

GUIDANCE NOTE NO: 58/2001

REVISION NO: 2

Responsibilities for the Operation of Commercial Vessels under the Northern Territory Marine Act

The *Northern Territory Marine Act* places certain responsibilities and requirements upon persons taking charge of **commercial vessels** operating on inland, sheltered and open waters of the Northern Territory.

Detailed below are a number of the more important responsibilities and requirements contained in the *Marine Act*, a copy of which can be obtained from NT Government Printing Office, 203 Stuart Highway, Parap or from the following link:

<http://www.nt.gov.au/dcm/legislation/current.html>

1. Vessels are required to be manned by the proper number of persons including prescribed certificate holders.
2. Only a properly qualified person is allowed to be in charge of:
 - (a) a navigational watch;
 - (b) the operation of propulsion machinery;
 - (c) Persons in charge of either the navigational watch or the machinery, or of both functions, on a commercial vessel are required by the *NT Marine Act* to hold appropriate **Certificates of Competency**.

The certificates required can either be issued by Department Planning and Infrastructure, Marine Safety Branch, or if issued by another State Marine Authority may be recognised as an equivalent.

All **valid** unrestricted certificates issued in accordance with the **Uniform Shipping Laws (USL) Code** are recognised as equivalent.

Persons holding a Certificate of Competency issued outside the Northern Territory should apply to the Marine Safety Branch for determination of the Northern Territory equivalence and reciprocal recognition.

Note: Holders of Queensland certificates of competency issued prior to 1994 need to obtain new certificate(s) from Queensland Transport, telephone: (07) 3120 7462.

Certificates of Service are not recognised, however, holders of these certificates may apply for a **Temporary Permit to Serve** in accordance with the requirements detailed in Guidance Note 38/99. A short term permit may be issued, restricted to a particular vessel to allow a person to operate in the Northern Territory until he/she can obtain the appropriate certificate of competency.

Note: **Crew** of the following categories of vessels are exempt from the manning requirements as described in paragraphs 1 and 2 above:

- (a) Vessels not more than 5 metres in length, carrying not more than 4 persons, including crew, and operating in designated 'sheltered waters' and inland waters – refer to Guidance Note No. 8/94
- (b) **Fishing vessels** less than 6.2 metres in length operating in conjunction with a **mother vessel** and within 5 nautical miles of the mother vessel – refer to Guidance Note: No. 61/2001.
- (c) Fishing vessels less than 6.2 metres in length operating within 5 nautical miles of the coast – refer to Guidance Note No. 60/2001.

All vessels must carry the prescribed safety equipment – please refer to the appropriate Guidance Notes.

3. The **Master** of a vessel is required to maintain a proper record of the operation of the vessel in a vessel record book or official log book.
4. The Master of a vessel is required to notify a **Shipping Officer** within 72 hours of the death or serious injury of a person on the vessel or seaman belonging to the vessel.
5. Unless specifically exempt, a vessel is required to have a valid **Certificate of Survey** which must be displayed onboard at all times and the vessel's hull, machinery and equipment must be continuously maintained to the standard required by Northern Territory survey.
6. The Master of a vessel involved in a collision with another vessel is required to:-
 - (a) render assistance to the other vessel;
 - (b) stay by the other vessel until assistance is no longer required;
 - (c) give to and receive from the other vessel, the name of the vessel, the home port or port of registry and the port of departure.
7. The Master of a vessel is required to provide a report, in the prescribed format, as soon as possible to the **Director** any accident, grounding, collision or other incident in which the vessel is involved. A Report of Accident or Other Occurrence form can be obtained from the Marine Safety Branch.
8. The Master of a vessel is required to report any danger to navigation to all ships in the vicinity and to the Director.
9. A vessel shall not be moored to a navigational aid.
10. A vessel is not to carry more persons including **passengers** than the number shown on the Certificate of Survey.

Should you require any further information or advice in respect of the provisions of the *Northern Territory Marine Act* please contact the Marine Safety Branch.

This Guidance Note does not relieve a person, taking charge of a vessel, of the responsibilities of having a full and complete knowledge and understanding of the *Northern Territory Marine Act* and Regulations. Persons taking charge of vessels in the Northern Territory are strongly advised to familiarise themselves with all relevant aspects of the Act and Regulations. This is important as most of the penalties for non-compliance can be imposed on the person in charge and includes withdrawal of a certificate of competency, fines and/or jail terms as provided in the *NT Marine Act*.

Refer to attached for Definitions under the *Northern Territory Marine Act*.

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Definitions in the *Northern Territory Marine Act*.

"certificate" means a certificate of competency, a certificate of satisfactory service or a temporary permit issued under, or recognized for the purposes of, Part III;

"certificate of survey" means a certificate of survey issued under section 86 and includes -

- (a) a certificate referred to in section 84; and
- (b) in the case of a vessel which is being towed, a towage permit;

"commercial vessel" means a vessel the use of which is made, allowed or authorized in the course of any business or in connection with any commercial transaction and, subject to any law in force in the Territory, includes a Government vessel, but does not include a vessel which is used solely for pleasure or recreation;

"crew", in relation to a vessel, means those persons employed on board and in the business of a vessel, other than -

- (a) a person temporarily employed on board the vessel while the vessel is at a port;
- (b) a pilot; or
- (c) in the case of a fishing vessel, a person solely engaged in catching or processing fish;

"Director" means the Chief Executive Officer, as defined in the Public Sector Employment and Management Act, of the Agency as defined in that Act primarily responsible under the Minister for the administration of this Act;

"fishing support vessel" means a vessel that is used -

- (a) to provide food, fuel and other supplies to persons who are engaged in fishing operations; or
- (b) to transport crew and other persons who are engaged in fishing operations;

"fishing vessel" means a vessel that is used wholly or principally for fishing operations and includes -

- (a) a fishing support vessel; and
- (b) a vessel that is in the course of construction and is intended to be used wholly or principally for fishing operations;

"Government vessel" means a vessel that belongs to the Territory or an authority or instrumentality of the Territory or is held by a person on behalf of or for the benefit of the Territory;

"master", in relation to a vessel, means the person having lawful command or charge of the vessel, but does not include a pilot;

"mother vessel" has the same meaning as mother boat has in the Fisheries Regulations ("mother boat" means the registered vessel nominated under regulation 53)

"passenger" means a person carried on board a vessel with the knowledge or consent of the owner or the master of the vessel but does not include -

- (a) a person engaged in any capacity on board the vessel in the business of the vessel; or
- (b) a child under the age of 12 months;

"pleasure craft" means a vessel that is -

- (a) exclusively used for pleasure; and
 - (b) not used for hire or reward or any commercial purpose,
- but does not include a vessel that is provided for the transport or entertainment of lodgers at an institution, hotel, private hotel, boarding-house, lodging-house, guest-house or other establishment;

"shipping officer" means a shipping officer appointed under section 9;

"Uniform Code" means the code known as the Uniform Shipping Laws Code adopted for the time being by the conference of Commonwealth and State Ministers known as the Australian Transport Council and certified by a Minister for the Commonwealth in accordance with section 427 of the Navigation Act of the Commonwealth as amended from time to time;

"vessel" includes -

- (a) an air-cushioned vehicle;
- (b) an off-shore industry mobile unit; and
- (c) a boat, vessel, barge or lighter or any other craft capable of being used as a means of transportation by water;