

96. Port authority to approve pilots and ensure that pilotage services are available

- (1) A port authority may approve a competent and suitably qualified person as a pilot for the port and is to ensure that there is at all times at least one approved pilot for the port.
- (2) An approval under subsection (1) has effect for the period set out in the approval unless it is revoked by the port authority before that period ends.
- (3) An approval under subsection (1), or any revocation of such an approval, is to be in writing.
- (4) No person is to act as a pilot in a port unless the person is approved as a pilot for the port.
Penalty: \$10 000.
- (5) A port authority is responsible for ensuring that pilotage services are provided in its port —
 - (a) by the port authority;
 - (b) if regulations under section 143 provide that a person providing pilotage services in the port needs a licence referred to in that section, by a person who holds such a licence; or
 - (c) partly under paragraph (a) and partly under paragraph (b).
- (6) A reference in subsection (5) to pilotage services provided by the port authority includes a reference to pilotage services provided under a contract or arrangement under section 35(2).
- (7) Despite section 37, any charges for pilotage services provided in a port —
 - (a) are to be determined in accordance with the regulations; and
 - (b) are to be paid to the port authority, irrespective of how or by whom they are provided.
- (8) If regulations under section 143 provide that a person providing pilotage services in the port needs a licence referred to in that section, subsection (7) does not apply in relation to pilotage services provided by a person who holds such a licence.