

TASMANIA

**MARINE AND SAFETY (PILOTAGE AND
NAVIGATION) REGULATIONS 2017**

STATUTORY RULES 2017, No.

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART 2 – PILOTS AND PILOTAGE

Division 1 – Application of Part

4. Port definitions
5. Zone definitions
6. Ports to which Part applies

Division 2 – Marine Pilotage Code

7. Marine Pilotage Code

Division 3 – Licensing of pilots

8. Eligibility requirements
9. Application for pilot's licence
10. Prerequisites to issue of licence
11. Pilot examinations
12. Issue of licences

13. Suspension and cancellation of licences
14. Ongoing pilot fitness

Division 4 – Pilotage exemption certificates

15. Eligibility requirements
16. Application for pilotage exemption certificate
17. Prerequisites to issue of pilotage exemption certificate
18. Issue of certificate
19. Endorsement of certificate in respect of vessels
20. Term of certificates
21. Renewal of certificates
22. Lapsing of certificates
23. Ongoing fitness

Division 5 – Employment of pilots

24. Application of Division to overseas vessels
25. Vessels required to employ pilot
26. Vessels not required to employ pilot
27. Signals for requiring pilot
28. Signals to be displayed by vessels under pilotage
29. Vessels under pilotage to have right of way
30. Day signal to be displayed by vessels under exempt masters

Division 6 – Miscellaneous

31. Tugs
32. Reporting of an event under pilotage
33. Complaints against pilots
34. Production of licences and certificates

PART 3 – NAVIGATION – SPECIFIC WATERS

Division 1 – Tasman Bridge

35. Definitions
36. Vessels to be under full control, &c.
37. Vessels exceeding 25 metres in length

38. Vessels exceeding 15 but not exceeding 25 metres in length
39. Vessels not exceeding 15 metres in length and recreational vessels
40. Tugs – use of aperture
41. Sounding signal to use main navigation channel
42. Navigation of several vessels in main navigation channel
43. Rights of way for vessels approaching main navigation span from opposite directions
44. Right of passage for vessels approaching main navigation span in same direction
45. Giving way by recreational vessels
46. Restrictions
47. Restrictions on approaching Bridge in poor visibility
48. Offences
49. Signal for navigation prohibited
50. Prohibition of navigation

Division 2 – Bowen Bridge

51. Definitions
52. Vessels to be under full control, &c.
53. Responsibility of masters with regard to general safety and clearance
54. Use of spans
55. Rights of way for vessels approaching navigation span from opposite directions
56. Giving way by recreational vessels
57. Restrictions
58. Offences
59. When navigation prohibited

Division 3 – Incidents involving Tasman or Bowen Bridge

60. Collisions and incidents to be reported

Division 4 – Denison Canal

61. Denison Canal

PART 4 – NAVIGATION – GENERAL

Division 1 – Pilotage Areas

- 62. Directions of MAST to be obeyed
- 63. Conduct of vessels within pilotage areas
- 64. Vessels in dangerous condition not to enter pilotage areas
- 65. Passenger ferries in pilotage areas
- 66. Listening watch to be kept when approaching or in pilotage areas

Division 2 – Facilitation of navigation, &c.

- 67. Course directions
- 68. Navigation during aquatic events
- 69. Notification of dangerous navigation conditions
- 70. Obstruction of fairways and channels
- 71. Interference with navigation
- 72. Unmooring of vessels
- 73. Fishing nets and lines
- 74. Anchoring and dredging near submarine cables or pipelines

Division 3 – Speed

- 75. Speed limits
- 76. Maximum speed limit in certain areas
- 77. Speed trials

Division 4 – Distracting lights and fires

- 78. Lights
- 79. Fires

PART 5 – UNSEAWORTHY VESSELS

- 80. Complaints about unseaworthy vessels
- 81. Orders for seizure of abandoned vessels
- 82. Unseaworthy vessels not to be navigated
- 83. Detention of unseaworthy vessel
- 84. Applications for administrative review of determinations
- 85. Application for judicial review of administrative decision

- 86. Offences in relation to unseaworthy vessels
- 87. Costs payable by owners and masters

PART 6 – MISCELLANEOUS

- 88. False or misleading statements

MARINE AND SAFETY (PILOTAGE AND NAVIGATION) REGULATIONS 2017

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Marine and Safety Authority Act 1997*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Infrastructure

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Marine and Safety (Pilotage and Navigation) Regulations 2017*.

2. Commencement

These regulations take effect on 27 July 2017.

3. Interpretation

(1) In these regulations –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 3

Part 1 – Preliminary

Act means the *Marine and Safety Authority Act 1997*;

AMSA means the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* of the Commonwealth;

approved means approved by MAST;

aquatic event means –

- (a) a boat race, regatta or other aquatic sporting event held in waters under MAST's jurisdiction; or
- (b) a sail past, boating display or recreational event held in such waters; or
- (c) a cultural or religious festival involving aquatic activities held in such waters;

authorised person means a person, or a member of a class of persons, appointed under section 44 of the Act for the purposes of these regulations;

by day means at any point after sunrise but before sunset;

exempt master means the master of a vessel who holds a valid pilotage exemption certificate;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 1 – Preliminary

r. 3

fairway means a navigable channel of water which may or may not be marked with channel markers;

length overall has the same meaning as in the National Standard for Commercial Vessels published by AMSA, as amended from time to time;

Marine Pilotage Code means the code developed by MAST in accordance with regulation 7;

MAST means the Marine and Safety Authority established under the Act;

Medical Health and Fitness Order means the Marine Order 9 (Health – medical fitness) issued by AMSA, as in force and amended from time to time;

notice means notice in writing;

pilot means a person who holds a pilot's licence;

pilotage area means each port referred to in regulation 6 and the Tasman Bridge restricted area;

pilotage exemption certificate means a certificate issued under Division 4 of Part 2;

pilot's licence means a licence issued and in force under Part 2;

port means a port defined in regulation 4;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 3

Part 1 – Preliminary

recreational vessel means a vessel that is being used for a recreational purpose;

relevant pilotage area, in relation to a pilot's licence or pilotage exemption certificate, means the pilotage area for which the licence or certificate is sought or granted;

relevant port operator means a port operator that has a marine facility in or near the relevant pilotage area;

Tasman Bridge restricted area means the waters within 120 metres of the structure of the Tasman Bridge, as marked as a no anchorage zone on Australian Hydrographic Chart AUS 172;

Tasports means the Tasmanian Ports Corporation Pty. Ltd. (ACN 114 161 938);

tow means to tow or push another vessel or vessels lashed to the towing vessel;

under pilotage, in relation to a vessel, means

- (a) the vessel is under the command of an exempt master, or
- (b) the holder of a pilot's licence has conduct of the vessel –

in the relevant pilotage area;

VHF means very high frequency;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 1 – Preliminary

r. 3

VTS, in respect of a port, means vehicle traffic services to monitor and service marine traffic in that port.

- (2) A reference by a letter to a zone in these regulations is a reference to the zone of that letter as defined in regulation 5.

PART 2 – PILOTS AND PILOTAGE

Division 1 – Application of Part

4. Port definitions

In this Part –

Port of Adventure Bay means all waters bounded by an imaginary circle having a radius of 3 nautical miles and centred on Grass Point;

Port of Burnie means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at the eastern end of the Island Breakwater in Emu Bay;

Port of Coles Bay means all the waters –

- (a) to the east of an imaginary straight line drawn between Hepburn Point and the westernmost point of Schouten Island, including Schouten Passage; and
- (b) to the west of an imaginary straight line drawn between Cape Tourville and Cape Forestier; and
- (c) to the west of an imaginary straight line drawn between Cape Forestier and Cape Sonnerat, including Schouten Passage;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 4

Port of Devonport means all the waters bounded by an imaginary circle centred at Mersey Bluff Lighthouse having a radius of 3 nautical miles, including the waters of the River Mersey up to, but not including, the Victoria Bridge;

Port of Grassy means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at the outer extremity of the reclamation at Grassy Harbour;

Port of Hobart means the area comprising Zones A, B and C, as defined in regulation 5;

Port of Lady Barron means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at the outer extremity of the wharf situated in Adelaide Bay;

Port of Launceston means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at Low Head and including the area comprising Zones D and E as defined in regulation 5;

Port of Naracoopa means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at the outer extremity of the port operator jetty situated at Naracoopa;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 4

Part 2 – Pilots and Pilotage

Port of Port Arthur means all the waters lying northwards of an imaginary straight line drawn from the south-eastern extremity of West Arthur Head to the southernmost point of Budget Head;

Port of Port Davey means –

- (a) all the waters lying eastward of an imaginary straight line drawn from a point at North Head where the parallel of latitude 43°19'18.65" South intersects the coastline to a point at Hilliard Head where the parallel of latitude 43°23'15.41" South intersects the coastline, including all the waters of Payne Bay and Hannant Inlet; and
- (b) all bays and estuaries opening into Bathurst Harbour;

Port of Port Latta means all the waters bounded by an imaginary circle having a radius of 3 nautical miles and centred at the outer extremity of the ore-loading jetty at the northern end of Crayfish Creek Beach;

Port of Spring Bay means all the waters of Spring Bay westward of an imaginary straight line drawn across the approaches to Spring Bay extending from Point Home Lookout to Stapleton Point;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 5

Port of Stanley means all the waters bounded by an imaginary circle having a radius of 2.5 nautical miles and centred at Circular Head;

Port of Strahan means all the waters of Macquarie Harbour and all bays and estuaries opening into that harbour, but not beyond an imaginary line bearing 000 degrees for a distance of 1.20 kilometres from Watts Hill and thence bearing 090 degrees to the shoreline.

5. Zone definitions

In this Part –

Zone A means the waters of the River Derwent that are enclosed within the following limits:

- (a) in the south, by an imaginary straight line drawn from east to west along the parallel of latitude 42°55.5' South across the width of the River Derwent;
- (b) in the north, by an imaginary straight line drawn from the orange diamond-shaped beacons located approximately 450 metres south of the Tasman Bridge on the western shore of the River Derwent to another pair of orange diamond-shaped beacons

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 5

Part 2 – Pilots and Pilotage

similarly located on the eastern shore of the River Derwent;

Zone B means the waters of the River Derwent that are enclosed within the following limits:

- (a) in the south, by an imaginary straight line drawn from the orange diamond-shaped beacons located approximately 450 metres south of the Tasman Bridge on the western shore of the River Derwent to another pair of orange diamond-shaped beacons similarly located on the eastern shore of the River Derwent;
- (b) in the north, by the south-eastern side of the Bowen Bridge;

Zone C means the waters of the D'Entrecasteaux Channel and all the bays and estuaries opening into that Channel that are enclosed within the following limits:

- (a) in the south, by an imaginary straight line bearing 223 degrees from the southern end of Partridge Island to Southport Island;
- (b) in the north, by an imaginary straight line bearing 138 degrees from Pierson Point to Kelly Point;

Zone D means the waters of the Tamar River from Picnic Rock on the South Esk River and Hobblers Bridge on the North Esk River to the Batman Bridge;

Zone E means the waters of the Tamar River from the Batman Bridge, the wharves in Long Reach, Bell Bay, Beauty Point and Inspection Head to the seaward limit of the Port of Launceston.

6. Ports to which Part applies

This Part applies only to the following ports:

- (a) the Port of Adventure Bay;
- (b) the Port of Burnie;
- (c) the Port of Coles Bay;
- (d) the Port of Devonport;
- (e) the Port of Grassy;
- (f) the Port of Hobart;
- (g) the Port of Lady Barron;
- (h) the Port of Launceston;
- (i) the Port of Naracoopa;
- (j) the Port of Port Arthur;
- (k) the Port of Port Davey;
- (l) the Port of Port Latta;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 7

Part 2 – Pilots and Pilotage

- (m) the Port of Spring Bay;
- (n) the Port of Stanley;
- (o) the Port of Strahan.

Division 2 – Marine Pilotage Code

7. Marine Pilotage Code

- (1) MAST, in consultation with each relevant port operator, is to develop and publish a Marine Pilotage Code that includes –
 - (a) training requirements for persons seeking to apply for a pilot’s licence or a pilotage exemption certificate; and
 - (b) ongoing training requirements for persons who are holders of a pilot’s licence or a pilotage exemption certificate; and
 - (c) requirements for reassessment for persons who are holders of a pilot’s licence or a pilotage exemption certificate.
- (2) The holder of a pilot’s licence must undergo ongoing training and reassessment as required by the Marine Pilotage Code.
- (3) The holder of a pilotage exemption certificate must undergo ongoing training and reassessment as required by the Marine Pilotage Code.

-
- (4) A pilot's licence or pilotage exemption certificate will be invalid if the holder of the licence or certificate fails to comply with subregulation (2) or (3) respectively.

Division 3 – Licensing of pilots

8. Eligibility requirements

- (1) A person is eligible to hold a pilot's licence if –
- (a) he or she –
- (i) holds a valid certificate of competency as an Australian Master Unlimited issued by AMSA; or
 - (ii) holds a valid certificate, equivalent to the one specified in subparagraph (i), issued by an approved organisation that is party to the *International Convention on Standards of Training, Certification and Watchkeeping of Seafarers 1995*; or
 - (iii) has other approved experience and qualifications; and
- (b) he or she –
- (i) has served for at least 12 months as a Master or Second in Command on an appropriately

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 9

Part 2 – Pilots and Pilotage

- sized vessel within the last five years; or
- (ii) holds a pilot's licence issued by an approved organisation that is party to the *International Convention on Standards of Training, Certification and Watchkeeping of Seafarers 1995* and, for at least 12 months immediately before lodging the application, have been actively engaged in piloting; and
 - (c) he or she can demonstrate an ability to speak English to a standard that would allow the applicant to safely discharge the duties and responsibilities of a pilot; and
 - (d) he or she holds a valid certificate of medical and mental fitness issued in accordance with the Medical Health and Fitness Order.
- (2) For the purposes of subregulation (1)(b)(i), the size of an appropriately sized vessel is to be determined by MAST on a case-by-case basis.

9. Application for pilot's licence

- (1) A person who is eligible to hold a pilot's licence under regulation 8 may apply to MAST for a pilot's licence.

- (2) An application for a pilot's licence is to be in an approved form.

10. Prerequisites to issue of licence

Before MAST makes a determination under regulation 12 in respect of an application for a pilot's licence, MAST is to be satisfied that the applicant has –

- (a) undertaken any relevant trips and training and passed any examinations specified in the Marine Pilotage Code; or
- (b) undertaken such other trips and training and passed such other examinations as MAST is satisfied are equivalent to those specified in paragraph (a).

11. Pilot examinations

- (1) Before MAST makes a determination under regulation 12 in respect of an application for a pilot's licence, MAST is to conduct, or arrange for the conduct of, examinations for persons seeking to apply for a pilot's licence.
- (2) An examination –
- (a) is to consist of a practical assessment; and
 - (b) may include oral and written parts; and
 - (c) is to be conducted in English; and

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 12

Part 2 – Pilots and Pilotage

- (d) is to be in the approved form.
- (3) The elements of each part of an examination are to be determined by MAST in consultation with the relevant port operator.
- (4) MAST is to ensure that each person intending to take an examination is notified of the form the examination is to take.

12. Issue of licences

- (1) After considering an application under regulation 9 and the matters in regulations 10 and 11, MAST, in consultation with the relevant port operator, may –
 - (a) issue a pilot's licence to the applicant subject to any conditions that MAST determines; or
 - (b) refuse to issue a pilot's licence to the applicant.
- (2) A pilot's licence issued under subregulation (1)(a) is to specify –
 - (a) any conditions to which it is subject; and
 - (b) the relevant pilotage area; and
 - (c) any exclusions that apply.

13. Suspension and cancellation of licences

- (1) MAST, by notice to the holder of the licence, may suspend a pilot's licence if the holder –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 14

-
- (a) has not undertaken a pilotage act in the relevant pilotage area within a continuous period exceeding 6 months; or
 - (b) fails to hold a valid certificate of medical and mental fitness issued in accordance with the Medical Health and Fitness Order; or
 - (c) does not undertake ongoing training as required by regulation 7(2); or
 - (d) does not undertake a reassessment as required by regulation 7(2).
- (2) A suspension of a licence is revoked when the holder of that licence has satisfied any requirements specified by MAST in the notice given in relation to the suspension.
- (3) MAST, by notice, may cancel a pilot's licence if the holder of the licence does not undertake a pilotage act within the relevant pilotage area for a period exceeding 12 months.
- (4) In this regulation –

pilotage act means passage by a vessel where the holder of a pilot's licence has conduct of the vessel.

14. Ongoing pilot fitness

A pilot's licence is of no effect if the holder of the licence does not also hold a valid certificate of medical and mental fitness issued in

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 15

Part 2 – Pilots and Pilotage

accordance with the Medical Health and Fitness Order.

Division 4 – Pilotage exemption certificates

15. Eligibility requirements

- (1) A person is eligible to hold a pilotage exemption certificate if –
 - (a) he or she –
 - (i) holds a valid Australian certificate of competency, that qualifies the applicant to act in the capacity of master in relation to the size of vessel to which the exemption is intended to apply, issued by AMSA; or
 - (ii) in the case of a vessel registered in a port outside Australia, holds a valid certificate, competency or certificate of recognition, that qualifies the applicant to act in the capacity of master in relation to the size of vessel to which the exemption is intended to apply, issued by an approved organisation, in relation to that port, that is party to the *International Convention on Standards of Training, Certification and Watchkeeping of Seafarers 1995*; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 16

-
- (iii) has other approved experience and qualifications; and
 - (b) he or she has undertaken the required number and type of voyages specified in the Marine Pilotage Code for the pilotage area to which the application relates; and
 - (c) he or she holds a valid certificate of medical and mental fitness issued in accordance with the Medical Health and Fitness Order.
- (2) For the purposes of subregulation (1)(b), an applicant for a pilotage exemption certificate must –
- (a) maintain a record in an approved form of each voyage completed under pilotage; and
 - (b) ensure that the record is endorsed by –
 - (i) the pilot; or
 - (ii) the exempt master in charge of the vessel.

16. Application for pilotage exemption certificate

- (1) A person who is eligible to hold a pilotage exemption certificate under regulation 15 may apply to MAST for a pilotage exemption certificate.
- (2) An application for a pilotage exemption certificate is to be in an approved form.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 17

Part 2 – Pilots and Pilotage

17. Prerequisites to issue of pilotage exemption certificate

- (1) Before MAST makes a determination under regulation 18 in respect of an application for a pilotage exemption certificate, MAST is to be satisfied that the applicant has –
 - (a) undertaken any relevant voyages and training and passed any examinations specified in the Marine Pilotage Code; or
 - (b) undertaken such other voyages and training and passed such other examinations as MAST is satisfied are equivalent to those specified in paragraph (a).
- (2) A person who fails to pass an examination specified under subregulation (1) may take another examination if the person has, on at least 2 occasions after that failure, been employed as a master navigating the relevant pilotage area.

18. Issue of certificate

- (1) After considering an application under regulation 16 and the matters in regulation 17, MAST, in consultation with the relevant port operator, may –
 - (a) issue a pilotage exemption certificate to the applicant with or without conditions; or

-
- (b) refuse to issue a pilotage exemption certificate to the applicant.
 - (2) A pilotage exemption certificate is to specify –
 - (a) any conditions to which it is subject; and
 - (b) the pilotage area to which it applies; and
 - (c) any restrictions that apply; and
 - (d) the period for which it remains in force.
 - (3) Unless MAST determines otherwise, a pilotage exemption certificate is not to be issued in respect of the Tasman Bridge restricted area.

19. Endorsement of certificate in respect of vessels

- (1) The holder of a pilotage exemption certificate may apply to MAST for the endorsement of his or her pilotage exemption certificate in respect of –
 - (a) a specific vessel; or
 - (b) vessels of one of the following classes:
 - (i) vessels not exceeding 75 metres in length overall;
 - (ii) vessels not exceeding 165 metres in length overall;
 - (iii) vessels not exceeding 215 metres in length overall; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 19

Part 2 – Pilots and Pilotage

- (c) a pilotage area other than the original pilotage area in respect of which the certificate was issued.
- (2) An application for an endorsement under this regulation is to be in an approved form.
- (3) An endorsement for the vessels referred to in subregulation (1)(b)(ii) and (iii) may only be made if the holder of a pilotage exemption certificate has, with a pilot, made at least 2 appropriate voyages on such a vessel in the 12 months immediately before lodging the application.
- (4) The holder of a pilotage exemption certificate may request that an endorsement not restrict the use of the certificate to daylight hours if one of the voyages required under subregulation (3) was undertaken during the hours of darkness.
- (5) An endorsement in respect of another pilotage area referred to in subregulation (1)(c) may be made in relation to any other pilotage area, except the Tasman Bridge restricted area, if the holder of that certificate has –
 - (a) completed the appropriate number of voyages required for that pilotage area by the Marine Pilotage Code; and
 - (b) passed any examinations required by MAST.
- (6) Unless MAST determines otherwise, an endorsement on a pilotage exemption certificate

is not to be made in respect of the Tasman Bridge restricted area.

20. Term of certificates

Except as provided by these regulations, a pilotage exemption certificate remains in force for a period of 12 months commencing on the date of its issue but is from time to time renewable for an equivalent period.

21. Renewal of certificates

- (1) The holder of a pilotage exemption certificate may apply to MAST for the renewal of the certificate.
- (2) The application for renewal is to be in an approved form.
- (3) MAST may renew a pilotage exemption certificate for a further period of 12 months if satisfied that the holder has –
 - (a) navigated the waters of the relevant pilotage area for one voyage; and
 - (b) passed any examinations required by MAST.

22. Lapsing of certificates

If the holder of a pilotage exemption certificate has not been employed on a vessel as master navigating the relevant pilotage area for a

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 23

Part 2 – Pilots and Pilotage

continuous period of 6 months, the certificate lapses until the holder has –

- (a) within 6 months of the lapsing, navigated the waters of the relevant pilotage area for one voyage with a pilot on board; and
- (b) passed any examinations required by MAST.

23. Ongoing fitness

A pilotage exemption certificate is of no effect if the holder of the licence does not also hold a valid certificate of medical and mental fitness issued in accordance with the Medical Health and Fitness Order.

Division 5 – Employment of pilots

24. Application of Division to overseas vessels

Except with the written permission of MAST, a vessel registered at a port outside Australia is not exempt from the requirements of this Division.

25. Vessels required to employ pilot

- (1) The master of a vessel must ensure that the services of a pilot are employed when the vessel is in a pilotage area.

Penalty: Fine not exceeding 50 penalty units.

- (2) However, the master of an exempt vessel does not have to comply with subregulation (1) when

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 26

the exempt vessel is in a pilotage area unless MAST or an authorised person has given the master an oral or written direction that the services of a pilot are to be so employed.

- (3) If the master of a vessel commits an offence against subregulation (1), the owner of the vessel is also taken to have committed the offence and to be liable to the same penalty as is provided for the first-mentioned offence unless it is established that the owner of the vessel could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the master.
- (4) An owner of a vessel may be charged with an offence against subregulation (1) whether or not proceedings have been brought against the master of the vessel.
- (5) In this regulation –

exempt vessel means a vessel that, under regulation 26, is exempt from the requirement to employ a pilot.

26. Vessels not required to employ pilot

- (1) Subject to subregulations (2) and (3), the master of the following classes of vessels is exempt from the requirement to employ a pilot:
 - (a) a vessel not exceeding 35 metres in length overall;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 27

Part 2 – Pilots and Pilotage

- (b) a vessel in the charge of an exempt master holding a valid pilotage exemption certificate for the port or zone in which the vessel is navigated;
 - (c) any naval, military or air force vessel, except in relation to Zone B;
 - (d) any other specified vessel or class of vessels determined by MAST, by instrument in writing, to be so exempt.
- (2) MAST, by instrument in writing, may determine that an exemption relating to a vessel specified in subregulation (1)(a), (c) or (d) is subject to conditions specified in that instrument.
- (3) If an exemption under this section is made subject to conditions, it is only valid if those conditions are met.

27. Signals for requiring pilot

- (1) If an inward bound vessel requires a pilot for a pilotage area, the master of the vessel must, when approaching the pilotage area –
- (a) contact VTS on VHF Radio Channel 16 (156.8 MHz) and state –
 - (i) the position of the vessel; and
 - (ii) any other information that may assist a pilot to identify and board the vessel; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 2 – Pilots and Pilotage

r. 27

-
- (b) display Flag “G” of the *International Code of Signals* (a square flag with vertical blue and yellow stripes) signifying “require a pilot”.

Penalty: Fine not exceeding 20 penalty units.

- (2) If requested by VTS, an exempt master in charge of a vessel approaching a pilotage area must, unless the vessel employs a pilot, provide details of the exempt master’s pilotage exemption certificate.

Penalty: Fine not exceeding 50 penalty units.

- (3) On arriving at a pilotage area, the master of a vessel must –
- (a) receive the pilot on board; and
 - (b) on production of the pilot’s licence by the pilot –
 - (i) accept the pilot’s advice on the navigation of the vessel; and
 - (ii) ensure that any order given by the pilot is carried out; and
 - (iii) give the pilot any information the pilot may require for the safe navigation of the vessel.

Penalty: Fine not exceeding 50 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 28

Part 2 – Pilots and Pilotage

28. Signals to be displayed by vessels under pilotage

A vessel under pilotage is to display Flag “H” of the *International Code of Signals* (a square flag divided vertically white and red) between sunrise and sunset.

29. Vessels under pilotage to have right of way

A person in charge of a vessel that is not under pilotage must give way to a vessel that is under pilotage.

Penalty: Fine not exceeding 50 penalty units.

30. Day signal to be displayed by vessels under exempt masters

An exempt master who is navigating a vessel by day in a pilotage area must ensure that a white flag at least 2 metres square in size is prominently displayed on the vessel at all times while being so navigated.

Penalty: Fine not exceeding 20 penalty units.

Division 6 – Miscellaneous

31. Tugs

- (1) Any vessel towing, mooring or assisting another vessel is to be under the orders of the pilot or exempt master of the towed, moored or assisted vessel in all matters connected with the navigation of both vessels.

-
- (2) MAST or an authorised person may direct the master of a vessel to engage the services of a tug of any capacity or power that MAST considers necessary.
- (3) The master of a vessel must comply with a direction under subregulation (2).

Penalty: Fine not exceeding 50 penalty units.

32. Reporting of an event under pilotage

If a pilot has conduct of a vessel in a pilotage area and –

- (a) the vessel has been involved in an event resulting in –
- (i) damage to a vessel or facility; or
 - (ii) death or injury of any person; or
 - (iii) pollution; or
 - (iv) obstruction or impedance to navigation; or
- (b) there is a serious risk of an event described in paragraph (a) occurring –

the pilot, at the time of the event or risk of the event, must, as soon as practicable after that time, orally report the event to MAST and, within 24 hours after that time, confirm the oral report in writing.

Penalty: Fine not exceeding 20 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 33

Part 2 – Pilots and Pilotage

33. Complaints against pilots

The master of a vessel may make a complaint in writing to MAST about the conduct of a pilot.

34. Production of licences and certificates

(1) A pilot who is piloting in a pilotage area must –

- (a) carry his or her pilot's licence at all times; and
- (b) produce that licence on demand by the master of any vessel, MAST or an authorised person.

Penalty: Fine not exceeding 20 penalty units.

(2) An exempt master who is navigating a vessel in a pilotage area must –

- (a) carry his or her pilotage exemption certificate at all times; and
- (b) produce that certificate on demand by MAST or an authorised person.

Penalty: Fine not exceeding 20 penalty units.

PART 3 – NAVIGATION – SPECIFIC WATERS

Division 1 – Tasman Bridge

35. Definitions

In this Division –

aperture means navigable waters between any 2 supporting piers of the Bridge;

Bridge means the Tasman Bridge, being the bridge of that name across the River Derwent;

downstream, of the Bridge, means in a southerly direction;

main navigation channel means the waters 45 metres either side of the centreline of the main navigation span, extending approximately 450m, on a bearing of 354° north and 174° south of the Bridge, respectively, indicated by parallel lines drawn between two orange diamond beacons each side of the shore marking the northern and southern limits of the channel, marked on Australian Hydrographic Chart AUS 172;

main navigation span means the span of the Bridge distinguishable by green illuminated inverted triangles fixed on the northern and southern side of the span on the transverse centre line;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 36

Part 3 – Navigation – Specific Waters

secondary navigation span means either of the spans immediately westward or immediately eastward of the main navigation span;

span means a section of the Bridge supported by 2 adjacent piers of the Bridge;

upstream, of the Bridge, means in a northerly direction.

36. Vessels to be under full control, &c.

- (1) The master of a vessel approaching the Bridge must, when navigating the vessel through a span must –
 - (a) have the vessel fully under control; and
 - (b) navigate the vessel with all possible care at the speed required to pass safely under the bridge.

Penalty: Fine not exceeding 50 penalty units.

- (2) A master of a vessel proceeding under power must not attempt to pass under any part of the Bridge unless the vessel is in a fit and proper condition to do so safely.

Penalty: Fine not exceeding 50 penalty units.

37. Vessels exceeding 25 metres in length

- (1) The master of a commercial vessel exceeding 25 metres in length overall must not cause or allow

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 37

the vessel to pass under the Bridge under its own power unless –

- (a) the master of the vessel has advised VTS of the passage; and
- (b) the passage is made only by way of the main navigation channel and through the aperture under the main navigation span.

Penalty: Fine not exceeding 50 penalty units.

- (2) The master of a tug that is towing a commercial vessel exceeding 25 metres in length overall must not cause or allow either vessel to pass under the Bridge unless –

- (a) the master of the tug has advised VTS of the passage; and
- (b) the passage, of both vessels, is made only by way of the main navigation channel and through the aperture under the main navigation span.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person who has advised VTS orally of a passage under subregulation (1) or (2) must, if VTS so directs, confirm the warning in writing.

Penalty: Fine not exceeding 50 penalty units.

- (4) For the avoidance of doubt –

- (a) a vessel is taken to be proceeding under its own power for the purpose of this

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 38

Part 3 – Navigation – Specific Waters

regulation even if the vessel is under sail or drifting; and

- (b) the master of a tug is not required to advise VTS of passage under the Bridge in accordance with subregulation (2)(a) if the tug is attached by a towline to a vessel, the master of which has advised VTS of passage under the Bridge in accordance with subregulation (1)(a).

38. Vessels exceeding 15 but not exceeding 25 metres in length

- (1) The master of a commercial vessel exceeding 15 metres but not exceeding 25 metres in length overall must not cause or allow the vessel to pass under the Bridge under its own power other than through the designated aperture.

Penalty: Fine not exceeding 50 penalty units.

- (2) Unless otherwise specified in these regulations, the master of a tug that is towing a commercial vessel exceeding 15 metres but not exceeding 25 metres in length overall must not cause or allow either vessel to pass under the Bridge other than through the designated aperture.

Penalty: Fine not exceeding 50 penalty units.

- (3) In this rule –

designated aperture means –

- (a) if proceeding upstream, the aperture under the secondary

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 38

navigation span immediately eastward of the aperture of the main navigation span that is distinguishable –

- (i) on the left side at night by a fixed green light set on the pier base between 2 white lights, disposed horizontally; and
 - (ii) on the right side at night by one fixed white light set on the south-western corner of the pier base of the right pier; or
- (b) if proceeding downstream, the aperture under the secondary navigation span immediately westward of the aperture of the main navigation span that is distinguishable –
- (i) on the left side at night by a fixed green light set on the pier base between 2 white lights, disposed horizontally; and
 - (ii) on the right side at night by one fixed white light set on the north-eastern corner of the pier base of the right pier.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 39

Part 3 – Navigation – Specific Waters

- (4) For the avoidance of doubt, a vessel is taken to be proceeding under its own power for the purpose of this regulation even if the vessel is under sail or drifting.

39. Vessels not exceeding 15 metres in length and recreational vessels

Unless otherwise authorised by MAST or VTS, a person who is the master of a commercial vessel not exceeding 15 metres in length overall, or a recreational vessel, must not cause or allow the vessel to pass under the Bridge through any of the apertures referred to in regulation 40 or 41.

Penalty: Fine not exceeding 50 penalty units.

40. Tugs – use of aperture

- (1) The master of a tug may cause the tug, while towing another vessel, to pass through the aperture of the Bridge prescribed in this Division for use by the vessel being towed.
- (2) A tug, when towing another vessel, may pass through the aperture under the main navigation span instead of the prescribed aperture if –
- (a) in the opinion of the master of the tug, it is unsafe to pass or attempt to pass through the prescribed aperture; and
 - (b) the master allows priority of passage to any vessel required to pass through the aperture under the main navigation span.

41. Sounding signal to use main navigation channel

- (1) The master of a vessel must, if intending to pass the vessel through the aperture under the main navigation span, signal that intention, or cause that intention to be signalled, by means of sounding one long blast as soon as any part of the vessel enters the main navigation channel.

Penalty: Fine not exceeding 20 penalty units.

- (2) In this regulation –

long blast means the sounding for approximately 10 seconds of a vessel's siren.

42. Navigation of several vessels in main navigation channel

- (1) The master of a vessel must not cause or allow the vessel to be in, or to be navigated in, any part of the main navigation channel while another vessel is in, or is being navigated in, the main navigation channel unless one vessel is towing the other.

Penalty: Fine not exceeding 50 penalty units.

- (2) For the purposes of subregulation (1), a vessel is taken to be in, or being navigated in, the main navigation channel until the vessel has wholly cleared the main navigation channel.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 43

Part 3 – Navigation – Specific Waters

43. Rights of way for vessels approaching main navigation span from opposite directions

If 2 or more vessels approach the Bridge to pass under the main navigation span from opposite directions, the vessel proceeding downstream has the right of way over any vessel proceeding upstream once it has crossed an imaginary straight line bearing east and west from the front Beltana Point lead light.

44. Right of passage for vessels approaching main navigation span in same direction

- (1) If 2 or more vessels approach the Bridge from the same direction and intend to pass under the main navigation span, the leading vessel has the passage if –
 - (a) in the case of a vessel proceeding upstream, it has crossed an imaginary straight line extending from Rosny Point light to Macquarie Point light; or
 - (b) in the case of a vessel proceeding downstream, it has crossed an imaginary straight line bearing east and west from the front Beltana Point lead light.
- (2) If 2 or more vessels subject to pilotage, other than vessels determined by MAST, approach the Bridge from a position south of the Bridge and intend passing under the main navigation span, the master of the second and any subsequent vessel must not proceed north of an imaginary straight line extending from Rosny Point light to

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 45

Macquarie Point light until the pilot or master of each preceding vessel has advised the pilot or master of the following vessel that the preceding vessels being navigated under the Bridge have safely passed under the main navigation span and are clear of the main navigation channel.

Penalty: Fine not exceeding 20 penalty units.

- (3) If 2 or more vessels subject to pilotage, other than vessels determined by MAST, approach the Bridge from a position north of the Bridge and intend passing under the main navigation span, the master of the second and any subsequent vessel must not proceed south of an imaginary straight line joining Limekiln Point and Pavilion Point until the pilot or master of the immediately preceding vessel has advised the pilot or master of the following vessel that the vessel being navigated under the Bridge has safely passed under the main navigation span and is clear of the main navigation channel.

Penalty: Fine not exceeding 20 penalty units.

45. Giving way by recreational vessels

The master of a recreational vessel, or of a vessel being used in or in connection with an aquatic event, must not navigate the vessel in the Tasman Bridge restricted area or main navigation channel in a manner likely to interfere with, or obstruct in any way –

- (a) a vessel exceeding 15 metres in length overall; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 46

Part 3 – Navigation – Specific Waters

- (b) a tug engaged in towing.

Penalty: Fine not exceeding 50 penalty units.

46. Restrictions

The master of a vessel must not cause or allow the vessel to –

- (a) pass under the Bridge except through an aperture prescribed in this Division for use by such a vessel; or
- (b) be in, or be navigated in, any part of the main navigation channel or of the Tasman Bridge restricted area except while the vessel is proceeding in a direction at right angles, or nearly right angles, to the longitudinal centre line of the Bridge unless it is proceeding under sail only and in conformity with these regulations; or
- (c) be navigated within the main navigation channel or in the Tasman Bridge restricted area in a manner likely to cause interference with the navigation of any other vessel; or
- (d) be at anchor within the Tasman Bridge restricted area or in the main navigation channel; or
- (e) enter or cross the main navigation channel while a vessel is being, or is about to be, navigated in that channel; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 47

-
- (f) obstruct the passage of any vessel being navigated, or intended to be navigated, through any aperture of the Bridge; or
 - (g) be made fast to any part of the structure of the Bridge unless authorised by MAST; or
 - (h) remain in any aperture unless authorised by MAST; or
 - (i) touch or strike any part of the Bridge.

Penalty: Fine not exceeding 50 penalty units.

47. Restrictions on approaching Bridge in poor visibility

- (1) The master of a vessel not exceeding 35 metres in length overall must not allow the vessel to approach within 150 metres of the Bridge if visibility is such that the master is unable to see for a distance of at least 1 000 metres beyond the bow of the vessel.

Penalty: Fine not exceeding 50 penalty units.

- (2) The master of a vessel exceeding 35 metres in length overall must not allow the vessel to approach within 450 metres of the Bridge if visibility is such that the master is unable to see, in every direction, for a distance of at least 2 780 metres.

Penalty: Fine not exceeding 50 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 48

Part 3 – Navigation – Specific Waters

48. Offences

A person must not –

- (a) place across any aperture, channel, fairway or navigation span of the Bridge any cable, chain, hawser, rope or other obstruction through or above the water unless authorised by MAST; or
- (b) make fast a vessel or any floating timber or thing to the Bridge unless authorised to do so by MAST; or
- (c) alight onto the Bridge unless authorised to do so by MAST; or
- (d) bathe within the Tasman Bridge restricted area; or
- (e) fish from the bridge.

Penalty: Fine not exceeding 50 penalty units.

49. Signal for navigation prohibited

The master of a vessel must not cause, or attempt to cause, the vessel to pass under the main navigation span of the Bridge if, instead of the illuminated inverted green triangle, a red flashing light is exhibited on the transverse centre lines of the bridge on the northern and southern side of the span.

Penalty: Fine not exceeding 50 penalty units

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 50

50. Prohibition of navigation

- (1) MAST, by notice, may prohibit during any specified period the navigation of any or every vessel, or a specified class of vessel, within the Tasman Bridge restricted area, through any aperture of the Bridge or under any of its spans.
- (2) A person must comply with a notice under subregulation (1).

Penalty: Fine not exceeding 50 penalty units.

- (3) The Secretary of the Department may direct MAST to issue a notice –
 - (a) for the purpose of maintaining or repairing any part of the Bridge; or
 - (b) for any other valid reason directly relating to the safety of the Bridge.
- (4) MAST must comply with a direction under subregulation (3).
- (5) A notice under this regulation is to be published in a newspaper circulating in Hobart.

Division 2 – Bowen Bridge

51. Definitions

In this Division –

aperture means navigable waters between any 2 supporting piers of the Bridge;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 52

Part 3 – Navigation – Specific Waters

Bridge means the Bowen Bridge, being the bridge of that name across the River Derwent;

downstream, of the Bridge, means in an easterly direction;

navigation span, of the Bridge, means the span between the piers distinguishable by illuminated green inverted triangles on the northern and southern side of the span on the transverse centre line;

span means a section of the Bridge supported by 2 adjacent piers of the Bridge;

upstream, of the Bridge, means in a westerly direction.

52. Vessels to be under full control, &c.

- (1) The master of a vessel approaching the Bridge must, when navigating the vessel through an aperture –
 - (a) have the vessel fully under control; and
 - (b) navigate the vessel with all possible care at the speed required to pass safely through the aperture.

Penalty: Fine not exceeding 50 penalty units.

- (2) The master of a vessel proceeding under power must not cause or allow the vessel to pass through an aperture of the Bridge unless the

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 53

vessel is in a fit and proper condition to do so safely.

Penalty: Fine not exceeding 50 penalty units.

53. Responsibility of masters with regard to general safety and clearance

- (1) The master of a vessel must not pass through an aperture of the Bridge unless he or she has determined that it is safe and practicable for the vessel to pass through the particular aperture taking into account –
 - (a) the maximum height of the superstructure above the waterline of the vessel; and
 - (b) the clear vertical clearance available at each aperture.

Penalty: Fine not exceeding 50 penalty units.

- (2) In this regulation –

superstructure, of a vessel, means –

- (a) a mast, aerial, radar scanner or similar apparatus on the vessel; or
- (b) any crane or derrick on the vessel; or
- (c) any other part of the vessel extending above the main deck.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 54

Part 3 – Navigation – Specific Waters

54. Use of spans

- (1) Subject to subregulation (2), the master of a vessel, when passing under the Bridge, must use the navigation span wherever practicable.

Penalty: Fine not exceeding 30 penalty units.

- (2) The master of a recreational vessel, when passing under the Bridge by day, must use a span other than the navigation span wherever practicable.

Penalty: Fine not exceeding 30 penalty units.

55. Rights of way for vessels approaching navigation span from opposite directions

- (1) If 2 or more vessels approach the Bridge to pass under the navigation span from opposite directions, the master of each vessel must cause a sound signal to be given that is likely to be audible to the master of the other vessel.

Penalty: Fine not exceeding 20 penalty units.

- (2) If the situation specified in subregulation (1) arises, any vessel proceeding downstream has the right of way over any vessel proceeding upstream.

56. Giving way by recreational vessels

The master of a recreational vessel or of a vessel being used in or in connection with an aquatic event must not navigate the vessel in any part of

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 3 – Navigation – Specific Waters

r. 57

the navigation span of the Bridge in a manner likely to interfere with, or obstruct in any way, any other vessel.

Penalty: Fine not exceeding 30 penalty units.

57. Restrictions

The master of a vessel must not cause or allow the vessel to –

- (a) be navigated within the navigation span of the Bridge in a manner likely to cause interference with the navigation of any other vessel; or
- (b) be at anchor within the navigation span of the Bridge; or
- (c) enter or cross the navigation span of the Bridge while a vessel is being, or is about to be, navigated in the span; or
- (d) obstruct the passage of any vessel being navigated, or intended to be navigated, under the navigation span of the Bridge; or
- (e) be made fast to any part of the structure of the Bridge unless authorised by MAST or the Secretary of the Department; or
- (f) remain in any aperture of the Bridge unless authorised by MAST or the Secretary of the Department; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 58

Part 3 – Navigation – Specific Waters

(g) touch or strike any part of the Bridge.

Penalty: Fine not exceeding 20 penalty units.

58. Offences

A person must not –

- (a) place across any aperture, channel, fairway or navigation span of the Bridge any cable, chain, hawser, rope or other obstruction through or above the water unless authorised by MAST; or
- (b) make fast a vessel or any floating timber or thing to the Bridge unless authorised to do so by MAST; or
- (c) alight onto the Bridge unless authorised to do so by MAST; or
- (d) bathe from the Bridge without the written permission of MAST; or
- (e) fish from the Bridge.

Penalty: Fine not exceeding 20 penalty units.

59. When navigation prohibited

The master of a vessel must not cause or attempt to cause the vessel to pass under the navigation span of the Bridge if, instead of the illuminated inverted green triangle, a circular flashing red light is illuminated.

Penalty: Fine not exceeding 50 penalty units.

Division 3 – Incidents involving Tasman or Bowen Bridge

60. Collisions and incidents to be reported

- (1) In addition to any other requirement of these regulations, the master of a vessel that has collided with the Tasman Bridge or Bowen Bridge or has been involved in an incident in Zone B must –
- (a) report the collision or incident to MAST as soon as practicable after the collision or incident; and
 - (b) provide a written report to MAST within 24 hours after the collision or incident.

Penalty: Fine not exceeding 20 penalty units.

- (2) An incident may include –
- (a) the loss of an anchor or cable; and
 - (b) becoming stranded; and
 - (c) becoming involved in any incident which endangers the vessel or any person aboard or ashore; and
 - (d) an incident that threatens the environment.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 61

Part 3 – Navigation – Specific Waters

Division 4 – Denison Canal

61. Denison Canal

- (1) The master of a vessel using or about to use the Denison Canal must comply with any directions that he or she is given by MAST regarding that use.

Penalty: Fine not exceeding 20 penalty units.

- (2) The master of a vessel must not, without the express written permission of MAST, permit the vessel to remain in the Denison Canal except for the purpose of passing through it.

Penalty: Fine not exceeding 20 penalty units.

- (3) The master of a vessel must navigate the vessel through the Denison Canal with all possible care so as not to damage the banks of the Canal.

Penalty: Fine not exceeding 50 penalty units.

- (4) The bridge across the Denison Canal is to be opened for the passage of vessels only between 8 a.m. and 5 p.m. each day unless MAST otherwise determines.

- (5) In this regulation –

Denison Canal means the canal of that name situated between Norfolk Bay and Blackman Bay.

PART 4 – NAVIGATION – GENERAL

Division 1 – Pilotage Areas

62. Directions of MAST to be obeyed

The master of a vessel or any person present in or intending to be present in the waters within a pilotage area must promptly obey any directions that he or she is given by MAST.

Penalty: Fine not exceeding 50 penalty units.

63. Conduct of vessels within pilotage areas

- (1) MAST, or an authorised person, may give directions relating to one or more of the following matters:
 - (a) the time and manner in which the vessel may enter or leave a pilotage area;
 - (b) the movements of any vessel within a pilotage area;
 - (c) the position where, and the manner in which, any vessel may anchor or be moored within a pilotage area;
 - (d) the time and manner of the taking in or discharging, by any vessel within a pilotage area, of cargo, stores, fuel, water or ballast;
 - (e) the embarking or disembarking of passengers within a pilotage area;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 64

Part 4 – Navigation – General

- (f) the right to berth at any wharf in a pilotage area;
 - (g) the removal of a vessel from a berth or pilotage area if circumstances so require;
 - (h) the stability of a vessel in a pilotage area;
 - (i) the manner in which a vessel's machinery is dismantled in a pilotage area.
- (2) Directions under subregulation (1) may be given –
- (a) in writing to a specific person; or
 - (b) by notice published in a newspaper circulating in the locality of the pilotage area.
- (3) A person must comply with any direction under subregulation (1) that applies to the person.

Penalty: Fine not exceeding 20 penalty units.

64. Vessels in dangerous condition not to enter pilotage areas

- (1) The master of a vessel must not allow the vessel to enter a pilotage area without the permission of MAST if –
- (a) the vessel or any part of it is on fire; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 65

-
- (b) there has been a fire on the vessel within 24 hours before its arrival in the pilotage area; or
 - (c) any cargo on the vessel is on fire; or
 - (d) the vessel is in such a leaky, unseaworthy or unusual condition that it is likely to endanger the safety or navigation of the pilotage area.

Penalty: Fine not exceeding 50 penalty units.

- (2) The master of the vessel must notify MAST of any matter referred to in subregulation (1) before entering a pilotage area.

Penalty: Fine not exceeding 20 penalty units.

65. Passenger ferries in pilotage areas

- (1) MAST may prohibit the navigation of any vessel in a pilotage area if MAST believes the vessel is to ply for the purpose of conveying passengers, or passengers and vehicles, from within the pilotage area.
- (2) A prohibition under subregulation (1) –
 - (a) may be imposed orally, by visual signal, by radio, by telephone or in writing; and
 - (b) has effect for such period as MAST determines.
- (3) The master of a vessel must comply with any prohibition under subregulation (1).

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 66

Part 4 – Navigation – General

Penalty: Fine not exceeding 50 penalty units.

66. Listening watch to be kept when approaching or in pilotage areas

The master of a vessel, when approaching a pilotage area and whilst navigating in a pilotage area, must cause a constant listening watch to be maintained on the relevant VHF channel used by VTS.

Penalty: Fine not exceeding 30 penalty units.

Division 2 – Facilitation of navigation, &c.

67. Course directions

- (1) MAST or an authorised person may, by notice, direct the master of a vessel to navigate the vessel on a route specified in the notice.
- (2) The master of a vessel who is given a notice under subregulation (1) must comply with that notice.

Penalty: Fine not exceeding 50 penalty units.

68. Navigation during aquatic events

- (1) The following provisions apply on any day on which an aquatic event is held:
 - (a) the master of a vessel must not navigate the vessel in a manner likely to –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 68

-
- (i) obstruct, impede or interfere with the aquatic event; or
 - (ii) endanger the safety of any persons competing or assembled at the aquatic event;
 - (b) the master of a vessel that is being navigated near the course fixed for a race in the aquatic event must reduce speed so that the wash from the vessel does not cause interference to any person taking part in that race;
 - (c) the master of a vessel must not cross or attempt to cross the course fixed for a race in the aquatic event –
 - (i) within 400 metres of the starting point for the race; or
 - (ii) while the race is in progress;
 - (d) the master of a vessel that is on the course fixed for a race in the aquatic event before the commencement of the race must move the vessel from the course immediately after the race has started;
 - (e) the master of a vessel, other than a launch carrying officials conducting the aquatic event, must not follow or accompany a race in that aquatic event in such a way as to cause the vessel to come within 200 metres of a boat engaged in the race;

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 68

Part 4 – Navigation – General

- (f) the master of a vessel intending to follow a race in the aquatic event must take up position behind the starting point of the race before the commencement of the race;
- (g) the master of a vessel being navigated in, or in the vicinity of, a race in the aquatic event must promptly obey any directions given by race officials.

Penalty: Fine not exceeding 20 penalty units.

- (2) MAST is to cause a notice to be published once in a daily newspaper circulating in the locality of an aquatic event specifying –
 - (a) the day on which the aquatic event is to take place; and
 - (b) the hours within which the aquatic event is to take place; and
 - (c) the waters within which the aquatic event is to take place.
- (3) If an unusual concourse of vessels is expected during an aquatic event, MAST may give directions with regard to –
 - (a) the mooring or unmooring of any vessel; and
 - (b) the order in which vessels are to have the use of any wharf, and in which they must depart from any wharf; and

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 69

-
- (c) the distance which vessels are to keep from each other in narrow channels or within any defined limits or from any specified vessel; and
 - (d) the areas from which vessels are excluded during specified periods except with written permission from MAST.
- (4) Any directions given under subregulation (3) are to be advertised at least once in a daily newspaper published and circulating in the locality of the event.
- (5) A person must comply with a direction.

Penalty: Fine not exceeding 20 penalty units.

69. Notification of dangerous navigation conditions

The master of a vessel, if visibility or other conditions are such that navigation of the vessel at the time is likely to constitute a danger, must inform MAST or an authorised person immediately by radio or otherwise as soon as practicable of such circumstance.

Penalty: Fine not exceeding 20 penalty units.

70. Obstruction of fairways and channels

The master of a vessel must not –

- (a) anchor, moor or lie in any fairway or channel; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 71

Part 4 – Navigation – General

- (b) cause any cable, chain, hawser, rope or other obstruction to be placed across any fairway or channel through or above water.

Penalty: Fine not exceeding 20 penalty units.

71. Interference with navigation

- (1) MAST, an authorised person or a police officer, by notice, may prohibit –
 - (a) all, or any class or description of, navigation in a specified area at a specified time; or
 - (b) any act interfering with navigation in that area.

- (2) A person must not contravene a notice under subregulation (1).

Penalty: Fine not exceeding 50 penalty units.

- (3) MAST, by notice, may declare a specified area surrounding any vessel navigating, moored or at anchor to be a prohibited area for other vessels or persons.

- (4) A person must comply with a declaration under subregulation (3) in respect of a specified area.

Penalty: Fine not exceeding 50 penalty units.

- (5) MAST, an authorised person or a police officer may –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 72

-
- (a) order the master of a vessel or a person to leave a prohibited area; and
 - (b) intercept and remove to a place of safety any vessel in a prohibited area, or apprehend and remove any person in a prohibited area to a place of safety.
- (6) A person must comply with an order under subregulation (5).

Penalty: Fine not exceeding 50 penalty units.

- (7) A notice under this regulation is to be published in a newspaper circulating in the area in which the specified area referred to in subregulation (1), or a prohibited area, is located.
- (8) In this regulation –

prohibited area means an area declared to be a prohibited area under subregulation (3).

72. Unmooring of vessels

A person must not unmoor a vessel that is moored to a wharf, anchor or buoy or tied to another vessel without the permission of the owner or master of the first-mentioned vessel.

Penalty: Fine not exceeding 50 penalty units.

73. Fishing nets and lines

A person must not lay a fishing net or line –

- (a) in a channel or fairway; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 74

Part 4 – Navigation – General

(b) made fast to any wharf or navigation aid;
or

(c) within a prohibited area within the
meaning of regulation 71.

Penalty: Fine not exceeding 20 penalty units.

**74. Anchoring and dredging near submarine cables or
pipelines**

(1) The master of a vessel must not anchor the
vessel within 90 metres of a submarine cable or
pipeline except in an emergency.

Penalty: Fine not exceeding 50 penalty units.

(2) The master of a vessel must not dredge an
anchor or other equipment of the vessel within
90 metres of a submarine cable or pipeline.

Penalty: Fine not exceeding 50 penalty units.

Division 3 – Speed

75. Speed limits

(1) The master of a vessel must not navigate the
vessel at a speed likely to –

(a) damage any wharf, shore, bank or any
other vessel; or

(b) interfere with any other vessel in its
proper navigation.

Penalty: Fine not exceeding 20 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 76

-
- (2) MAST, if it considers necessary, by notice, may direct the master of any vessel or class of vessels not to navigate the vessel or vessels at a speed exceeding the speed specified in the notice.
 - (3) A person who is given a notice under subregulation (2) must comply with that notice.

Penalty: Fine not exceeding 50 penalty units.

76. Maximum speed limit in certain areas

- (1) The master of a vessel must not navigate the vessel at a speed exceeding 5 knots –
 - (a) when passing within 60 metres of –
 - (i) a shoreline, river bank, diving platform or marine facility; or
 - (ii) a boat that is underway, at anchor, moored or engaged in fishing or rowing; or
 - (iii) a buoy laid by or with the approval of MAST; or
 - (iv) a person on water skis, an aquaplane or similar object being towed by another boat; or
 - (b) when passing within 120 metres of –
 - (i) a person bathing; or
 - (ii) a vessel or buoy displaying the signal letter “A” of the

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 77

Part 4 – Navigation – General

International Code of Signals
which signifies “I have a diver
down; keep well clear at slow
speed”.

Penalty: Fine not exceeding 20 penalty units.

- (2) It is a defence in proceedings for an offence under subregulation (1) if the defendant establishes that, at the relevant time –
- (a) there was no reasonable likelihood of injury, nuisance or annoyance to persons or damage to property; or
 - (b) if the offence involves passing another vessel, the vessels passed on parallel courses where no nuisance, annoyance or danger was caused to the occupants of either vessel; or
 - (c) the reason that the speed limit was exceeded falls within circumstances, determined by MAST, relating to the vessel’s need to maintain speed so as not to lose steerage.

77. Speed trials

- (1) If a vessel is engaged in any trial of speed or operating in competition in a manner that is likely to cause a special risk of collision, MAST may give the master of the vessel oral or written directions as to –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 78

-
- (a) the time when the vessel is to leave any wharf; and
 - (b) the course to be taken by the vessel at any point of such trial of speed or of operation.
- (2) A person who is given directions under subregulation (1) must comply with those directions.

Penalty: Fine not exceeding 50 penalty units.

Division 4 – Distracting lights and fires

78. Lights

- (1) A person must not light any of the following that is visible from any waters under the jurisdiction of MAST without the written permission of MAST:
- (a) a neon or similar sign;
 - (b) an outdoor floodlight;
 - (c) a flashing light;
 - (d) a red light;
 - (e) a green light;
 - (f) an illuminated advertisement or trader's sign.

Penalty: Fine not exceeding 20 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 79

Part 4 – Navigation – General

- (2) MAST may only give permission if satisfied that any action under subregulation (1) is not likely to substantially interfere with navigation.
- (3) MAST, by notice, may direct a person to extinguish or screen any light that –
 - (a) may reasonably be mistaken for a navigation light; or
 - (b) throws a glare in a manner likely to affect navigation.
- (4) The notice may specify –
 - (a) the period within which the person is to comply with the directions in the notice; and
 - (b) the period, definite or indefinite, during which the person is to comply with the directions in the notice.
- (5) A person who is given a notice under subregulation (3) must comply with that notice.

Penalty: Fine not exceeding 50 penalty units.

79. Fires

- (1) MAST, by notice, may direct a person to extinguish or screen any fire that –
 - (a) may reasonably be mistaken for a navigation light; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 4 – Navigation – General

r. 79

- (b) throws a glare in a manner likely to affect navigation.
- (2) The notice may specify –
- (a) the period within which the person is to comply with the directions in the notice; and
 - (b) the period, definite or indefinite, during which the person is to comply with the directions in the notice.
- (3) A person who is given a notice under subregulation (1) must comply with that notice.

Penalty: Fine not exceeding 50 penalty units.

PART 5 – UNSEAWORTHY VESSELS

80. Complaints about unseaworthy vessels

- (1) A person may make a complaint to MAST that a vessel is unseaworthy.
- (2) MAST or an authorised person is to investigate a complaint as soon as practicable.
- (3) MAST may require a person making a complaint to deposit security equivalent to the estimated amount of costs and compensation payable in respect of investigating the complaint.
- (4) A person must not navigate a vessel in respect of which an investigation is being carried out under this regulation.

Penalty: Fine not exceeding 20 penalty units.

81. Orders for seizure of abandoned vessels

- (1) If the Supreme Court makes an order under section 38D of the Act for the seizure and disposal of a vessel, MAST is to publish a notice, in a newspaper circulating in the area in which the vessel is located, advising of –
 - (a) the date for the disposal of the vessel;
and
 - (b) the means of disposal of the vessel.
- (2) MAST is to keep a record of all costs incurred in the seizure and disposal of the vessel.

82. Unseaworthy vessels not to be navigated

- (1) Unless directed to do so by MAST, a person must not –
- (a) navigate an unseaworthy vessel; or
 - (b) cause another person to navigate an unseaworthy vessel.

Penalty: Fine not exceeding 50 penalty units.

- (2) However, it is a defence in proceedings for an offence under subregulation (1) if the defendant establishes that –
- (a) the person used all reasonable means to ensure the seaworthiness of the relevant vessel; or
 - (b) at the relevant time, the person was owner or master of the relevant vessel and its navigation was reasonable in the circumstances.

83. Detention of unseaworthy vessel

- (1) MAST or an authorised person, by notice to the owner of the vessel, may detain an unseaworthy vessel.
- (2) A notice remains in force until –
- (a) the relevant certificate of survey is obtained; or
 - (b) a survey of the vessel is made; or

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 83

Part 5 – Unseaworthy Vessels

- (c) the reason for the detention ceases to exist.
- (3) MAST, or an authorised person, is to arrange for the survey of a vessel to be carried out as soon as practicable after the vessel is detained.
- (4) The owner of a detained vessel, if required to do so by an authorised person, must –
 - (a) allow the authorised person to inspect the vessel; and
 - (b) cause the vessel to be taken to any place determined by the authorised person; and
 - (c) cause the vessel to be docked or slipped and the cargo discharged or re-stowed to enable inspection of the vessel.

Penalty: Fine not exceeding 50 penalty units.

- (5) The person carrying out the survey is to forward a report of the survey to MAST as soon as practicable.
- (6) On receipt of a report of the survey of a vessel under subregulation (5), MAST may –
 - (a) release the vessel; or
 - (b) order the further detention of the vessel until compliance with any specified conditions.
- (7) MAST is to give to the owner of the vessel –

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 5 – Unseaworthy Vessels

r. 84

-
- (a) a copy of an order made under subregulation (6)(b) in respect of the vessel; and
 - (b) a copy of the report of the survey of the vessel.

84. Applications for administrative review of determinations

- (1) A person who is the owner or master of a vessel may, in writing, request MAST to review a determination made in respect of the vessel that is the subject of –
 - (a) a notice under regulation 83(1); or
 - (b) an order under regulation 83(6)(b).
- (2) MAST may refuse to accept a request for a review of a determination made in respect of a vessel if MAST is satisfied that –
 - (a) the request is frivolous, vexatious or made in bad faith; or
 - (b) a review has already been conducted, resulting in no change to the determination to either make the vessel seaworthy or relocate the vessel, and there has been no material alteration to the vessel or its circumstances since that review was conducted.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 85

Part 5 – Unseaworthy Vessels

85. Application for judicial review of administrative decision

If a person is aggrieved by –

- (a) a notice under regulation 83(1); or
- (b) any requirement made by an authorised person under regulation 83(4); or
- (c) an order under regulation 83(6)(b) –

the person may apply to the Magistrates Court (Administrative Appeals Division) for a review of that notice, requirement or order.

86. Offences in relation to unseaworthy vessels

(1) A person must not –

- (a) resist the detention of a vessel under regulation 83; or
- (b) obstruct the inspection or survey of a vessel under regulation 83.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not navigate, or permit the navigation of, a vessel in respect of which a notice or an order has been made under regulation 83 while the notice or order remains in force.

Penalty: Fine not exceeding 20 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Part 5 – Unseaworthy Vessels

r. 87

87. Costs payable by owners and masters

If MAST requires a vessel detained under regulation 83 to be taken to sea, the owner and master of the vessel are jointly and severally liable to pay all costs incurred as a consequence.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

r. 88

Part 6 – Miscellaneous

PART 6 – MISCELLANEOUS

88. False or misleading statements

A person must not, in giving any information under these regulations –

- (a) give information knowing it to be false or misleading; or
- (b) omit any matter from the information knowing that without the matter the statement is false or misleading; or
- (c) provide a document that the person knows to be false or misleading without informing the person to whom the document is provided of that knowledge.

Penalty: Fine not exceeding 20 penalty units.

Marine and Safety (Pilotage and Navigation) Regulations 2017
Statutory Rules 2017, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for a range of matters relating to pilots, pilotage, navigation and unseaworthy vessels under the *Marine and Safety Authority Act 1997*; and
- (b) are made consequentially on the repeal of the *Marine and Safety (Pilotage and Navigation) Regulations 2007* under section 11 of the *Subordinate Legislation Act 1992*.

