot shall at any time when required by the Director-General by notice to him submit himself forthwith for examination by HealthQuest as to his fitness to perform the functions of a pilot.

(b) Any examination under this clause shall include the eyesight test prescribed by the Seventh Schedule.

(3)

(a) A pilot who holds a first class pilot's licence shall once in each year submit himself for examination by HealthQuest as to his fitness to perform the functions of a pilot.

(b) Any examination under this clause shall include the eyesight test prescribed by the Seventh Schedule.

(4) A pilot who holds a second class pilot's licence shall once in every three years submit himself for the imposition by an officer appointed by the Director-General of the eyesight test prescribed by the Seventh Schedule.

(5) If a pilot does not submit himself for examination or testing in terms of this regulation at the time required under clause (2) or within the period required by clause (3) or clause (4), the Director-General may suspend his licence forthwith.

(6)

(a) If a pilot is certified in writing by the person conducting an examination or test under this regulation to have failed to pass the same:

(i) his licence shall forthwith be suspended by the Director-General, and

(ii) he may within one month from the date of such certificate request the Director-General to appoint a Board of Medical Examiners to consider his appeal against the certificate.

(b) If a licence has been suspended under this regulation for a period of three months, and the appointment of a Board of Medical Examiners has not been requested by the person to whom such licence was issued, such licence may be withdrawn by the Director-General.

(7) A Board of Medical Examiners shall consist of three medical practitioners appointed by the Director-General, and shall if the person requesting its appointment so desires hear the evidence of his own medical adviser.



(8)

(a) Where a Board of Medical Examiners finds the person requesting its appointment fit to perform the functions of a pilot the suspension of his licence shall be revoked.

(b) Where a Board of Medical Examiners finds the person requesting its appointment to be unfit to perform the functions of a pilot his licence shall be withdrawn.

(9) In this Regulation, **HealthQuest** means the statutory health corporation of that name constituted by the [Health Services Act 1997](#).

## **Part 5**

### **26-32 (Repealed)**

## **Part 6 Pilotage exemption certificates**

### **33 Classes of certificate**

For the purposes of this Part, a pilotage exemption certificate is:

- (a) a Class A certificate if it is not subject to any restriction as to the length of ship to which it applies, or
- (b) a Class B certificate if it is subject to a restriction imposed by the Director-General restricting the certificate's application to ships not exceeding 215 metres in length, or
- (c) a Class C certificate if it is subject to a restriction imposed by the Director-General restricting the certificate's application to ships not exceeding 155 metres in length, or
- (d) a Class D certificate if it is subject to a restriction imposed by the Director-General restricting the certificate's application to ships not exceeding 65 metres in length.

### **34 Application for certificate**

Application for a pilotage exemption certificate must be made to the Director-General in writing and must be accompanied by a fee of \$400.

### **35 Requirements for issue of certificate**

- (1) An applicant for a pilotage exemption certificate must satisfy the requirements of this Regulation.
- (2) The applicant must hold a master's certificate authorising that person to take charge of a sea-going vessel.
- (3) The applicant must provide evidence satisfactory to the Director-General of the applicant's experience and satisfactory performance in the navigation of ships.

- (4) The applicant must establish to the Director-General's satisfaction that, during the 2 years immediately preceding the date of attendance before the Examining Authority referred to in clause (5), the applicant:
  - (a) has made either 4 voyages as master or 3 voyages as chief officer on the bridge and 3 voyages as master, each voyage being of a nature satisfactory to the Director-General into and out of each port for which application for the certificate is made, and
  - (b) has made at least 1 of the voyages referred to in paragraph (a) during the hours of darkness, and
  - (c) has made the voyages referred to in paragraph (a) on a ship or ships of not less than the length appropriate to the class of certificate applied for.
- (5) The applicant must attend before an Examining Authority, consisting of one or more officers appointed by the Director-General, for each port for which a certificate is applied for.
- (6) The applicant must produce such evidence and answer such questions as the Examining Authority considers appropriate.
- (7) The applicant must have been issued by the Examining Authority with a certificate to the effect that it is satisfied that, subject to any restrictions specified in the certificate, the applicant is capable of the navigation of ships not exceeding the length specified in the port concerned.
- (8) The applicant must furnish evidence satisfactory to the Director-General:
  - (a) of the applicant's sobriety and good conduct, and
  - (b) that the applicant is, having regard to the matters prescribed in the Eighth Schedule, in good health and is physically capable of the navigation of a ship in the port in respect of which the application is made, and
  - (c) certifying that the applicant has passed the eyesight test prescribed in the Sixth Schedule and indicating whether the test was undertaken with any artificial aid.

### **36 Certificate must be issued as Class A, B, C or D certificate**

- (1) When granting a pilotage exemption certificate, the Director-General must grant it as a certificate of Class A, B, C or D.
- (2) This clause does not limit the power of the Director-General under section 8 of the Act to impose restrictions when granting a licence.

### **37 Imposition of class restrictions on existing certificates**

Within 2 years after the commencement of this Regulation, the Director-General is to vary

or impose restrictions on a pilotage exemption certificate issued before this Regulation commences so that the certificate is a Class A, B, C or D certificate.

### **37A Requirements for continuation of certificates**

- (1) In this Regulation, **renewal date** in relation to a pilotage exemption certificate, means:
  - (a) any day on which the Director-General by notice in writing given to the holder of the certificate requires the holder to establish that the holder meets the requirements of this Regulation, and
  - (b) for certificates in force at the commencement of this Regulation, the date of the first anniversary of the granting of the certificate that occurs following the expiration of 12 months from the commencement of this Regulation, and thereafter each second anniversary of that date, and
  - (c) for certificates granted after the commencement of this Regulation, each second anniversary of the granting of the certificate.
- (2) Within 2 months after each renewal date, the holder of a pilotage exemption certificate must establish to the satisfaction of the Director-General that the holder has made:
  - (a) at least 1 voyage into and out of each port to which the certificate applies (either as master or chief officer on the bridge, whether or not under pilotage):
    - (i) during the 6 months immediately preceding the renewal date in the case of a Class A, B or C certificate, or
    - (ii) during the 12 months immediately preceding the renewal date in the case of a Class D certificate, and
  - (b) at least 1 voyage into or out of each port to which the certificate applies during the hours of darkness (either as master or chief officer on the bridge) during the 12 months immediately preceding the renewal date.
- (3) Within 2 months after each renewal date, the holder of a pilotage exemption certificate must produce evidence satisfactory to the Director-General:
  - (a) that the holder is, having regard to the matters prescribed in the Eighth Schedule, in good health and is physically capable of the navigation of a ship in each port to which the certificate applies, and
  - (b) that the applicant has passed the eyesight test prescribed in the Seventh Schedule and indicating whether the test was undertaken with any artificial aid.

### **37B Fees for continuance of certificates**

The holder of a pilotage exemption certificate must pay to the Director-General a fee of \$200 for the certificate within 2 months after each second anniversary of the granting of the certificate.

### **37C Alteration of certificate—ports and class of certificate**

- (1) On application and payment of a fee of \$200 by the holder of a pilotage exemption certificate, the Director-General may:
  - (a) alter the ports to which it applies, or
  - (b) impose, vary or revoke any restriction on the application of the certificate so as to alter the class of the certificate.
- (2) The Director-General is not to grant such an application unless satisfied:
  - (a) in the case of an application under clause (1) (a)—that the applicant has been issued with a certificate referred to in Regulation 35 (7) in respect of the port (or each of the ports) to which the application relates, or
  - (b) in the case of an application under clause (1) (b)—that the applicant has been issued with a certificate referred to in Regulation 35 (7) in respect of each of the ports to which the certificate relates and the length of ship appropriate to the Class of certificate.

## **Part 7 Certificates of local knowledge**

### **38 Application for certificate**

Application for a certificate of local knowledge must be made to the Director-General in writing and must be accompanied by a fee of \$60 for each port or part of a port in respect of which the application is made.

### **39 Issue of certificates**

- (1) Any person who produces to the Director-General satisfactory evidence that in the course of the year immediately preceding the date on which a port was declared a pilotage port he was master of and navigated a harbour and river ship on at least ten voyages through a substantial area of that port shall be entitled, without charge, to be issued a certificate of local knowledge of a class which authorises the navigation of a ship in that port, or in the relevant part of that port.
- (2) An applicant for a certificate of local knowledge:
  - (a) must hold a certificate of competency under the *Commercial Vessels Act 1979*,
  - (b) shall, in respect of each port to which his application relates, have been

employed, for a total period of not less than three months during the last preceding two years, in deck service on a prescribed ship of at least 15.24 metres in length navigated in that port, or have other experience of navigation of that port accepted by the Director-General as equivalent,

- (c) shall, in respect of each port to which his application relates, attend before an Examining Authority consisting of one or more officers appointed by the Director-General and obtain the certificate of that Authority that it has been satisfied, by the production of such evidence and the answering of such questions as it has considered appropriate, that he is, subject to such restrictions as it may state, capable of the navigation of ships in that port,
- (d) produce evidence satisfactory to the Director-General that the applicant is, having regard to the matters prescribed in the Eighth Schedule, in good health and is physically capable of the navigation of a ship in the port in respect of which the application is made, and
- (e) produce evidence satisfactory to the Director-General that the applicant has passed the eyesight test prescribed in the Sixth Schedule and indicating whether the test was undertaken with any artificial aid.

(3) 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 1D, 1E, 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 1B, 1C, 2B or 2C vessel permit under the [Commercial Vessels Act 1979](#).

#### **40 Requirements for continuation of certificates**

(1) In this Regulation, **renewal date**, in relation to a certificate of local knowledge, means:

- (a) any day on which the Director-General by notice in writing given to the holder of the certificate requires the holder to establish that the holder meets the requirements of this Regulation, and
- (b) for certificates in force at the commencement of this Regulation, the date of the first anniversary of the granting of the certificate that occurs following the expiration of 12 months from the commencement of this Regulation, and thereafter each second anniversary of that date, and
- (c) for certificates granted after the commencement of this Regulation, each second anniversary of the granting of the certificate.

- (2) Within 2 months after each renewal date, the holder of a certificate of local knowledge must establish to the satisfaction of the Director-General that the holder:
  - (a) has been employed for a total period of at least 6 months in the 2 years prior to the renewal date (at least 1 month of which must have been in the 6 months immediately preceding that date) in deck service on a prescribed ship of at least 15.24 metres in length in the relevant port, or
  - (b) has had other experience of navigation in that port accepted by the Director-General as equivalent.
- (3) Within 2 months after each renewal date, the holder of a certificate of local knowledge must produce evidence satisfactory to the Director-General:
  - (a) that the applicant is, having regard to the matters prescribed in the Eighth Schedule, in good health and is physically capable of the navigation of a ship in the relevant port, and
  - (b) that the applicant has passed the eyesight test prescribed in the Seventh Schedule and indicating whether the test was undertaken with any artificial aid.
- (4) 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 1D, 1E, 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 1B, 1C, 2B or 2C vessel permit under the [Commercial Vessels Act 1979](#).

#### **40A Fees for continuation of certificates**

The holder of a certificate of local knowledge must pay to the Director-General a fee of \$30 for the certificate within 2 months after each second anniversary of the granting of the certificate.

#### **41 Restriction of authorised functions of certificate holder**

- (1) Where it appears to the Director-General that reasons may exist for restricting in any port the functions authorised by a certificate of local knowledge, either by a re-classing of that certificate in a lower class or by imposing any other restriction, the Director-General may by notice to the certificate holder impose such restriction until a date specified in that notice, and may further by such notice require that certificate holder to undergo before that date such examinations by a person or persons appointed by the Director-General for that purpose as the Director-General may deem necessary.

- (2) Upon the date specified in a notice given under clause (1) the Director-General, as he or she considers appropriate, may continue the restriction referred to in that notice or may vary or revoke such restriction.
- (3) Any restriction continued or varied under clause (2) may be absolute, or may be limited as to the period of its application, or may be subject to or contingent upon such conditions as the Director-General considers appropriate.

#### **42 Alteration of certificate—ports**

- (1) On application and payment of a fee of \$60 by the holder of a certificate of local knowledge, the Director-General may alter the ports to which it applies.
- (2) The Director-General is not to grant such an application unless satisfied that the applicant has been issued a certificate referred to in Regulation 39 (2) (c) in respect of the port (or each of the ports) to which the application relates.

#### **42A Use and possession of artificial aids**

- (1) The holder of a pilotage exemption certificate or a certificate of local knowledge who has used an artificial aid to pass an eyesight test for the purposes of Regulation 35 (8) (c), 37A (3) (b), 39 (2) (e) or 40 (3) (b) must at all times while navigating a ship in the exercise of the authority conferred by the certificate:
  - (a) make use of, and
  - (b) carry on his or her person a duplicate replacement of,the artificial aid, which may be either a tested aid or a substitute aid.

- (2) In this Regulation:

**tested aid** means the artificial aid used by the holder of the certificate to pass the test concerned.

**substitute aid** means an artificial aid prescribed for the holder of the certificate by a qualified ophthalmologist as a substitute for the tested aid, with the use of which the holder has familiarised himself or herself to the satisfaction of a qualified ophthalmologist.

#### **42B Keeping records**

- (1) An exempt master is to maintain and provide on request to the Director-General or a person authorised by the Director-General an accurate written record of the date and particulars of service of every occasion that a vessel of which he or she is master or chief officer on the bridge makes a voyage into or out of the port to which his or her pilotage exemption certificate applies.
- (2) The holder of a certificate of local knowledge is to maintain and provide on request to

the Director-General or a person authorised by the Director-General such record of his or her employment as the Director-General may require and notify in writing to the holder.

## **Part 8 General**

### **43 (Repealed)**

### **44 Replacement of licence or certificate**

- (1) A licence, pilotage exemption certificate or certificate of local knowledge shall be replaced:
  - (a) where the same has been damaged or defaced and is surrendered, or has been lost in circumstances explained to the Director-General's satisfaction, on payment of a fee of \$10, or
  - (b) where any restriction thereon has been revoked or varied, or where such licence or certificate has been extended under these regulations, without charge.
- (2) A licence or certificate issued in replacement under these regulations shall state that it is so issued, and shall state the date of the original licence or certificate which it replaces.

### **45 Production of certificate**

An exempt master, or the holder of a certificate of local knowledge, shall produce the certificate issued to him under section 7 of the Act whenever required so to do by:

- (a) the Director-General or a person authorised by the Director-General, or
- (b) the master of any vessel in a pilotage port:
  - (i) with which vessel a ship of which he was master came into collision, or
  - (ii) the navigation of which vessel was in any way affected by the movement or presence of the ship of which he was master.

### **46 Penalties**

Every person who contravenes or fails to comply with a requirement of these regulations for which contravention or failure no penalty is provided by the Act shall be guilty of an offence against these Regulations and liable to a penalty not exceeding four hundred dollars.

### **47 Dissolution of Maritime Services Board—savings and transitional**

- (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.

## **First Schedule First class pilotage ports**

(Regulations 5, 20)

Port of Sydney  
Port of Newcastle  
Botany Bay  
Port Kembla

## **Second Schedule, Third Schedule (Repealed)**

## **Fourth Schedule Service requirements for a first-class pilot's licence**

(Regulation 21 (2) (b))

- 1** An applicant for a first-class pilot's licence must, during the 4 years immediately preceding the application, have served as either:
  - (a) master of a sea-going trading vessel (required to carry at least 1 mate) for a total period of at least 12 months, or
  - (b) master of a sea-going trading vessel (required to carry at least 1 mate) for a total of at least 6 months and chief mate of a sea-going trading vessel (required to carry at least 3 mates) for a total of at least 12 months.
- 2** If the applicant has served as master for more than 6 months but less than 12 months, the balance of the service required under clause 1 (b) may be rendered as chief mate accruable at half the rate of time served as master.

## **Fifth Schedule Service requirements for a second-class pilot's licence**

(Regulation 21 (3) (b))

Service during either:

- (a) a period of not more than three years immediately preceding the granting of such licence, or
- (b) in the case of an applicant who is in the service of the Director-General, a period of not more than three years immediately preceding his entering the service of the Director-General,

as master of a vessel which is required by law to be under the command of a master holding a certificate not lower than that prescribed by regulation 21 (3) (a).

## Sixth Schedule Initial eyesight test

(Regulations 21 (1) (c), 35 (8) (c), 39 (2) (e))

- 1** The initial eyesight test for the issue of:
  - (a) a pilot's licence under Regulation 21 (1) (c), or
  - (b) a pilotage exemption certificate under Regulation 35 (8) (c), or
  - (c) a certificate of local knowledge under Regulation 39 (2) (e),consists of a colour test and a letter test.
- 2**
  - (1) The colour test requires the applicant to satisfactorily complete:
    - (a) the lantern test, as conducted in the examination for the Certificate of Competency as a Master or a Mate, or
    - (b) another test approved by the Director-General.
  - (2) An artificial aid may be used when the colour test is undertaken.
- 3** The letter test requires the applicant to:
  - (a) obtain a recording of 6/6 in the better eye and 6/9 in the other eye, with or without the use of an artificial aid, and
  - (b) obtain a recording of 6/30 in either eye, without the use of an artificial aid.
- 4** The applicant must provide a certificate from an ophthalmologist indicating that the applicant is not suffering from any progressive eye disease.

## Seventh Schedule Further eyesight tests

(Regulations 25 (2) (b), 25 (3) (b), 25 (4), 37A (3) (b), 40 (3) (b))

- 1** The eyesight test for further examination of the physical fitness:
  - (a) of a pilot under Regulation 25, or
  - (b) the holder of a pilotage exemption certificate under Regulation 37A, or
  - (c) the holder of a certificate of local knowledge under Regulation 40,consists of a colour test and a letter test.
- 2** The colour test requires the applicant to satisfactorily complete the colour test prescribed in clause 2 of the Sixth Schedule.
- 3** The letter test requires the applicant to obtain a recording of 6/9 in the better eye and 6/12 in the

other eye with or without the use of an artificial aid.

- 4 If over 40 years of age, the person must provide a certificate from an ophthalmologist indicating that the applicant is not suffering from any progressive eye disease.

## **Eighth Schedule Medical fitness standard**

(Regulations 21 (1) (b), 35 (8) (b), 37A (3) (a), 39 (2) (d), 40 (3) (a))

### **1 Hernia**

No condition of hernia (including umbilical hernia) is to exist unless satisfactorily corrected by a curative operation.

### **2 Speech**

Speech must be clear and without hesitation.

### **3 Hearing**

- (1) Hearing ability is to be tested by the whispered voice, watch or other test approved by the Director-General.
- (2) If the test is for the purposes of an appeal the test should be conducted by means of an audiogram to the standard of:
  - (a) in the case of the testing of an applicant for a pilot's licence, pilotage exemption certificate or certificate of local knowledge—hearing loss in each ear no greater than 20 decibels for the frequencies 500Hz, 1,000Hz and 2,000Hz, or
  - (b) in any other case—hearing loss in the better ear no greater than 30 decibels for those frequencies.
- (3) A hearing test can be completed using a hearing aid if the Director-General is satisfied the duties of the person can be adequately performed while using the aid.

### **4 Tuberculosis**

Pulmonary tuberculosis is not acceptable unless there is evidence satisfactory to the Director-General of inactivity of the disease for at least 6 months.

### **5 Artificial limbs**

Artificial limbs are not acceptable unless the Director-General otherwise determines in a particular case taking into account the person's specific duties at sea and the results of a probationary period at sea.

### **6 Diabetes**

Diabetes mellitus is not acceptable (even if controlled by insulin injection).

**7 Pacemaker**

A cardiac pacemaker is not acceptable.

**8 Epilepsy**

Epilepsy is not acceptable except in a case where the Director-General otherwise determines on the basis that the person has been free from attack without the use of drugs for at least 2 years.