

IMPORTANT NOTICE

Where the Services of a Pilot are Required

PROVISION OF A PILOT

1. Legislation requires that a person must not navigate a ship in a compulsory pilotage area unless the person uses the services of a pilot.
2. From 2 November 2013, changes to the *Transport Operations (Marine Safety) Act 1994* passed the responsibility for the provision and delivery of port pilotage services for ports north of Brisbane (except Abbot Point) to the port Government owned corporations. This is being achieved by giving port authorities the legal responsibility for the provision and delivery of pilotage services in designated Compulsory Pilotage Areas. The Responsible Pilotage Entities for all Compulsory Pilotage Areas are specified in Schedule 6 of the *Transport Operations (Marine Safety) Regulation 2004 (TOMS Regulation)*, as follows:

Column 1	Column 2
Compulsory pilotage area	Responsible pilotage entity
Southport pilotage area	Maritime Safety Queensland
Brisbane pilotage area	Maritime Safety Queensland
Bundaberg pilotage area	Gladstone Ports Corporation
Gladstone pilotage area	Gladstone Ports Corporation
Rockhampton pilotage area	Gladstone Ports Corporation
Hay Point pilotage area	North Queensland Bulk Ports Corporation
Mackay pilotage area	North Queensland Bulk Ports Corporation
Abbot Point pilotage area	Maritime Safety Queensland
Townsville pilotage area	Port of Townsville Limited
Lucinda pilotage area	Port of Townsville Limited
Mourilyan pilotage area	Far North Queensland Ports Corporation
Cairns pilotage area	Far North Queensland Ports Corporation
Cape Flattery pilotage area	Far North Queensland Ports Corporation
Skardon River pilotage area	Far North Queensland Ports Corporation
Thursday Island pilotage area	Far North Queensland Ports Corporation
Weipa pilotage area	Far North Queensland Ports Corporation
Karumba pilotage area	Far North Queensland Ports Corporation

**Note: The TOMS Regulation also rescinds the Bowen, Cooktown, Maryborough and Port Douglas as Compulsory Pilotage Areas however these areas remain as pilotage areas.*

3. Maritime Safety Queensland has entered into an agreement with Port of Townsville Limited to deliver pilotage services in the Abbot Point Compulsory Pilotage Area.
4. The Responsible Pilotage Entity may provide services on the basis that:
 - the person to whom the services are provided accepts the risk of loss or damage caused by an act or omission by the Responsible Pilotage Entity and waives any right to claim against the Responsible Pilotage Entity in contract, tort or otherwise howsoever, for any loss or damage (including consequential loss) to any person or property which arises directly or indirectly out of the provision of the pilotage services; and
 - The Responsible Pilotage Entity is not obliged to provide or arrange for the provision of the pilotage services if circumstances beyond their control mean the services cannot reasonably be provided at the time requested or at all and no compensation will be payable in this event.

Circumstances beyond the control include, but are not limited to:-

 - industrial action by pilots, line boat operators or others;
 - inability to schedule a pilot at the time required;
 - any direction or regulation having the effect of prohibiting or preventing the carrying out of the pilotage; or
 - a failure by a sub-contractor to carry out any part of the pilotage services.

The contents of this notice may be pleaded in any action or proceedings arising out of the provision of pilotage services.