

Western Australia

Iron Ore (Hamersley Range) Agreement Act 1963

## **Hamersley Iron (Port of Dampier) By-laws**

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## Hamersley Iron (Port of Dampier) By-laws

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## Hamersley Iron (Port of Dampier) By-laws

### Part I

#### 1. Citation

These by-laws may be cited as the *Hamersley Iron (Port of Dampier) By-laws*<sup>1</sup>.

#### 2. Application

Unless the context otherwise requires, each of these by-laws shall apply to all wharves, port installations, port services and port facilities, all as defined in by-law 3.

#### 3. Interpretation

In these by-laws unless the context otherwise requires —

- (1) **Ballast** includes any kind of stone, gravel, sand, soil or material commonly used for the ballasting of vessels.
- (2) **Berth** means a position alongside any wharf or alongside any vessel fastened to any wharf and when used as a verb shall have a corresponding meaning.
- (3) **Boat** means every description of vessel used in navigation not being a ship.

- (4) **Buoy** or **Beacon** includes any other port installation (not being a harbour light) placed in aid of navigation.
- (5) **Cargo** means wares, merchandise, chattels, livestock, ores, minerals, metals and products thereof and other articles of whatsoever description (other than mails, passengers' baggage and ship's stores) which may be loaded or unloaded or intended or able so to be into or from any vessel.
- (6) **Consignee** means the person to whom any cargo is consigned, and includes the owner of such cargo, the agent for such owner, the agent for the sale or custody of such cargo, the holder of any bill of lading or other document representing such cargo, and any other person having any right, title, or interest to or in such cargo or the possession thereof.
- (7) **Consignor** means the person consigning any cargo, and includes the owner, shipper, agent for the owner or shipper, any other person having right, title or interest to or in such cargo or the possession thereof.
- (8) **Due** means any due, rate, fee, toll, tax, pilotage rate, charge or payment in the nature thereof payable or leviable under or in accordance with these by-laws and includes any amount or compensation whatsoever (whether liquidated or unliquidated) required by any of these by-laws to be paid or payable pursuant to any obligation created hereby by a vessel and its master owner and agent or some or any of them to the Marine Manager or the Company and any other charge made by the Company under paragraph (f) of subclause (2) of Clause 10 of the Agreement a copy of which is set out in the First and Second Schedules to the Act.
- (9) **Harbour Light** means any port installation which is a light erected in aid of navigation (including a pile light).
- (10) **Master** includes every person, not being a pilot or other officer of the Company, lawfully having the command,

charge or management of a ship for the time being, and includes the owner and/or agent for the owner of such vessel.

- (11) **Motor Vehicle** means a vehicle of any description drawn or propelled by mechanical power and includes a bicycle or tricycle so propelled.
- (12) **Owner** when used in relation to cargo includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of cargo, and includes also the holder of any Bill of Lading or other document representing such cargo and every person having or claiming any right, title or interest therein or thereto and includes the Crown in right of, and any instrumentality of, the State.
- (13) **Owner** when used in relation to a vessel, includes the holder of any share or interest in a vessel whether beneficially or otherwise, and also the agent for such owner and includes the Crown in right of, and any instrumentality of, the State.
- (14) **Port Installation** means any work (whether above or below high water mark and whether outside or within the port) for the improvement, protection, management, maintenance, repair or use of the port or any wharf (including without limiting the generality of the foregoing any buoy beacon harbour light or other aid to navigation) which is now or hereafter erected constructed or installed on or in any land held by the Company under any tenure or which is otherwise under the control of the Company.
- (15) **Port Service** or **Port Facility** means any service or (as the case may be) facility now or hereafter rendered or provided by the Company for or in connection with vessels using the port, any wharf or any port installation or for or in connection with the improvement protection, management, maintenance, repair or use of the port, (including without prejudice to the generality of the

foregoing, pilotage and towage services) whether such service or facility is rendered or provided above or below high water mark and whether outside or within the port.

- (16) **Ship** includes every description of vessel, whether used in navigation, or in any way kept or used as a hulk or storeship, or for any other purpose and not propelled exclusively by oars.
- (17) **Tons** or **Tonnage** in relation to a British registered vessel means the gross registered tons or tonnage calculated in accordance with the British measurement of registered tonnage, and, in relation to any other vessel, means the gross registered tons or tonnage calculated in accordance with the standard of measurement adopted by the authority by which the vessel is registered.
- (18) **Tug** means any vessel employed by the Company within the port or in the vicinity thereof for towing or moving any vessel.
- (19) **Unberth** means remove from a berth.
- (20) **Vessel** means any ship, boat and every other description of vessel 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, seaplane, hovercraft or like vessel.
- (21) **Vessel of War** means a vessel built for combatant service or converted for that purpose and a tanker conveying fuel oil for such a vessel, provided such vessel is owned or otherwise directly managed and controlled by the Government of any of Her Majesty's Dominions or Colonies or by the Government of any foreign country which is a party with Her Majesty to any military alliance and is not engaged in trade, but does

not include a vessel used for the transport of troops, stores or equipment.

- (22) **Wharf** means any wharf, pier, jetty, landing stage, quay, dock slip, platform, mooring buoy, dolphin or stationary vessel (whether above or below high water mark and whether outside or within the port) which serves the port and which is now or hereafter erected constructed or installed on any land held by the Company under any tenure or which is otherwise under the control of the Company, and includes any machinery equipment or premises erected constructed or installed on or in connection with any of the same.
- (23) **The Act** means the *Iron Ore (Hamersley Range) Agreement Act 1963*.
- (24) **The Collector** means the person from time to time and for the time being having authority from the Company to receive and collect any dues.
- (25) **The Company** and **the Agreement** have the same meaning as they have in, and for the purposes of, the Act.
- (26) **The Harbourmaster** means **the harbour master** (as that expression is defined in the *Shipping and Pilotage Act 1967*), of the Port.
- (27) **The Marine Manager** means the person from time to time appointed by Hamersley Iron Pty. Limited to the office of Marine Manager for the purpose of these by-laws and includes any person appointed in writing by Hamersley Iron Pty. Limited or the Marine Manager to carry out the duties of the Marine Manager.
- (28) **The Port** means the place declared by proclamation made and published under the *Shipping and Pilotage Act 1967*, to be the Port of Dampier and to be a port for the purposes of that Act.

*[By-law 3 amended in Gazette 29 Nov 1974 p. 5198.]*

## **Part II**

### **4. Berthing**

No vessel shall be berthed or unberthed without the permission of the Marine Manager.

### **5. No interference with access**

No vessel (other than a vessel within the Port which is directed by the Harbourmaster so to do under the *Shipping and Pilotage Act 1967* or any regulation made thereunder) shall be anchored or moored so as to obstruct the approach to any wharf.

### **6. Cables**

All vessels occupying a berth shall if and when directed by the Marine Manager have all cables clear and in readiness to slack away.

### **7. Guns or explosives not to be used**

No person shall, without the written permission of the Marine Manager, fire any gun or explode any detonator or other signal, (save as a signal of distress) or use any explosive on or in the vicinity of any wharf, any port installation, or any vessel occupying any berth.

### **8. Mooring equipment**

All vessels moored to any wharf, shall have such cables, warps, hawsers, fenders and mooring ropes as are reasonable and necessary for the proper securing of the vessel.

**9. Directions as to disposal of vessels**

The master of any vessel shall forthwith comply with any direction with respect to his vessel which may be given by the Marine Manager for or in relation to —

- (1) the place and manner of berthing or unberthing of such vessel and (in case of unberthing) the distance which the vessel shall travel from the berth;
- (2) the securing or mooring of such vessel to any wharf (including directions in relation to cables warps hawsers fenders or mooring ropes in addition to those required by by-law 8); or
- (3) the provision by a vessel occupying or about to occupy a berth of gangways, manropes and similar appliances, lights, safety nets and save-alls in addition to those required by by-laws 16 or 20.

**10. Directions by Harbourmaster**

A vessel within the Port shall not be obliged to comply with the provisions of by-law 4 or by-law 9 or any direction given thereunder if to do so would constitute a failure to comply with any direction given by the Harbourmaster under the *Shipping and Pilotage Act 1967* or any regulation made thereunder.

**11. Marine Manager empowered to move vessels**

- (1) In the case of non-compliance with any of these by-laws regulating the berthing unberthing mooring or unmooring of vessels and the mode and place thereof or with a direction given by him under these by-laws, the Marine Manager is hereby empowered to ensure the observance of any such by-law or (as the case may be) direction and for that purpose may berth unberth moor or unmoor any vessel.
- (2) In the exercise of the powers granted by sub-by-law (1) in connection with any vessel by the Marine Manager, the master of the vessel and the crew thereof shall give and afford to the

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Marine Manager, all possible aid and assistance to effect the same.

- (3) In carrying out the power granted to him by sub-bylaw (1) or any other power granted him hereunder the Marine Manager is without prejudice to the generality of the foregoing hereby empowered to make fast and attach any rope or other tackle to any vessel and to cast off or loose any warp or rope or unshackle or loose any chain by which any vessel is moored or fastened (first putting on board sufficient number of persons for the protection of the vessel in case there is no person on board any vessel to protect her).
- (4) If there is no crew on board any vessel to be berthed unberthed moored or unmoored or in connection with which the Marine Manager desires to exercise the power given him by sub-bylaw (3) or the crew thereof refuse or fail to aid and assist as aforesaid or if the crew or tackle or quantity of ballast on board such vessel is not sufficient to enable the Marine Manager to effect the same he is hereby empowered to hire and employ such other assistance and tackle and to purchase and put on board such vessel such other quantity of ballast as to him seems requisite for the protection of the vessel or the effecting of the beforementioned objects at the cost and charge of the master, agent or owner of such vessel.
- (5) The company shall not in any way be liable for any damage or loss occurring to any vessel during or in consequence of the exercise by the Marine Manager of any power granted him by this by-law.

**12. Tackle not to be cast off without permission**

No person shall, without permission from the Marine Manager, cut, cast off or interfere in any way with any rope or tackle made fast or attached to any wharf, or any vessel occupying a berth, where the same has been fastened or attached by the Marine Manager or by his direction.

**13. Working propeller**

No person shall without the permission of the Marine Manager work or cause to be worked the propeller of any vessel whilst such vessel is occupying any berth, and notwithstanding that such permission has been given no person shall work such propeller or cause it to be worked where the working thereof may cause damage to any property, or injure any person; provided that nothing in this by-law shall preclude the turning of any propeller for the safe berthing or unberthing of any vessel.

**14. Obstruction of Marine Manager**

No person shall by word or deed impede or obstruct the Marine Manager or any other officer or servant of the Company in the execution of his duties and the Marine Manager or any such officer or servant may board any vessel at any time for the purposes of or if authorised by these by-laws.

**15. Embarking across another vessel**

- (1) No passengers, cargo or ballast shall without the permission of the Marine Manager be embarked or shipped, disembarked or unshipped on or from any vessel lying outside any vessel berthed alongside any wharf over and across the deck of such last-named vessel.
- (2) The master of every vessel shall if directed by the Marine Manager to do so allow passengers, cargo or ballast to be embarked or shipped or disembarked or unshipped over and across the deck of his vessel into or from any vessel berthed alongside.

**16. Vessel to have sufficient ballast**

The master of every vessel occupying any berth shall have on board at all times such quantity of cargo or ballast as may be necessary to keep his vessel safe.

**17. Lights and gangways on vessels alongside wharves**

- (1) Every vessel occupying any berth shall at all times be provided with such gangways manropes and similar appliances and shall exhibit such lights as may be necessary for the convenience and safety of persons passing to and from such vessel.
- (2) Every gangway fixed for the purpose of giving access to a vessel shall from sunset to sunrise be brightly illuminated as long as such gangway is in communication with the shore, and a watch shall be continuously set upon such gangway.

**18. Naked lights prohibited in vessels' holds**

No person shall in the hold of any vessel occupying any berth use any flare-up lamp or naked light of any sort or design whatsoever, whether for the purpose of working cargo or for any other purpose.

**19. Interference with buoys, beacons, etc.**

No person shall trespass on, ride by, or make fast to, damage, injure, or otherwise interfere with any harbour light, dolphin, buoy or beacon.

**20. Provision of tackle**

- (1) The master of every vessel shall provide proper tackle for the proper slinging of all cargo discharged from his vessel on to any wharf, or laden or intended to be laden from any wharf into his vessel.
- (2) The master owner or agent of every vessel shall compensate the Company for any damage that may be done to any wharf or any property of the Company, either from the breakage of slings or from cargo being imperfectly slung, or otherwise by the landing or shipping of cargo.

**21. Safety nets**

- (1) The master of every vessel occupying any berth shall cause a proper safety net to be suspended beneath the gangway.
- (2) The master of every vessel while discharging or loading cargo at any wharf shall cause a safety net or save-all of such a size and character to be suspended at such a place as will prevent the cargo being discharged or loaded from falling into the water.

**22. Safety precautions**

No person shall without the permission of the Marine Manager —

- (1) embark upon or land from any vessel occupying any berth and carrying passengers except by a gangway provided for the purpose;
- (2) embark upon or land from any vessel while such vessel is berthing or unberthing and is in motion; or
- (3) clamber on or about the structure of any wharf below the deck-level, or upon or about any shed, crane, conveyor, loading equipment, hoist or cargo placed on such wharf or any property of or under the control of the Company.

**23. Repairs, welding**

The master owner or agent of any vessel occupying a berth shall notify the Marine Manager of any intention to undertake repairs to engines or other repairs of whatsoever nature to the vessel whilst such vessel is occupying such berth and no work of any such nature shall be commenced unless permission to do so in writing is first obtained from the Marine Manager.

**24. Vessels and gear to be kept free and clear of cranes**

The master of every vessel shall keep the same and every part thereof, and all boats, rigging, ropes, hawsers, and other equipment or fittings thereof, and all gangways belonging thereto or used or intended to be used in connection with his

vessel at all times free and clear of and from all cranes, running cranes, railway lines, engines, trucks, gear and plant or other things on any wharf or forming part thereof respectively, irrespective of whether the said cranes, running cranes, engines, trucks, gear or plant are stationary or in use.

**25. Night watchman**

All vessels exceeding 150 tons gross and occupying a berth shall have a watchman on deck from sunset to sunrise, and vessels not exceeding 150 tons gross and occupying a berth shall have at least one man on board during the same period.

**26. Opening on ships to be kept closed**

The master of every vessel shall ensure that all openings out of which steam, water, fluids or rubbish are liable to be discharged are properly screened and protected so as to prevent discharge on to any wharf or port installation.

**27. Damage by water from vessels**

The master owner and agent of any vessel lying alongside any wharf shall be jointly and severally liable for all damage (whether such damage is due to the negligence or wilful act of any person or otherwise) caused to cargo or goods lying on such wharf or to electrical connections on or under such wharf by water used upon such vessel (whether for washing down or otherwise).

**28. Cargo loaded and discharged**

- (1) No cargo being loaded or discharged from or on any wharf shall without the permission of the Marine Manager be handled otherwise than by the crew of the vessel and/or labour employed or provided by the Company and no tally or delivery clerks shall be engaged other than those employed or provided by the Company.

- (2) Cargo being loaded or discharged from or at any wharf shall be loaded or discharged and passengers being embarked or disembarked from or at any wharf shall be embarked or disembarked only at places on such wharf previously approved by the Marine Manager and all such cargo which is awaiting loading or which has been so discharged shall be stacked or stored only at places or areas previously approved by the Marine Manager.

### **Part III**

#### **29. Payment of revenue**

- (1) All dues are hereby levied and charged for the use and benefit of the Company and (notwithstanding any other provision of these by-laws) the owner master and agent of a vessel in respect of or in connection with which any dues are payable shall be jointly and severally liable for such dues.
- (2) All dues shall be paid to the Marine Manager but the Company may at any time sue for and recover the same in any court of competent jurisdiction.
- (3) All dues shall be paid before the vessel in respect of or in connection with which they are charged or payable leaves the port, provided that the Company may accept in lieu of payment a written guarantee from the master, owner or agent for the vessel in the form of the First Schedule that the dues will be paid within 14 days after the departure of the vessel from the port.
- (4) Unless the Company has accepted such a guarantee in relation to a vessel in connection with which any dues are payable the Marine Manager may detain such vessel until such dues are paid.

#### **30. Tonnage rates**

- (1) The tonnage rates set out in the Second Schedule shall be paid by every vessel in respect of its occupancy of a berth.
- (2) For the purposes of assessing such tonnage rates a vessel shall be deemed to occupy a berth from the time the first line is made fast until the last line is let go.

#### **31. Certificate of Registry**

The master of every vessel occupying or about to occupy a berth shall produce the Certificate of Registry of such vessel to the

Marine Manager or any other officer of the Company upon demand.

**32. Exemption from payment**

- (1) Vessels of war and vessels owned by the Government of any of Her Majesty's Dominions or Colonies shall, if those vessels are not engaged in trade, be exempt from the payment of tonnage rates.
- (2) Where any vessel occupies a berth solely for the purpose of landing a sick or injured person and remains for such time only as may be necessary for that purpose the Company may in its discretion exempt such vessel from tonnage rates.

**33. Rebates of tonnage rates**

When a vessel occupies a berth —

- (1) in distress or under duress;
- (2) for fitting refitting or repairs;
- (3) while employed solely on work for a religious mission;  
or
- (4) while employed solely as a pleasure vessel and is not engaged in trade or plying for hire,

the Company may (provided that tonnage rates for 6 hours have been paid) grant to such vessel a rebate of the balance of the tonnage rates otherwise payable.

**34. Towage rates and conditions**

*[(1)-(3) deleted]*

- (4) The Marine Manager may require the master of a vessel which is being berthed or unberthed to engage the services of one or more tugs provided by the Company for that purpose.

*[By-law 34 amended in Gazette 20 Sep 1974 p. 3524;  
29 Nov 1974 p. 5198.]*

**35. Miscellaneous charges**

The charges set out in the Fifth Schedule shall be paid by (*inter alia*) the vessel in respect of the services therein set out.

**36. Liability of consignee and consignor**

- (1) Consignees shall be liable for all wharfage and other dues payable under these by-laws on or in respect of all inward cargo.
- (2) Consignors shall be liable for all wharfage and other dues payable under these by-laws on or in respect of all outward cargo.
- (3) Nothing in this by-law shall limit the right of the Company to recover wharfage or other dues from any person (other than the consignee or consignor) who may be liable to pay the same.

**37. Computation of dues**

- (1) All dues on or in respect of cargo shall, except as otherwise provided, be computed on the weights and measurements shown in a vessel's manifest, bill of lading or other shipping document for such cargo.
- (2) All such dues shall be computed on a weight basis or on a measurement basis (whichever computation produces the greater result) and if computed on a weight basis shall be computed on a ton of 2,000 lbs. or a ton of 2,240 lbs. according to trade usage.
- (3) A fraction of a ton (by weight or measurement) shall be charged for on a pro rata basis.
- (4) Dues shall be calculated on the gross weight or measurement, but the Marine Manager may at any time demand that cargo shall be reweighed or remeasured in the presence of an officer of the Company and at the expense of the owner of the cargo in which event the weights or measurements ascertained from such reweighing or remeasurement shall prevail.

- (5) Notwithstanding anything hereinbefore contained in this by-law charges on cargo of the kind described hereunder shall be computed on the basis shown opposite the description of cargo —

Launches, yachts, dinghies or small boats — cubic measurement less  $\frac{2}{5}$ ths;

cylindrical cargo (unless otherwise stated) — cubic measurement on external dimensions less  $\frac{1}{5}$ th, unless the weight is then greater;

Oil and inflammable liquids in bulk (fuel lighting or lubricating) — 250 gallons per ton;

Timber — per ton of 40 cubic feet.

**38. Inwards manifests**

- (1) The master of every vessel desiring to discharge cargo at a wharf shall deliver at the office of the Company prior to commencing to discharge cargo, 2 true, legible and complete copies in the English language of the manifest of such vessel, certified by himself as being true and complete, and shall also so furnish within forty-eight (48) hours 2 certified statements of all amendments (if any) which may be made in such manifest by reason of remeasurement of cargo included therein or otherwise.
- (2) Any such amendments to a manifest shall not be recognised unless supplied prior to the cargo affected thereby being removed from the premises of the Company.

**39. Outwards manifests**

- (1) The master of every vessel which has loaded cargo from any wharf shall deliver to the office of the Company prior to the unberthing of the vessel, a certified copy in the English language of the manifest, giving true, legible and complete particulars of such cargo to enable the amount of outward wharfage and other dues payable thereon to be readily computed.

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- (2) All such manifests shall show the tonnage of fuel oil bunkered.

## Part IV

### 40. General

In by-laws 41-57 inclusive unless the contrary intention appears —

***flammable liquid*** means petroleum, kerosene, and any oil, liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen or any similar substance, and which has a true flashing point of less than 150 degrees Fahrenheit, and any other liquid which the Governor by Proclamation in the *Gazette* declares to be an inflammable liquid for the purposes of the *Ports and Harbours Regulations*;

***oil vessel*** means any ship having on board or having lately had on board any inflammable liquid as cargo or part cargo, and includes a tank steamer, barge, or other vessel fitted to carry inflammable liquid.

### 41. Signals

The master of an oil vessel shall, at all times that the vessel is nearing or is at a wharf, display at the foremast head, or other conspicuous place clear of all obstructions so as to be clearly visible from any direction at a distance of at least one mile from the vessel —

- (a) by day, the International code flag “B”; and
- (b) during the hours of darkness a red light so positioned as to be clear of all other lights on the vessel.

### 42. Notice

The agents or master of any oil vessel intending to load or unload any quantity in excess of 40 gallons of inflammable liquid, shall, immediately after making fast to any wharf or jetty, give notice in writing to the Marine Manager of that intention with particulars as to the quantity of inflammable liquid intended to be loaded or discharged.

**43. Discharge or loading**

The master of an oil vessel shall not permit inflammable liquids to be discharged or loaded without first obtaining the written permission of the Marine Manager.

**44. Precautions for deck cargo**

The master of an oil vessel having on board inflammable liquids other than as deck cargo, and all other persons concerned, shall observe and perform the following provisions, namely —

- (1) after the vessel is made fast to a wharf, all holds, tanks, and spaces containing inflammable liquid shall be kept securely closed and fastened down, except when opened for the purpose of discharging;
- (2) an oil vessel with its cargo in bulk shall not be berthed until it is ready to load or discharge, and shall at all times continue and complete the loading or discharging with all possible despatch;
- (3) no hold, tank, or space containing inflammable liquid in containers shall be opened until all trucks or other vehicles into which such goods are to be loaded are placed alongside the vessel and all is in readiness to commence the work;
- (4) after the vessel is made fast to a wharf, all holds, tanks or spaces containing inflammable liquid shall be kept properly ventilated, to the satisfaction of the Marine Manager, to disperse all dangerous vapour that may be generated by the cargo or collected or lie in those places;
- (5) an oil vessel loading or unloading inflammable liquid in casks, barrels, or other receptacles or containers shall work its cargo or carry out any other work on board only as directed by the Marine Manager;
- (6) inflammable liquid contained in casks, barrels or other receptacles shall not be landed on any wharf from a vessel unless the casks, barrels or other receptacles are

- staunch and free from leakage and are of such strength and construction as to be not liable to break or leak;
- (7) where the Marine Manager so approves in writing, inflammable liquid in bulk may be unloaded after sunset into shore tanks, and may, in special circumstances, be loaded into tank ships, and the following conditions and such other conditions as the Marine Manager may in those circumstances impose, shall be complied with —
- (a) unless circumstances render it unavoidable, pipelines and hoses shall not be coupled, uncoupled, or otherwise interfered with, except in daylight; and
  - (b) sufficient electric flood lighting of approved type shall be provided to give ample light for all operations;
- (8) general cargo, other than deck cargo, shall not be unloaded after sunset on any day from any oil vessel without the approval in writing of the Marine Manager.

**45. Unauthorised persons**

The master of an oil vessel shall not permit or suffer any unauthorised person to be on board the vessel while loading or unloading of inflammable liquid is in process, and shall display and keep displayed at the main gangway while occupying any berth at a wharf a conspicuous notice to the following effect —

NO ADMITTANCE  
OIL SHIP  
NO SMOKING ALLOWED

**46. No smoking, etc.**

During the loading or unloading of inflammable liquid no person shall smoke or heat any combustible matter, rivet or chip iron, or clean boilers or boiler tubes, or carry out other work

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likely to cause ignition on board the oil vessel or any other vessel lying alongside, and no person engaged in that loading or unloading shall carry matches or other appliances for providing or capable of providing ignition.

**47. No use of fires**

- (1) From the time when tanks of an oil vessel are opened for the purpose of discharging or loading inflammable liquid in bulk, and until such time as the operations of discharging or loading have been completed and the tanks have been thoroughly ventilated, no person shall use or permit or suffer to be used on the vessel, any fire, other than approved ship's boilers, or light other than a safety lamp approved by the Marine Manager, either on board or within 100 feet of the oil vessel, without the authority of the Marine Manager.
- (2) Fires, lights, or electric apparatus, other than electric filament lamps or self contained lamps, heaters, cookers, or other types of safe apparatus so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall not be used on or near the wharf at which inflammable liquid is being discharged or loaded, or upon which inflammable liquid is lying.

**48. Superintendence of pumping**

- (1) Before any pumping operations of inflammable liquids are commenced, and during the continuance of those operations, the master shall cause —
  - (a) a competent signalling staff to be in attendance both at the tank installation and on board the oil vessel; and
  - (b) telephonic communication between the same points to be established and maintained.
- (2) A responsible person shall be detailed by the master for attendance on the wharf to superintend the opening and closing of valves and for patrol of the pipe line during the whole of the pumping operation and pumping operations shall not be

commenced before the correct position of all valves has been verified by the Marine Manager and the Marine Manager is satisfied that all precautions necessary have and will be taken to prevent leakages.

**49. Coverings**

- (1) While pumping is in progress the lids, screw caps, or other removable coverings of the tanks shall be kept securely fastened or screwed down, except so far as may be necessary to enable discharge of inflammable liquid to proceed, and where it is necessary to remove any lid, screw cap, or other coverings, safety wire gauzes shall immediately be properly fitted, or other effective measures immediately taken, by the master to prevent the ignition of the inflammable liquid or vapours.
- (2) If any leakage occurs while inflammable liquid is being loaded onto or discharged from an oil vessel, the master of the oil vessel shall forthwith cause the loading or discharging to cease.

**50. Pumping after sunset**

Where permission has been granted by the Marine Manager in writing for the pumping of inflammable liquids into or out of an oil vessel to be carried out between sunset and sunrise, and an interruption or stoppage of loading or discharging takes place, the pumping shall not be recommenced before sunrise unless permission to do so has been granted by the Harbourmaster in writing.

*[By-law 50 amended in Gazette 4 Jul 1975 p. 2338.]*

**51. Clearing of pipe lines**

- (1) When an oil vessel has completed discharging inflammable liquid in bulk, the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid, and the Marine Manager approves the breaking of the pipe line.

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- (2) Immediately discharge of the inflammable liquid is suspended or completed, all lids, screw caps, or other coverings shall be replaced, securely fastened down and made gas tight.

**52. Other precautions**

- (1) The boiler or galley fires other than those required to produce steam for pumping of an oil vessel carrying inflammable liquid in bulk shall not be alight from the time when the holds or tanks are first opened for the purposes of discharge unless the written authority of the Marine Manager is first obtained.
- (2) The master shall not allow any furnace other than that required to produce steam for pumping or any galley or other fires to be alight on board an oil vessel while the running of water for ballast or other purposes into any tank, receptacle, or enclosure on the oil vessel which has contained inflammable liquids is being carried out.
- (3) No ballasting shall be carried out unless all tanks are sealed down as required by the Marine Manager and the rate of ballasting any tank shall be so reduced as required by the Marine Manager, and any directions given by him for other safety measures to be taken while ballasting shall be strictly observed.
- (4) No ballasting shall be carried out by the master until he is so permitted in writing by the Marine Manager, who shall lay down such further conditions under which ballasting may be carried out as he may in the circumstances consider necessary.

**53. No escape of liquid**

- (1) All pipelines and connections thereto, flexible or otherwise, used between the oil vessel and the berth, shall at all times be kept in an oil and vapour tight condition and shall not leak.
- (2) Inflammable liquid shall not be allowed to escape, either directly or indirectly, into any waters.

**54. Hawsers**

The master of any oil vessel carrying inflammable liquid in bulk shall, immediately on the berthing of the vessel, have a steel wire hawser sufficiently strong to enable the oil vessel to be hauled away from the berth placed over the fore and aft ends of the oil vessel and made securely fast on board, and the hawser shall remain so placed while any inflammable liquid remains on board and until the oil vessel has been properly cleansed and ventilated.

**55. Prevention of accidents**

The master of an oil vessel shall take all due precautions for the prevention of accidents by fire in the discharge of inflammable liquids, and shall himself remain, or cause a responsible officer of the vessel to remain, on board the vessel, together with a sufficient crew, during the whole time of discharge, or while any inflammable liquid remains on board.

**56. Inspection**

The master of the oil vessel shall, when required so to do by the Marine Manager, do any act necessary to permit the Marine Manager to inspect and examine the inflammable liquid on board the vessel and any appliances to be used on the vessel for the purpose of ascertaining whether the provisions of these regulations are being observed and whether all other measures necessary for general safety are being taken.

**57. Barricades and watchmen**

- (1) The loading or unloading of inflammable liquid into or from an oil vessel berthed at a wharf shall not be commenced unless —
  - (a) a barricade capable of preventing any unauthorised person having access to the vessel and pipe line hose connections has been erected on the wharf or jetty; and
  - (b) satisfactory provision has been made for watchmen to be in attendance to prevent the entrance of any

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unauthorised person and to take possession of matches from all persons passing through the barricade towards the oil vessel and to assist generally in the enforcement of these by-laws.

- (2) The erection and maintenance of the barricade and the employment or engagement of watchmen shall be carried out and arranged by or in accordance with the directions of and to the satisfaction of the Marine Manager.
- (3) Any barricade erected on a wharf in pursuance of this by-law shall be so erected as to enclose an area of the wharf extending to a distance not less than 100 feet past each end of the oil vessel and 100 feet out from the vessel measured from the point on the side of the vessel closest to the wharf.

**58. Explosives**

- (1) No ship having explosives on board shall go alongside a wharf for any purpose except by permission of the Marine Manager.
- (2) Ships shall fly a red burgee at the mast until all explosives are discharged.
- (3) No explosives shall be loaded, unloaded or conveyed unless the same are packed and marked in accordance with the *Explosives and Dangerous Goods Act 1961*, or regulations made thereunder, and no explosive shall be so handled unless it is authorised to be imported and sold in Western Australia or otherwise unless it is approved under an entry permit issued by the Chief Inspector of Explosives.
- (4) No explosives shall be unloaded unless the Marine Manager is satisfied that it is imported under Authority of a licence or an entry permit issued by the Chief Inspector of Explosives.
- (5) Explosives shall not be loaded to or unloaded from a ship except between the hours of sunrise and sunset unless special permission is given by an Inspector of Explosives.

- (6) Explosives exceeding 5 lb. in weight shall not be conveyed in a boat or ship whilst carrying or plying for passengers for hire or reward without written approval of an Inspector of Explosives.
- (7) The loading, unloading and conveyance of explosives at the port shall be carried out in accordance with the general provisions of the *Explosives and Dangerous Goods Act 1961*, and the regulations thereunder.
- (8) The maximum amount of explosives to be unloaded at any wharf shall be decided from time to time by the Chief Inspector of Explosives who shall take into consideration the type of explosives concerned, the facilities available for handling at the port and the magazine storage available for storing the explosives.
- (9) When a ship goes alongside at any wharf for the purpose of unloading explosives, there shall be no other ship alongside at the same time while the unloading is in progress and no work of any kind shall be permitted on the wharf which is not directly necessary for the unloading of explosives from the ship.
- (10) During the loading or unloading of explosives there shall be observed such rules as are laid down by the Chief Inspector of Explosives, except that when such work is done under direct supervision of an Inspector of Explosives, then all directions of the Inspector shall be obeyed whether provided for in the rules or not so provided.
- (11) All matters relative to the handling of explosives which are not provided for in these by-laws shall be referred to the Chief Inspector of Explosives who shall decide what action shall be taken.
- (12) Classes and divisions of explosives as used in this by-law are those used in the classification of explosives contained in the Second Schedule to the *Explosives and Dangerous Goods Act 1961*.

- (13) Nothing in this by-law shall apply to any ship having on board exclusively explosives of the following kind or binds or to the loading or unloading into or out of, or conveyance to or from any ship of the same —
- (a) Explosives belonging to Division 1 of Class 6 and including such explosives as —  
Fuse Igniters, Percussion Caps, Safety Cartridges, Safety Fuse, Igniter Cord Connectors.
  - (b) Explosives of Class 7 Division 3, including all fireworks of the shopgoods class.
  - (c) Other explosives in such quantities as may from time to time be approved by the Chief Inspector of Explosives.
  - (d) Explosives on vessels of war and such explosives as are exempt under section 63(a) of the *Explosives and Dangerous Goods Act 1961*.
  - (e) Explosives carried for the vessel's own use in such quantities as are necessary to meet the law's requirements for signalling purposes and provided that the explosives are kept in an approved type of magazine and that if 2 or more of the following explosives be in the same vessel they shall be kept in separate and completely enclosed receptacles in the magazine —
    - Gunpowder
    - Rockets
    - Sound Signal Rockets
    - Blue Lights
    - Holmes Lights
    - Pyrotechnic Signals of any other kind.
- Provided that nothing in this by-law shall prevent the introduction of an artificial light or safety matches of such construction and character and in such a place as will not cause any danger of fire or explosion to arise.

## **Part V**

### **59. Discharge of garbage, oil, other offensive matter and ballast**

- (1) No person shall in a berthing area from a wharf or port installation or a vessel occupying a berth by any means whatsoever deposit discharge or permit to fall into the water (other than at a place designated for that purpose by the Marine Manager) any rubbish, garbage, ashes, mud, oil, oily water, oil sludge, oil refuse, oily bilge water or other similar or offensive matter if the same would or would be likely to interfere or inconvenience any shipping using any wharf or port installation or to interfere with the use by any such shipping of any wharf or port installation or to damage or soil any wharf or port installation or other property of the Company.
- (2) No person shall without the written permission of the Marine Manager deposit any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, filth or any other article or substance whatsoever on any wharf or port installation or other property of the Company.
- (3) Any person contravening this by-law or who is responsible for any such contravention shall reimburse the Company for any expense incurred by it in remedying the situation caused by such contravention.
- (4) Nothing in this by-law shall derogate from the operation of any other of these by-laws.

### **60. Fire**

- (1) Any person (being either an officer or member of the crew of the relative vessel or an employee of the Company) who discovers an outbreak of fire in or on board any vessel in a berthing area or occupying a berth shall forthwith give an alarm by means of the nearest electrical signal provided for that purpose and shall notify the Marine Manager of such outbreak PROVIDED THAT it shall be a defence to a prosecution under

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this sub-bylaw for the defendant to establish that such alarm and notification had previously been given or that he reasonably believed that such was the case.

- (2) Any person being an officer or member of the crew of the vessel in or on board of which there is an outbreak of fire or being an employee of the Company shall give such assistance in extinguishing the fire as the Marine Manager may direct.
- (3) A person shall not break, sound or in any manner operate or interfere with any electrical or other fire alarm on any wharf or port installation or other premises of the Company except in the case of an outbreak of fire.

**61. Cleaning of wharf berth**

In the event that the Company incurs expense in cleaning up any spillage of cargo on any wharf the consignee of the cargo (in the case of inward cargo) or the consignor thereof (in the case of outward cargo) shall forthwith reimburse the Company for such expense.

**62. Interference with notice boards**

No person shall remove, obliterate or otherwise interfere with any notice board erected on or in the vicinity of any wharf or port installation.

**63. Defacement and bill-posting prohibited**

No person shall without the permission of the Marine Manager write or paint or place any notice board placard or other document on any wharf or port installation.

**64. Life saving appliances**

No person shall interfere with any life-saving gear, boat hook, drag, grapnel, life-buoy or other apparatus placed on any wharf or port installation used for the purpose of saving life from

drowning, unless such interference be for the purpose of saving life or by the police in dragging for drowned persons.

**65. Vehicles on wharves**

- (1) No person shall without the written permission of the Marine Manager drive any motor vehicle upon any wharf or any approach thereto and notwithstanding such permission any such person —
  - (a) shall park only in an area set aside for this purpose;
  - (b) shall in any place where a notice is maintained indicating that the standing or parking is limited or restricted comply with the terms of such limitation or restriction;
  - (c) shall not allow his vehicle to approach within 50 feet of any inflammable goods or cargo;
  - (d) shall comply with all directions as to the disposal of his vehicle given by the Marine Manager or any other officer of the Company authorised by him (whether generally or specially) for such purpose; and
  - (e) shall not leave his vehicle unattended.
- (2) The Marine Manager or any such officer of the Company shall be at liberty to move any unattended motor vehicle or any motor vehicle the driver of which has failed to comply with any such direction as aforesaid to any other place within the port.

**66. Disorderly persons**

The Marine Manager and any other officer of the Company shall be at liberty to take such steps as are necessary to prevent any intoxicated idle or disorderly person entering upon any wharf or port installation and to remove any such person who has so entered.

**67. Smoking and loitering**

A person shall not without the written permission of the Marine Manager smoke loiter or address any assemblage of persons under or upon any wharf.

**68. Nuisances**

A person shall not commit any nuisance under or upon any wharf.

**69. Wharves may be closed**

Subject to the provisions of the Act the Company may by notice placed on a wharf or part thereof close that wharf or that part and a person shall not enter upon that wharf or that part without the consent of the Marine Manager.

**70. Children not allowed on wharves**

No child under the age of 12 years shall be allowed on any wharf unless accompanied by an adult person.

**71. Fishing**

- (1) No person shall fish from any part of the structure of any wharf below wharf deck level nor from pontoons or any landing steps or place for landing passengers.
- (2) Any person fishing from wharf deck level as aforesaid —
  - (a) shall use only rod and line;
  - (b) shall not interfere with or obstruct the general wharf work or other users of the wharf;
  - (c) shall forthwith comply with any direction given by the Marine Manager; and
  - (d) shall not deposit or leave upon the wharf any fish, fish refuse or offensive matter.

**72. No building allowed on wharves**

No person shall without the permission of the Marine Manager erect any building, staging or structure on or in any wharf or port installation.

**73. Tampering with water appliances**

No person shall without the permission of the Marine Manager turn any valve or cock or open or shut any fire plug or hydrant on any port or wharf installation.

**74. Tampering with electric light or power mains**

No person shall play, tamper or in any way interfere with any electric lights or fittings or any electric light or power mains on any port or wharf installation.

**75. Limitation of liability**

- (1) The liability (if any) of the Company for any loss damage or injury suffered in consequence of or arising out of —
  - (a) any act, matter or thing done or omitted to be done in good faith and (subject to sub-by-laws (2) and (3)) without negligence for the purpose of the construction, management, operation, maintenance or use of any wharf or any port installation or of the port or any approaches thereto or for the purpose of berthing, unberthing, mooring, unmooring or otherwise directing or managing vessels whether or not within the port or for the purpose of handling or accommodating cargo or persons or for the purpose of any of these by-laws or in the provision of any port service or port facility;
  - (b) any failure to ensure that any berth or access to any port installation is made available or any failure to provide any port service or port facility (in either case either at all or at any particular time including any time previously notified or agreed) and whether or not any such failure occurs in consequence of or arises out of the

negligent or wilful act or omission of the Company or any of its officers or employees or of any other person for whose acts or omissions the Company may be liable;

shall be limited to the payment of damages not in excess of \$200.

- (2) Without prejudice to sub-by-law (1) the liability of the Company (if any) in respect of any loss damage or injury to any vessel or the contents thereof (including cargo) shall be (whether or not any such loss damage or injury has been suffered in consequence of or arises out of the negligent or wilful act or omission of the Company or any of its employees or officers or any other person for whose acts or omissions the Company may be held liable) limited in respect of any vessel and its contents (including cargo) to the payment of damages not in excess of \$200.
- (3) Nothing in these by-laws and in particular but without limiting the generality of the foregoing nothing in sub-by-law (1) or sub-by-law (2) shall impose on the Company any liability or any increased liability or shall be construed as implying that the Company has or would in the future have any liability or any increased liability which it would not have had if these by-laws had not been made and nothing in these by-laws or in the provision by the Company of any berth or any access to any port installation or of any port service or port facility shall be construed as importing any warranty by the Company that any such berth or access is or will be safe or that any such port service or port facility is or will be provided in a safe manner.

*[By-law 75 amended in Gazette 29 Nov 1974 p. 5198.]*

**76. Highly inflammable cargo**

Without prejudice to any other of these by-laws no highly inflammable cargo of whatsoever kind shall be loaded or unloaded on to or from any vessel from or onto any wharf unless at least 48 hours notice has been given to the Marine

Manager and written permission has been obtained from him therefor.

**77. Vessel ready to work**

The master shall prepare the vessel's cargo handling equipment including the opening or removal of hatches and hatch beams, shall have the vessel ready to work cargo before it comes to its berth and shall be responsible for replacing hatches and beams.

**78. Operation of port services, port facilities and port installations and provision of special services**

Pursuant to paragraph (f) of subclause (2) of Clause 10 of the Agreement as embodied in the Schedules to the Act the Company shall have the entire control of all port services, port facilities and port installations and no personnel other than personnel provided or approved by the Company shall be utilized for or in respect of such use. Nothing in any of these by-laws and in particular but without limiting the generality of the foregoing by-laws nothing in any by-law requiring the use of any port installation or of any port service or port facility shall (unless these by-laws provide for a special charge therefor) prevent the Company making any charge which it would be entitled to make under paragraph (f) of subclause (2) of said Clause 10.

**79. Construction**

These by-laws shall be construed so as not to exceed the powers conferred by or under the Act and all other powers then enabling the intention being that where any provision herein would but for this by-law have been construed as being in excess of all such powers it shall nevertheless to the extent to which it is not in excess of all such powers to be a valid provision.

## **Part VI**

### **80. Duties of master**

Where by these by-laws an act is required to be done or forbidden to be done in relation to a vessel the master of the vessel has, unless the contrary intention appears, the duty of causing to be done the act so required to be done or of preventing from being done the act so forbidden to be done, as the case may be.

### **81. Offences and penalties**

- (1) A master or other person who fails to do or does any act that by these by-laws he is required to do or is forbidden from doing, as the case may be, commits an offence and is liable on conviction to a penalty not exceeding \$100.
- (2) The imposition and payment of any such penalty does not affect the liability of any person to any other person in respect of the act or omission constituting the offence.



**Second Schedule**

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**Second Schedule**

**Tonnage rates**

The tonnage rates payable in respect of a vessel shall be 1.96 cents for each ton of the gross registered tonnage of the vessel for each 6 hours or part thereof during which the vessel occupies a berth, the minimum charge for each entry into the port being a charge for 12 hours.

*[Second Schedule amended in Gazette 29 Nov 1974 p. 5198;  
21 Nov 1980 p. 3987; 8 Apr 1982 p. 1223; 28 Jun 1985 p. 2373;  
3 Jul 1987 p. 2590.]*

*[Third and Fourth Schedules deleted in Gazette 29 Nov 1974 p. 5198.]*

## **Fifth Schedule**

### **Miscellaneous charges**

#### **A. Mooring and unmooring**

- (1) The charges in respect of boats' crews for mooring and unmooring of vessels shall be \$310.50 for each boat employed on each occasion in connection with mooring and unmooring of a vessel.
- (2) If boats are ordered but cancelled all costs incurred by the Company in connection with the order shall be payable by the vessel ordering the same.

#### **B. Wharfage and handling charges on cargo**

- (1) For inward and outward cargo (other than cargo loaded from or unloaded on to a wharf designed for the loading of iron ore (whether concentrated or unconcentrated) or of iron) wharfage shall be \$1.00 per ton of all cargo handled.
- (2) In addition to such wharfage all expenses incurred by the Company in handling such cargo over the wharf shall be payable.
- (3) No wharfage shall be charged in respect of the loading on to a wharf designed for the loading of iron ore or iron as aforesaid of iron ore (whether concentrated or unconcentrated) or iron sold by the Company and the charge payable in respect of the loading or unloading from or on to such a wharf of cargo other than iron ore or iron sold by the Company as aforesaid shall be determined in accordance with the provisions of paragraph (f) of subclause (2) of Clause 10 of the Agreement a copy of which is set out in the First and Second Schedules to the Act.

*[Fifth Schedule amended in Gazette 20 Sep 1974 p. 3524;  
17 Aug 1979 p. 2539; 8 Apr 1982 p. 1223; 25 Feb 1983 p. 743;  
7 Feb 1986 p. 467; 3 Jul 1987 p. 2590.]*

### Notes

- <sup>1</sup> This is a compilation of the *Hamersley Iron (Port of Dampier) By-laws* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Hamersley Iron (Port of Dampier) By-laws</i>	27 Oct 1971 p. 4169-86	27 Oct 1971
Untitled by-laws	27 Jul 1973 p. 2344-5	27 Jul 1973
Untitled by-laws	20 Sep 1974 p. 3524	20 Sep 1974
Untitled by-laws	29 Nov 1974 p. 5198	29 Nov 1974
Untitled by-laws	4 Jul 1975 p. 2338	4 Jul 1975
Untitled by-laws	17 Aug 1979 p. 2539	17 Aug 1979
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1980</i>	21 Nov 1980 p. 3987	21 Nov 1980
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1982</i>	8 Apr 1982 p. 1223	8 Apr 1982
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1983</i>	25 Feb 1983 p. 743	25 Feb 1983
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1985</i>	28 Jun 1985 p. 2373	28 Jun 1985
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1986</i>	7 Feb 1986 p. 467	7 Feb 1986
<i>Hamersley Iron (Port of Dampier) Amendment By-laws 1987</i>	3 Jul 1987 p. 2590	3 Jul 1987
<b>Reprint 1: The Hamersley Iron (Port of Dampier) By-laws as at 7 May 2004</b> (includes amendments listed above)		