

1. Interpretation

In the construction of these regulations, each of the following expressions shall have the meaning hereby assigned to it, unless such meaning be inconsistent with the subject matter or context in which the expression occurs: —

- “**State**” means the State of Western Australia.
- “**Act**” means the *Albany Harbour Board Act 1926* (No. 52 of 1926), as amended from time to time.
- “**The Board,**” “**The Albany Harbour Board**”— shall mean the Albany Harbour Board constituted under the Act.
- “**Members**”— The Albany Harbour Board Members appointed under the Act in Office for the time being.
- “**Buoys,**” “**Beacons**” include all other marks and signs placed for the purpose of navigation.
- “**Goods,**” “**Cargo**”— All wares and merchandise, and all chattels, live stock, and other things of whatsoever description.
- “**Berth,**” “**Berthing**” means a position alongside any wharf or jetty or any vessel fastened to any wharf or jetty or to the shore; or at any mooring buoy or anchorage; and any vessel fastened to any wharf or jetty or shore or to any other vessel, or moored to any buoy or fixture, or anchored within the harbour, shall be held and deemed to be occupying a berth.
- “**deadweight tonnage**” means the weight, in tonnes, of a vessel’s cargo, stores, fuel, passengers and crew when the vessel is loaded to its maximum summer loadline;
- “**Gross Registered Tonnage**” means the gross registered tonnage of a vessel calculated or determined in accordance with regulation 18A of the Ports and Harbours Regulations made under the *Shipping and Pilotage Act 1967*.
- “**Harbor Master**” includes any person acting under the instructions of the Harbour Master.
- “**Master**” includes every person having command, charge, or management of a vessel for the time being, and may also include the owners, or agent for the owners of any vessel.
- “**Minister**” means the responsible Minister of the Crown charged with the administration of the Act.
- “**Owner**” includes any person who is owner jointly with any other person, any joint stock company; and when used in relation to goods includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of goods.
- “**Ship**” means every description of vessel used in navigation and not propelled exclusively by oars.
- “**The Harbour,**” “**The Port**”— So much of the Harbour of Albany as is contained within the boundaries described in the Schedule to the Act, or as altered from time to time by the Governor.
- “**Accountant**” includes any officer deputed by the members to carry out any duty on behalf of the Accountant.

- “Vessel”** means any ship, lighter (not being a licensed powder lighter), barge, boat, raft, or craft of whatever description, and howsoever navigated.
- “Ballast”** includes any kind of stone, gravel, sand and soil, and materials commonly used for the ballasting of vessels.
- “Engineer”** includes any person empowered to represent the Engineer.
- “Secretary”** means the Secretary to the Board appointed by the Governor, and includes any person empowered to act as Secretary during the temporary absence of such officer.
- “Shore”** means shore so far as the tide flows and reflows between low and high water marks.
- “Wreck”** includes jetsam, flotsam, lagan, and derelict.
- “Wharf”** includes pier, jetty, landing stage, quay, dock, slip and platform over which the members have jurisdiction.
- “pilot”** means a person approved by the Port Authority under section 16 (1) of the *Ports (Functions) Act 1993* as a pilot for the Port;
- “pilotage services”** means the services provided by a pilot at the Port;
- “Ships’ Slings,” “Ships’ Tackle,” “Ships’ Gear,”** when used in connection with the handling of goods, shall include all cranes or other hoisting appliances hired or used for the purpose of or in connection with the handling of such goods.
- “Wharf Manager”** means the person appointed to the charge of any wharf or jetty, and shall include the Secretary, any night or day watchman, special or other constable, or any foreman, crane man, or tally clerk, or any other person appointed by or acting for the Wharf Manager.
- “Consignee”** shall mean the person to whom any goods are consigned, and shall include the owner of such goods, the agent for such owner, the agent for the sale or custody of such goods, the holder of any bill of lading or other document representing such goods, and any other person having any right, title, or interest in such goods.
- “Consignor”** shall mean the person consigning any goods, and shall include the owner, shipper, agent for the owner or shipper, and any other person having any right, title, or interest in such goods.
- “Week,” “Day,” “Hour,”** shall be taken to mean and include a portion of the week, day, or hour, when a whole week, day, or hour has not been required or used.
- Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular.
- Words importing the masculine gender shall include the feminine.
- “Coasting Vessel”** means any vessel owned or registered within the Australian Commonwealth whose trade is exclusively confined to the ports of Western Australia.
- “Foreign Vessel,” “Foreign-going Vessel,” “Oversea Vessel”** shall mean and include every vessel used in any trade, other than a lighter coasting vessel, or Interstate vessel.
- “Interstate Steamer,” “Interstate Vessel”** means every steamer or vessel owned or registered within the Australian Commonwealth, and trading between any Australian State or New Zealand and this State, as also any

steamer trading between Singapore as a terminal port and this State via the North-West ports of Western Australia.

“Tonne” means (except where otherwise specifically described) 1 000 kilograms, or one cubic metre, or one kilolitre, at the option of the Port Authority.

“Inspector” means any Inspector appointed by the Albany members, and in section VI of these regulations means the Inspector, or any Sub-Inspector of Explosives under the *Explosives Act 1895*.

“Surveyor” means any officer or person appointed by the members to act as surveyors of vessels or goods.

“Explosives” means explosives as defined by the *Explosives Act 1895*. Whenever in these regulations any explosive is distinguished as belonging to a particular class, or division of a class, reference is made to the classification of explosives in pursuance of the *Explosives Act 1895*.

[Regulation 1 amended by Gazettes 29 June 1952 p.1577; 6 July 1973 p.2620; 1 July 1983 p.2129; 6 August 1993 p.4286; 10 June 1994 p.2419; 8 July 1994 p.3345.]

Construction

[Heading inserted by Gazette 28 June 1991 p.3240.]