



INFORMATION SHEET - COASTAL PILOTAGE EXEMPTION

What is Australia's System of Pilotage?

The embarkation of an AMSA-licensed coastal pilot in parts of the Great Barrier Reef and Torres Strait is one of the key management measures used to protect particularly sensitive sea areas from shipping risks such as collisions, groundings and oil spills.

Pilotage has been mandatory within the Great Barrier Reef since 1991 and within the Torres Strait - Great North East Channel (GNEC) since 2006. In accordance with the *Navigation Act 2012* (the Nav Act), ships over 70m in length, loaded oil tankers, loaded chemical carriers and loaded liquefied gas carriers (irrespective of length) are required to embark an AMSA-licensed coastal pilot when transiting any of the compulsory pilotage areas described below:

- Torres Strait
- The Great North East Channel (GNEC)
- The Inner Route* (from Cape York to Cairns)
- Hydrographers Passage*
- The Whitsundays* (Whitsunday Passage, Whitsunday Group and Lindeman Group).

Pilotage is separately and additionally required under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) for applicable vessels operating in any of the pilotage areas marked with (*) above. Each pilotage area is defined in *Marine Order 54 (Coastal pilotage) 2014* (MO54) and/or the *Great Barrier Reef Marine Park Regulations 1983*. These areas are depicted at **Attachment A**.

What is a Pilotage Exemption?

The master (or owner) of a vessel may apply for an exemption from the requirement to navigate a vessel with a licensed pilot in a compulsory pilotage area.

It is important to note that the Nav Act and the GBRMP Act requirements relating to pilotage are *discrete*. For this reason, where an exemption is sought for operations exclusively in Torres Strait and/or the GNEC pilotage area, a pilotage exemption is required from AMSA (only). Where an exemption is sought in relation to pilotage areas which are the subject of both Acts (ie. the Inner Route, Hydrographers Passage and the Whitsundays), separate exemption applications **must** be made to AMSA **and** the Great Barrier Reef Marine Park Authority (GBRMPA), in accordance with the corresponding Act.

An exemption granted by one agency under one Act does **not** equate to an exemption being granted by the other agency, in accordance with the corresponding Act.

For a vessel to legally operate as a 'coastal pilot exempt' vessel in a compulsory pilotage area, the vessel must have a current exemption (issued by GBRMPA and/or AMSA as required). As a condition of the Navigation Act exemption, AMSA also requires that the master or any navigational watchkeepers on watch at any time during which the vessel is in a compulsory pilotage area have a current AMSA Approval as a master or navigational watchkeeper for the vessel.

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What is the Application Process?

To apply for a pilotage exemption, the master (or owner) of a vessel must provide certain information to GBRMPA and/or AMSA (depending on the pilotage area for which the exemption is sought). The information required is described below.

AMSA assesses exemption applications for the purposes of s172 of the Nav Act. GBRMPA assesses exemption applications for the purposes of s59F of the GBRMP Act.

Applications to AMSA:

Applications for pilotage exemptions under the Navigation Act should be addressed to AMSA as follows:

Principal Advisor - Coastal Pilotage
Operations Division
Australian Maritime Safety Authority
GPO Box 10790
Adelaide Street, Brisbane, QLD 4000
Email: coastal.pilotage@amsa.gov.au

Applications to AMSA must be in writing and must include the 'Prescribed Information' per s82 of MO54 (see **Attachment B**).

Applications to GBRMPA:

Applications for pilotage exemption under the GBRMP Act for vessels that intend to operate in the Inner Route, Hydrographers Passage and the Whitsundays pilotage areas should, in addition to the application to AMSA, be addressed to GBRMPA as follows:

Manager - Assessment and Permissions
Environmental Assessment and Protection
Great Barrier Reef Marine Park Authority
PO Box 1379
Townsville QLD 4810
Email: assessments@gbbrmpa.gov.au

Applications to GBRMPA must be in writing and must contain the 'Prescribed Information' per s193 of the GBRMP Regulations (see **Attachment C**).

It is incumbent on the applicant to ensure sufficient detail is provided to facilitate the assessment process. To assist with the assessment of applications, applicants may wish to include additional information such as:

- the proposed duration and/or purpose of the vessel's stay within the compulsory pilotage area(s);
- whether the vessel will be predominantly underway in the pilotage area(s), or remain at anchor; and
- any relevant photos of the vessel, vessel design drawings, certification, survey information or documentation etc.

The provision of any additional information is not mandatory. Not providing such information will not necessarily invalidate an application for exemption.

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How is the Application Assessed?

AMSA and GBRMPA assess the information provided by an applicant in accordance with the corresponding legislative provisions.

A typical assessment will consider all relevant factors, for example:

- A *technical assessment* of the vessel, taking into account the navigational safety aspects of the proposal, including the suitability of navigational equipment and aids carried onboard; and
- A *qualifications and experience assessment*, taking into account the suitability of qualifications and experience of the master and navigational watchkeepers nominated as crew members; and
- An *environmental assessment*, taking into account the environmental risks associated with the exemption proposal and the environmental history of the applicant.

As part of the *qualifications and experience assessment*, applicants are required to provide information about the qualifications of the master and navigational watchkeepers and details of recent navigational experience in the compulsory pilotage area(s).

As a general rule, and subject to its discretion, AMSA considers that a minimum of four (4) passages for watchkeepers and a minimum of six (6) passages for master (in the pilotage area for which the exemption is sought) to be satisfactory. These passages can be conducted as master, navigational watchkeeper, or as an observer performing navigational duties.

For currency purposes, voyages should have been conducted within the last two (2) years prior to the application and must have been conducted on a vessel (or vessels) comparable to the vessel for which the coastal pilotage exemption application is submitted.

Applicants are required to provide details about any previous incidents involving the vessel or the nominated master(s) or navigational watchkeepers (per the prescribed information requirements). AMSA will consider any navigational-related incidents and assess the suitability of the nominated master(s) or navigational watchkeepers to obtain an AMSA Approval on a case-by-case basis.

If the information provided in the application is insufficient to enable a decision to be made, the applicant may be requested to provide further information. The type and extent of additional information required will be specified in writing (usually via email). Requests for additional information may delay processing the application.

Upon completion of all aspects of the assessment, recommendations will be provided to the relevant delegate (in GBRMPA and/or AMSA) as to whether the applicant should be granted a pilotage exemption (or otherwise) and a decision will be made accordingly.

The applicant will then be notified of the decision in writing. If the application is successful, an Instrument of Exemption (in the form of a certificate) will be provided to the owner or master of the vessel, and an AMSA Approval will be provided to approved crew. These documents will:

- Specify the vessel in respect of which the exemption has been granted
- Specify the compulsory pilotage area(s) for which the exemption has been granted
- List any conditions associated with the exemption or approval
- Set out the basis for potential revocation of the exemption or approval.

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What is the Cost?

AMSA charges administrative fees associated with processing pilotage exemption applications in accordance with the *Australian Maritime Safety Authority Fees Determination 2015*. For further information on AMSA's fees and charges, see our website:

<https://www.amsa.gov.au/vessels/levies-fees-charges/>.

GBRMPA currently charge an assessment fee which must accompany an application for pilotage exemption made under the GBRMP Act. This fee is subject to change and applicants should verify the amount payable directly with GBRMPA as required.

Expiration of a Pilotage Exemption

If an exemption expires or ceases to be valid, the vessel will not be able to legally navigate in the relevant compulsory pilotage area(s) without an AMSA-licensed coastal pilot onboard.

If an applicant intends to continue to operate a vessel in a compulsory pilotage area, a new exemption application should be submitted (to AMSA/GBRMPA as required), such that the application(s) can be assessed **before** an existing pilotage exemption expires.

Pilotage exemption holders should note that the onus is on the applicant to ensure a new application is submitted at least eight (8) weeks before any stipulated expiry date, to enable assessment and processing prior to the expiry of the current exemption(s).

Revocation of an Exemption Certificate / AMSA Approval

AMSA reserves the right to revoke a coastal pilot exemption certificate issued to an owner or master for a vessel, or revoke an AMSA approval issued to a master or navigational watchkeeper, in any circumstances which, in AMSA's opinion, warrant revocation. Such grounds for revocation may include (but not be limited to) the involvement of an exempt vessel in a marine incident.

Responsibilities and Penalties

The master or owner of a vessel may be exposed to criminal penalties of up to \$133,200 for an individual or \$666,000[#] in the case of a body corporate and civil penalties of \$1,332,000 for an individual and \$6,660,000 for a body corporate if a vessel navigates in a compulsory pilotage area without a licensed pilot, where no exemption has been granted.

Similarly, the master or owner of a vessel may be exposed to criminal penalties of up to \$13,320 for an individual or \$66,600 for a body corporate and civil penalties of \$133,200 for an individual and \$666,000 for a body corporate in relation to contraventions of conditions of exemptions which are granted.

[#]As at 1 July 2020, one penalty unit equates to \$222 (AUD). This amount is subject to indexation.

Review Procedures and Rights

An application may be made to the Administrative Appeals Tribunal for review of a decision to refuse to grant an exemption or to impose a condition on an exemption.

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Further Information & Contact Details

For more information about AMSA's compulsory pilotage exemption arrangements, please contact:

AMSA:

Email: coastal.pilotage@amsa.gov.au
Phone: (07) 3001 6806 (Principal Advisor - Coastal Pilotage)
Fax: (07) 3001 6801

For more information about GBRMPA's compulsory pilotage exemption arrangements, please contact

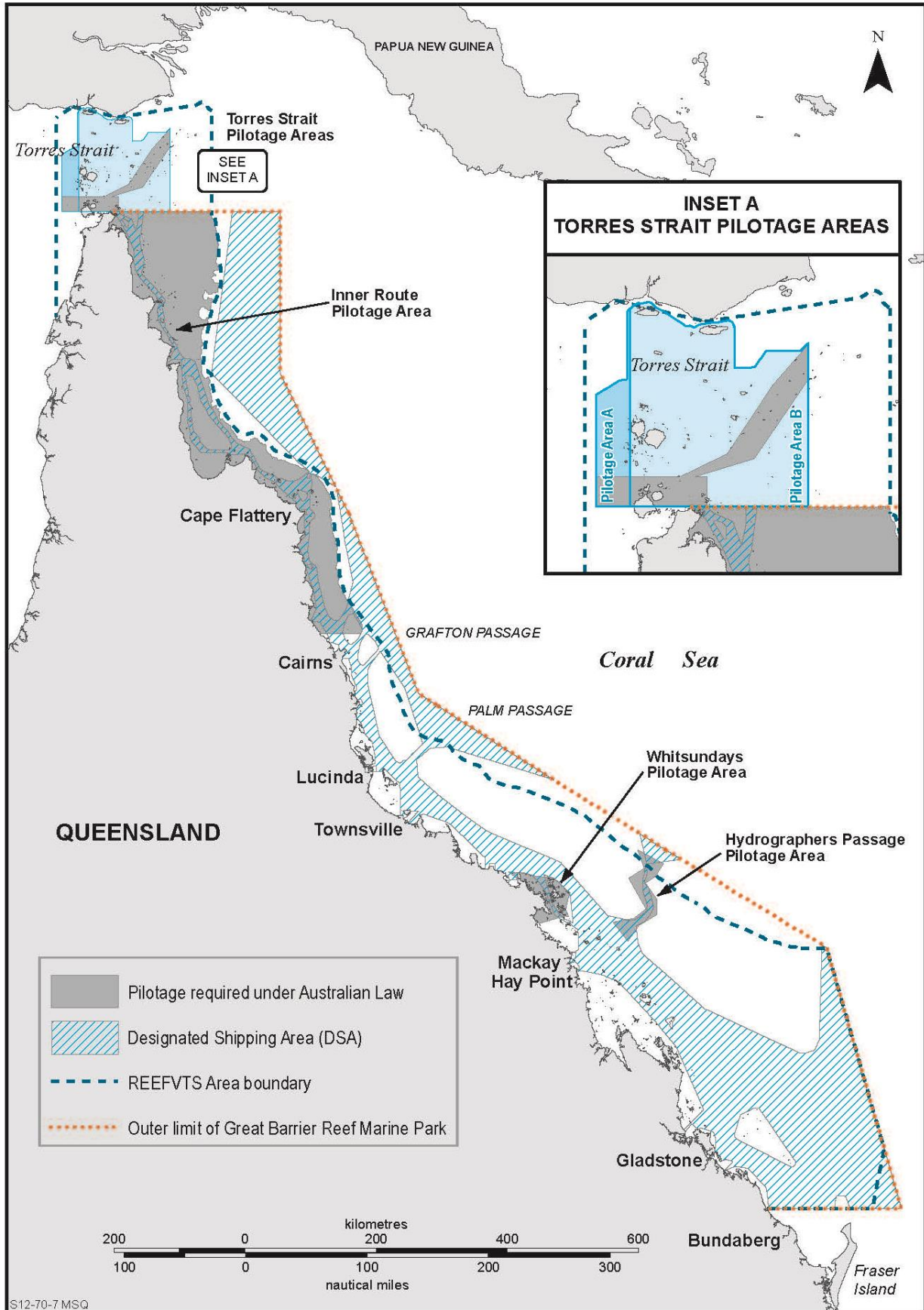
GBRMPA:

Email: assessments@gbrmpa.gov.au
Phone: (07) 4750 0700
Fax: (07) 4772 6093

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ATTACHMENT A

Australia's Compulsory (Coastal) Pilotage Areas



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ATTACHMENT B

Prescribed Information – Exemption from Requirement to Navigate with a Pilot

For paragraph 172(2)(b) of the *Navigation Act 2012*, the following information is prescribed in accordance with MO54:

- (a) the name of the compulsory pilotage area for which the exemption is proposed;
- (b) the name and address of the applicant;
- (c) the name and address of the owner;
- (d) vessel name, IMO number and flag;
- (e) vessel type (bulk carrier, general cargo vessel, oil tanker, chemical carrier, liquefied gas carrier and others);
- (f) principal dimensions (length overall, breadth extreme, maximum depth, maximum draught etc.);
- (g) loaded draught during navigation in the compulsory pilotage area;
- (h) hull material;
- (i) the vessel's general arrangement and tank capacity plans;
- (j) details of navigational and communication equipment;
- (k) name of the master and navigational watch-keepers who will be on watch at any time during which the vessel is in a compulsory pilotage area;
- (l) qualifications of the master and navigational watch-keepers and details of his or her recent navigational experience in the compulsory pilotage area;
- (m) details of the bunkers that the vessel is to carry during the vessel's navigation in the compulsory pilotage area;
- (n) details of cargo that the vessel is to carry during the vessel's navigation in the compulsory pilotage area;
- (o) details of ballast that the vessel is to carry during the vessel's navigation of the compulsory pilotage area;
- (p) details of any previous incident, marine incident or prescribed incident* involving the vessel or the master of the vessel.

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ATTACHMENT C

Prescribed Information – Exemption from Requirement to Navigate with a Pilot

For section 59F(2)(b) of the *Great Barrier Reef Marine Park Act 1975*, the following information is prescribed in accordance with section 193 of the *Great Barrier Reef Marine Park Regulations 2019*:

- (a) the name and address of the applicant;
- (b) identification of the regulated ship by registered name, registered call sign and country of registration;
- (c) description of the ship by type, maximum length, maximum width, maximum draft and maximum displacement;
- (d) the proposed maximum draft of the ship during navigation in the compulsory pilotage area;
- (e) details of:
 - (i) the design of the ship; and
 - (ii) the material of which the hull is constructed;
- (f) details of:
 - (i) the geographic area of the compulsory pilotage area in which the ship will be navigated; and
 - (ii) the purpose of the navigation;
- (g) details of the intended operations of the ship that are of relevance to the application and the schedule for those operations;
- (h) details of operational navigational equipment with which the ship is fitted;
- (i) in respect of the persons who will be the master, and the navigational watch keepers, of the ship at any time when it is in the compulsory pilotage area, details of:
 - (i) their maritime qualifications; and
 - (ii) their recent navigational experience in the compulsory pilotage area;
- (j) details of:
 - (i) the maximum quantity of *oil the ship is capable of carrying; and
 - (ii) the types, quantities and location in the ship of oil intended to be carried in the compulsory pilotage area;
- (k) details of cargo on the ship, including, if ^hazardous goods are carried, the types and quantities of the hazardous goods.

^Hazardous goods means dangerous goods within the meaning of section 248 of the *Navigation Act 1912* and noxious liquid substances within the meaning of Part III of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

***Oil means** an oil or an oily mixture within the meaning of Part II of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.