

Further Information on Revised Pilotage Requirements for Torres Strait

The purpose of this Marine Notice is to provide final guidance information on the new requirements for pilotage in the Torres Strait, as advised by Marine Notice 8 of 2006 issued in May 2006.

Ship-owners, masters and operators are advised that, as a condition of entry into an Australian port, failure to carry a pilot as prescribed may result in a prosecution under Australian law. Relevant authorities such as the vessel's flag state administration and the IMO will also be advised of the failure to embark a pilot.

Australia has extended the current system of pilotage within the Great Barrier Reef into the Torres Strait to ensure a safe passage regime is in place.

Australian pilots will have access to the latest real time maritime safety information, including:

- Hydrographic, meteorological and oceanographic data
- Aids to navigation availability, performance and correction data
- Dynamic traffic information associated with participation in the Vessel Traffic System and
- Navigational warnings

The carriage of an Australian pilot will have the effect of enhancing transit passage, with the ability to maximise tidal window opportunities for transit and ensuring adequate margins for safety and environmental protection.

The new pilotage arrangements do not apply to sovereign immune vessels, including defence and other government owned vessels.

In accordance with UNCLOS Articles 42.2 and 44, Australian authorities will not suspend, deny, hamper or impair transit passage and will not stop, arrest or board ships that do not take on a pilot while transiting the Strait. However, the owner, master and/or operator of the ship may be prosecuted on the next entry into an Australian port, for both ships on voyages to Australian ports and ships transiting the Torres Strait en route to other destinations.

The Australian domestic legislation also includes a defence from prosecution if a pilot could not be carried because of stress of weather, saving life at sea or other unavoidable cause.

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