

4. Definitions

In these by-laws, unless the contrary intention appears —

“**approved contractor**” means a cartage contractor approved by the Company under by-law 17;

“**authorized entrant**” means a —

- (a) Company employee;
- (b) government officer; or
- (c) crew member of a vessel moored at a wharf,

who, enters upon a wharf in the course of his or her employment or who is required, at the request of the owner of a vessel or the Company, to enter upon a wharf to carry out work directly connected with any vessel at a wharf or with the wharf itself;

“**ballast**” includes water used for that purpose, together with any kind of earth, sand, gravel, stone or any other material used for ballasting a vessel;

“**Berth**” means any place at which a vessel can be moored, including a wharf, pier, jetty, landing place, landing stage, quay, dock, platform, dolphins, piles, breastwork, buoy or structure;

“**cargo**” means ores, minerals, metals, metal products, chattels, livestock, merchandise or wares which may be loaded or unloaded or intended so to be into or out of any vessel, except mails, passengers’ baggage and ship’s stores;

“**dues**” includes all dues, rates, fees, tolls, imposts and charges, payable to the Company under these by-laws;

“**explosives vessel**” means a vessel with explosives on board;

“**Harbour Master**” means any Harbour Master appointed under section 4 of the *Shipping and Pilotage Act 1967* for the port of Port Walcott, and includes any person authorized by such a Harbour Master to act on his or her behalf;

“**harbour works**” means works for the improvement, protection, management, maintenance, repair or use of any of the Marine facilities, whether above or below the high water mark and whether within the confines of the port or otherwise, and in particular without limiting the generality of the foregoing, includes any channel, basin, ship, dock, dockyard, jetty, wharf, Berth, building, bridge, viaduct, breakwater, wall, embankment, dam, or any reclamation of land from the sea or from the port or any excavation, deepening, dredging or widening of any channel, basin or other part of the Marine facilities;

“**Marine facilities**” means the Ore Wharf and Service Wharf constructed by the Company at Cape Lambert on the areas of Crown Lease 306/1970 and the Jetty Licences issued to the Company in respect of the Ore Wharf and Service Wharf and all Berths, wharves, marine installations, structures, service facilities, buoys, dolphins, navigational aids on the areas or adjacent to or associated with the areas and the adjacent waters within the port together with all shore lines and facilities above the high water mark;

“**marine manager**” means the officer appointed by the Company to manage the Marine facilities, or his or her deputy;

- “Master”** used in relation to a vessel means any person (except a pilot) having command or charge, for the time being, of the vessel;
- “Ore Wharf”** means the steel pile structure which extends 2554 metres 046° 44’ true from the shore of Cape Lambert, having the pierhead in position latitude 20° 34’43”S and longitude 117° 12’01”E;
- “owner”**, in relation to any vessel, includes the owner, disponent or part owner of the vessel, and the agent for such owner and includes the Crown, in right of, and any instrumentality of the State;
- “pilot”** means any person appointed by the Governor to be a pilot at Port Walcott;
- “port”** means Port Walcott Western Australia the limits of which are laid down in accordance with section 10 (1) of the *Shipping and Pilotage Act 1967*;
- “Ports and Harbours Regulations”** means the *Ports and Harbours Regulations* made under the *Shipping and Pilotage Act 1967*;
- “Service Wharf”** means the steel pile structure which extends 457 metres 025° true from the shore of Cape Lambert and thence 183 metres 046° 44’ true, having the pierhead in position latitude 20° 35’20”S and longitude 117° 11’00”E;
- “tonnage”** of a vessel or words of similar import means the gross registered tonnage as calculated or determined in accordance with regulation 18A of the *Ports and Harbours Regulations*;
- “tug”** means any vessel employed within the port or adjacent thereto for towing, moving or assisting any vessel to manoeuvre;
- “vessel”** includes every description of water craft used or designed for use for any purpose on the sea or in navigation and without limiting the generality of the foregoing, includes any dinghy, lighter, barge, punt, hulk, raft, pontoon, sea-plane, hovercraft or similar vessel;
- “wharf”** means the Ore Wharf or Service Wharf or either or both of them as the case requires.