



Western Australia

PORT HEDLAND PORT AUTHORITY ACT 1970

Port Hedland Port Authority Regulations

These regulations were repealed by the *Port Authorities Regulations 2001* r. 122(1) as at 1 Jun 2001 (see r. 2 and *Gazette* 18 May 2001 p. 2487)

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Port Hedland Port Authority Regulations

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Western Australia

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at 1 June 2001**

PORT HEDLAND PORT AUTHORITY ACT 1970

Port Hedland Port Authority Regulations

Part I — General

Division 1 — Preliminary

1. Citation

These regulations may be cited as the *Port Hedland Port Authority Regulations*.

[2. *Repealed by Gazette 15 August 1986 p.2929.*]

3. Interpretation

In these regulations unless the contrary intention appears —

“**Accountant**” includes any officer deputed by the Port Authority to carry out any duty on behalf of the Accountant;

“**Act**” means the *Port Hedland Port Authority Act 1970*;

“**ballast**” includes any kind of stone, gravel, sand and soil, and materials commonly used for the ballasting of vessels;

“**berth**” or “**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 the shore or to any other vessel, or moored to any buoy or fixture, or anchored within the Port, shall be deemed to be occupying a berth;

“**cargo**” includes goods but does not include ship’s own stores or equipment, unless landed to be disposed of;

“**coasting vessel**” means any vessel owned or registered within the Commonwealth whose trade is exclusively confined to the ports of Western Australia;

“**consignee**” means the person to whom goods are consigned, and includes the owner of those goods, the agent for the owner, the agent for the sale or custody of those goods, the holder of any bill of lading or other document representing those goods, and any other person having any right, title, or interest in those goods;

“consignor” means the person consigning goods, and includes the owner, shipper, agent for the owner or shipper, and any other person having any right, title, or interest in those goods;

“dangerous cargo” shall include matches, carbide, compressed gases, corrosive substances, poisons, cartridges and films.

“explosives” means explosives as defined by the *Explosives and Dangerous Goods Act 1961*; and wherever 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 and Dangerous Goods Act 1961*;

“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*;

“Inspector” means any Inspector appointed by the Port Authority and in Part VII of these regulations means the Inspector, (or any Sub-Inspector) of Explosives appointed under the *Explosives and Dangerous Goods Act 1961*;

“interstate vessel” means a vessel owned and registered in any State of the Commonwealth and trading between any such State and this State;

“pilot” means a pilot approved by the Port Authority for the port under section 16 of the *Ports (Functions) Act 1993*.

“Secretary” means the Secretary of the Port Authority duly appointed under the Act, and includes any person empowered to act as Secretary;

“ships’ slings,” “ships’ tackle,” or “ships’ gear,” when used in connection with the handling of goods, includes all cranes or other hoisting appliances hired or used for the purpose of, or in connection with, the handling of those goods;

“shore” means shore so far as the tide flows and reflows between low and high water marks within the Port;

“Surveyor” means any officer or person appointed by the Port Authority to act as a surveyor of vessels or goods;

“Port Authority” means the Port Hedland Port Authority;

“tonne” means 1 000 kilograms or one cubic metre or one kilolitre at the option of the Port Authority;

“transshipment cargo” means cargo appearing as cargo for transshipment in the manifest of the vessel by which it is carried to the Port or cargo of which notice of intention to tranship is given in writing to the Port Authority, prior to the cargo being discharged from a vessel, but does not include any cargo to be transported to any place by land or air transport;

“vessels of war” means vessels built for combatant service or converted for that purpose and tankers conveying fuel oil for those vessels, if they are owned or otherwise directly managed and controlled by the Government of any of Her Majesty’s States, Dominions or Colonies or by the Government of any foreign country which is a party with Her Majesty to any military alliance and are not engaged in trade, but does not include vessels used for the transport of troops, stores or equipment;

“week”, “day”, “hour”, “month” or “year”, or any other period is to be taken to include a portion of week, day, hour, month, year, or any other period when a whole week, day, hour, month, year or any other period has not been required or used;

“wharf” includes pier, jetty, landing stage, quay, dock, slip, and platform within the Port, and includes any shed erected thereon;

“Wharf Manager” means the person appointed to the charge of any wharf or jetty, and includes the Secretary, any night or day watchman, special or other constable and foreman, crane man, or tally clerk, and any other person appointed by or acting for the Wharf Manager;

“wreck” includes jetsam, flotsam, lagan and derelict;

*[Regulation 3 amended by Gazettes 28 June 1973 p.2481;
20 May 1983 p.1555; 15 August 1986 p.2929; 7 July 1995
p.2870.]*

Division 2 — Conduct of business

4. Office hours

The offices of the Port Authority shall be open for the transaction of business between the hours 9 a.m. and 12 o'clock noon and between 1 p.m. and 4.30 pm from Mondays to Fridays, both inclusive, except upon such days or portion of days as may be declared holidays by any competent authority.

[Regulation 4 amended by Gazette 23 January 1976 p.154.]

5. General conduct of business

Proceedings of the Port Authority shall be governed by, and conducted in accordance with the Standing Rules and Orders set out in the Third Schedule to these regulations.

6. Suspension of rules

Any rule mentioned in regulation 5 may be suspended upon the vote of at least two-thirds of the members present at any meeting of the Port Authority.

6A. Remuneration of members

- (1) A Member, other than the Chairman, shall be paid the sum of \$6 125 for the 1997/98 financial year and \$6 900 for each subsequent financial year.
- (2) The Chairman shall be paid the sum of \$13 100 for the 1997/98 financial year and \$14 700 for each subsequent financial year and an annual expense allowance of \$300.

*[Regulation 6A inserted by Gazette 31 October 1980 p.3702;
amended in Gazette 19 October 1984 p.3372; 27 February 1998
p.1061; 11 December 1998 p.6648.]*

Division 3 — Officers

7. Receipt of Accountant to collectors to be sufficient discharge

Every Collector, and every officer, clerk, or servant of the Port Authority who collects or receives any moneys for or on behalf of the Port Authority, shall pay over those moneys daily to the Accountant of the Port Authority, and the receipt of the Accountant for the moneys so paid shall be a sufficient discharge to the Collector, officer, clerk, or servant.

8. Payment of moneys, etc. in Port Authority Account

The Accountant shall make, or cause to be made, true entries in the books provided by the Port Authority for that purpose of all moneys or cheques paid to, or received by him for and on behalf of the Port Authority, and he shall within 24 hours or such other period as the Port Authority may direct, pay the same moneys and cheques into the Commonwealth Trading Bank of Australia, at Port Hedland for transfer to the Treasury to the credit of an account to be called the Port Hedland Port Authority Account.

9. Withdrawals from Port Hedland Port Authority Account

- (1) Moneys may be withdrawn from the Port Hedland Port Authority Account only —
 - (a) by cheque signed by 2 approved persons; or
 - (b) by electronic transfer of funds authorized by 2 approved persons.
- (2) For the purposes of subregulation (1), the approved persons are each member and deputy member and the persons for the time being holding office with the Port Authority as the —
 - (a) General Manager;
 - (b) Manager, Finance and Administration;
 - (c) Harbour Master;
 - (d) Personnel Officer; and

\$5 000 or upwards, shall be entered into by the Port Authority unless at least five days previous to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Port Hedland and also, if the Port Authority so decide, in Perth.

14. Tenders

Any tender shall be enclosed in a sealed envelope addressed to the Secretary of the Port Hedland Port Authority and marked "Tender for", as stated in the advertisement by which the tender was invited.

15. Deposit

The tenderer shall enclose his tender in a sealed envelope, together with a banker's cheque payable to the order of the Port Authority for the amount required by the conditions of tender as a preliminary deposit; but the Port Authority shall not be liable in the event of the loss of any cheque before it has reached the hands of the Secretary.

16. Lowers tender need not be accepted

The Port Authority is not bound to accept the lowest or any tender.

17. Acceptance of tender

Upon the acceptance of a tender, the Secretary shall notify the acceptance to the tenderer, who is thereupon required, within of the time specified in such general conditions or conditions of tender, to enter into a formal contract for the execution of the work or otherwise.

Part II — Payment of revenue

18. Mode and condition of payment

Tolls, rates, or charges due to the Port Authority shall not be paid to any person or persons whomsoever other than to such officers or agents of the Port Authority as are authorised to receive revenue; and the receipt of any sum of money on behalf of the Port Authority by any person or persons other than such of its officers or agents as are authorised in that regard shall not be binding on the Port Authority in any way whatsoever.

19. Officer may enter vessel, etc.

The Secretary or other officer authorized by the Port Authority for the collection of dues shall have the power, either alone or with other persons, to enter any vessel in order to ascertain the dues payable in respect of the vessel or of goods therein, and a person shall not hinder or molest the Secretary or that other officer or those persons, or refuse to allow him or them to enter or search any such vessel.

20. Charges to be paid before clearance

- (1) All tolls, rates or charges, in respect of any vessel, imposed by the Act or falling due and payable pursuant to these regulations, shall be paid before that vessel shall be given her clearance from the Port and the person obtaining a clearance for any vessel shall forthwith exhibit the clearance to the Customs Officer at the Port.
- (2) Any person causing or permitting a vessel to leave the Port without her clearance as by this regulation provided is guilty of an offence and the master, owner or agent of that vessel shall forthwith pay to the Port Authority any amount due and payable in respect thereof in terms of this regulation.

21. Payment of charges may be guaranteed

Notwithstanding the provisions of regulation 20, the Port Authority may, at its discretion, accept from the master, owner or agent of any vessel sufficient guarantee for the payment of any moneys payable in respect of that vessel, within a time specified by the Port Authority; and may upon the receipt of such guarantee give a clearance for that vessel to leave the Port.

22. Liability for goods consigned from ship

Where any cargo is discharged by the Port Authority from any vessel into a railway wagon or, if discharged by the Port Authority upon a wharf or jetty, is thereafter loaded into a railway wagon for consignment thereby to a place outside the confines of the Port the liability of the Port Authority, upon the happening of either of the foregoing events, ceases and any charges payable to the Port Authority in respect of such cargo shall be payable forthwith by the person at whose direction the goods have been so discharged or loaded.

[Regulation 22 amended by Gazette 4 August 1992 p.3829.]

22A. Rate of interest on overdue amounts

For the purposes of section 33 of the *Ports (Functions) Act 1993*, the rate of interest on an amount outstanding to the Port Authority is 3% greater than the rate of interest published from time to time by the Commonwealth Bank of Australia as its monthly corporate overdraft reference rate.

[Regulation 22A inserted in Gazette 17 May 1996 p.2111.]

Part III — Regulation of ships

Division 1 — Port signal code

23. Signals to be used and displayed

- (1) Subject to subregulation (2) of this regulation any signal used or displayed together or separately, shall conform to —
 - (a) the requirements of the *International Regulations for Preventing Collisions at Sea (1972)* as set out in the Schedule to the *Prevention of Collisions at Sea Regulations 1977* made under the provisions of the *Western Australian Marine Act 1948*; and
 - (b) the requirements of the International Code of Signals as in force on the 1st April, 1969.
- (2) Notwithstanding anything in subregulation (1) of this regulation —
 - (a) a vessel carrying explosives on board shall use or employ the following signals —

by day — International Code Flag “B”, at foremast head or other prominent position;

by night — A red light, of such character as to be visible all round the horizon, for a distance of 1.6 kilometres, shown from a prominent position clear of all other lights on the vessel;
 - (b) a vessel carrying inflammable liquid on board in any quantity in excess of 2 000 litres shall use or display —

by day — International Code Flag “B” at foremast head or other prominent position;

by night — A red light of such character as to be visible all round the horizon for a distance of 1.6 kilometres, shown at the masthead or where it can be best seen, but in any event not less than six metres above the deck.

[Regulation 23 inserted by Gazette 19 January 1979 p.152.]

24. Offence

The master of a vessel that fails to comply with, or that contravenes, the provisions of regulation 23 is liable for each offence to a penalty of two hundred dollars.

[Regulation 24 inserted by Gazette 19 January 1979 p.152.]

25. Compensation when distress signals used

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any signal under the International Code of Signals or these regulations or any signal of distress, is liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of such signal having been used or displayed inappropriately, and such compensation may, without prejudice to any other remedy, be recovered in a court of competent jurisdiction.

[Regulation 25 inserted by Gazette 19 January 1979 p.152.]

[26., 27. Repealed by Gazette 19 January 1979 p.152.]

Division 2 — Navigation

28. Navigation requirements within Port

All vessels within the limits of the Port shall be navigated in accordance with the requirements of the *International Regulations for Preventing Collisions at Sea (1972)* as set out in the Schedule to the *Prevention of Collisions at Sea Regulations 1977* made under the *Western Australian Marine Act 1948*, and the master and owner of every vessel is responsible for the due performance and observance of such of these regulations as apply to his vessel, at any time; and when any vessel is under the direction of a pilot, the pilot is also responsible for the due performance of these regulations; but the responsibility of the pilot does not relieve the master and the owner of the vessel of their responsibility.

[Regulation 28 inserted by Gazette 19 January 1979 p.153.]

29. Guns or explosives not to be used

A person shall not, without the written authority of the Harbour Master, fire any gun or explode any detonator or other signal, excepting as a signal of distress, or use any explosive upon any vessel in the Port.

30. Speed of vessels in Port

The speed of any vessel within the Port shall not exceed the minimum speed at which the vessel may be safely navigated.

31. Signals when channel blocked or dredger used

- (1) A dredger that is engaged in dredging within the limits of the Port, shall exhibit and use the signals prescribed in paragraph (b) and paragraph (d) of Rule 27 of the *International Regulations for Preventing Collisions at Sea (1972)* as set out in the *Prevention of Collisions at Sea Regulations 1977* made under the *Western Australian Marine Act 1948*, namely —

by day — Three black shapes in a vertical line where they can best be seen, the highest and lowest of these shapes shall be balls and the middle shape shall be a diamond;

by night — Three all-round lights in a vertical line where they can best be seen, the highest and lowest of these lights shall be red and the middle light shall be white.

- (2) Where there is an obstruction blocking a channel a vessel shall exhibit the following signals to indicate the side on which the channel is blocked —

(a) by day — Two black balls in a vertical line;

by night — Two all-round red lights in a vertical line, to indicate the side on which the obstruction exists; and

(b) by day — Two black diamonds in a vertical line;

by night — Two all-round green lights in a vertical line, to indicate the side on which another vessel may pass.

- (3) Where a channel is blocked on both sides a vessel shall exhibit the signal referred to in paragraph (a) of subregulation (2) of this regulation on both sides.
- (4) The signal to indicate that the port is closed or that a channel is blocked, which may be exhibited by a dredge, a vessel blocking a channel or by a shore station, shall be as follows —
 - by day — Three black shapes in a vertical line, the highest and lowest shall be balls and the middle shape shall be a cone — apex upwards;
 - by night — Three all-round lights in a vertical line, the highest and lowest of these lights shall be red and the middle light shall be green.

[Regulation 31 inserted by Gazette 19 January 1979 p.153.]

32. Use of whistle, siren or horn

A steam whistle, siren or horn shall not be used on board any vessel within the limits of the Port unless it is used —

- (a) to signal in accordance with the *International Regulations for Preventing Collisions at Sea (1972)*, as set out in the Schedule to the *Prevention of Collisions at Sea Regulations 1977* made under the *Western Australian Marine Act 1948*; or
- (b) for the purpose of testing the steam whistle, siren or horn and then only if it does not interfere with any other vessel being manoeuvred within the Port.

[Regulation 32 inserted by Gazette 19 January 1979 p.153.]

33. Listening watch to be kept

The Master of every vessel shall, if he is able to do so, when approaching the Port or whilst navigating within the Port, cause a listening watch to be maintained on V.H.F. Radio Channel 16

(156.8 K/Hz), for the purpose of receiving communications from the Port Authority or the Harbour Master and in addition he shall indicate any movements of his vessel in the manner provided in Rule 34 of the *International Regulations for Preventing Collisions at Sea (1972)* as set out in the Schedule to the *Prevention of Collisions at Sea Regulations 1977* made under the *Western Australian Marine Act 1948*.

[Regulation 33 inserted by Gazette 19 January 1979 p.153.]

34. Stranded vessels or other impediments to navigation

Where a vessel is sunk or stranded within the Port or any obstruction is found to impede the navigation and use of the Port or any part thereof, the master or the owner or agent of that vessel or the owner of the property by which the obstruction is caused, shall immediately notify the Harbour Master of the position of the vessel or obstruction, and shall exhibit on or near the vessel or obstruction such flags, masts, lights or other marks as the Harbour Master may direct; and all sunken or stranded vessels or other objects shall be removed by the owner or owners thereof, when called upon to do so by the Harbour Master.

35. Interference with buoys, beacons etc.

A person shall not trespass on, make fast to, damage, injure, or otherwise interfere with any pile light, dolphin, buoy or beacon.

[36. Repealed by Gazette 19 January 1979 p.153.]

Division 3 — Berthing

37. Master to obey Harbour Master's directions

The master of any vessel shall obey all lawful orders of the Harbour Master.

[Regulation 37 amended in Gazette 18 February 1997 p.1156.]

38. Harbour Master's Authority

- (1) The Harbour Master has the entire control of the anchoring, mooring, berthing and movement of all vessels within the Port and shall appoint —
 - (a) the place where and the time at which, or period during which, any vessel is to anchor, moor or lie in the Port; and
 - (b) if a vessel is permitted to berth at the Port, the berth that the vessel is to occupy.
- (2) The Harbour Master may at any time order the master of a vessel within the Port to move the vessel from its place in the Port to any other place in the Port.
- (3) Where for any reason the order of a Harbour Master to move a vessel in the Port is not complied with, the Harbour Master may move the vessel at the risk and expense of the master or owner thereof, and for that purpose may, at the expense of the owner or master of the vessel, break any anchor chain or rope or mooring line securing the vessel.
- (4) The Harbour Master may, and shall if so directed by the Port Authority, require the master of a vessel that is entering, departing from or being moved within the Port, to engage the services of a tug for that purpose.

[Regulation 38 amended in Gazette 18 February 1997 p.1157.]

38A. Sequence in which vessels are to berth at Port to be at Harbour Master's absolute discretion

- (1) Subject to regulation 59, and without limiting regulation 38 (1), the sequence in which vessels are to berth at the Port is to be determined at the Harbour Master's absolute discretion.
- (2) Without limiting subregulation (1), the Harbour Master may direct a vessel ("**the priority vessel**") to berth at the Port before another vessel, or other vessels, that arrived at the Port before the priority vessel arrived.

- (3) When determining the sequence in which vessels are to berth at the Port, the Harbour Master is not required to consult with the master of any vessel that may be affected by the determination or with any person who may be so affected.
- (4) The Port Authority is exempt from liability for any delay in the delivery of goods caused by a determination made by the Harbour Master under this regulation.

[Regulation 38A inserted in Gazette 18 February 1997 p.1157; amended in Gazette 27 February 1998 p.1061.]

39. Berthing of vessels

Subject to these regulations, the master of any vessel within the Port shall, unless otherwise directed by the Harbour Master, comply with the following provisions: —

- (a) a vessel shall not be fastened to any part of a wharf except to the bollards or fastenings that are, or may be, provided for the purpose;
- (b) a vessel shall not lie alongside a wharf unless it is properly moored and fastened so as to relieve, as much as may be possible, the wharf from the weight of the vessel;
- (c) a vessel shall not be moored, anchored or lie in the vicinity of a wharf so as to create a second bank of vessels alongside the wharf;
- (d) a vessel shall not be moored or fastened to, or remain alongside, any wharf except for the purpose of, and for the period actually required for, the loading or unloading of cargo;
- (e) where the vessel, being a passenger vessel, has been brought alongside the steps provided at a wharf for the purpose of embarking or disembarking passengers, the master shall not permit the vessel to remain alongside those steps for any period longer than that necessary to complete the embarking or disembarking.

40. Vessel to be anchored, etc., as Harbour Master directs

The master of any vessel within the Port —

- (a) shall anchor, moor or berth the vessel at the place appointed by the Harbour Master and in no other place;
- (b) shall forthwith comply with any order of the Harbour Master requiring him —
 - (i) to move the vessel from its place in the Port to any other place in the Port;
 - (ii) to put down additional anchors or mooring lines to secure the vessel; or
 - (iii) to slacken any anchor chains or ropes or mooring lines securing the vessel.

41. Notice of arrival

Notification of expected time or arrival of every vessel shall be given to the Port Authority not less than 24 hours before its arrival, and the master or agent of every vessel requiring a berth within the Port shall make application to the Port Authority.

Division 4 — Vessels in port

42. Authority of Harbour Master on wharves

Whenever any vessel is being brought alongside a berth, the Harbour Master has authority to see that all that part of the wharf is kept clear, for the purpose of working the lines and warps of the vessel.

43. Lights and gangways on vessels alongside wharves

Any vessel lying alongside a wharf shall, from sunset until sunrise, be provided with proper light and such appliances in the way of gangways and manropes as may, in the opinion of the Harbour Master, be necessary for the convenience and safety of persons passing to and from that vessel.

44. Naked lights prohibited in vessel's holds

The use of flare-up lamps or naked lights of any kind or design whatever, in the holds of vessels lying at any wharf of the Port, whether for the purpose of working cargo or for any other purpose, is prohibited.

45. Lights on vessels when lying in tier at wharves

A vessel or craft of any description whatever that, between the hours of sunset and sunrise, lies in tier outside of any ship or other craft moored to the shore or to any wharf or mooring buoy in or at anchor in the Port, shall, during those hours exhibit, on the side farthest from that ship or other craft and at its widest part, a bright light so placed as to show a clear and unbroken light completely round her off side from right ahead to right astern.

46. Safety nets

- (1) Subject to subregulation (1b) of this regulation, every vessel lying at a wharf shall have a safety net suspended beneath the accommodation ladder, gangway or other appliance rigged for the purpose of facilitating ingress and egress to the vessel to prevent persons falling into the water from the accommodation ladder, gangway or other appliance.
 - (1a) Where the accommodation ladder, gangway or other appliance is suspended in tackles, the safety net fitted in accordance with subregulation (1) of this regulation shall be positioned under the lower end of the accommodation ladder, gangway or other appliance.
 - (1b) Where an accommodation ladder, gangway or other appliance rigged for the purpose of facilitating the ingress and egress to a vessel extends over the wharf and is fitted on both sides thereof with rails of a sufficient height and screens or netting that will prevent persons from falling over or between the stanchions or side ropes, a gangway net is not required to be fitted.

- (1c) Notwithstanding anything in subregulation (1b) of this regulation, where the Harbour Master is satisfied in the circumstances of a particular case that a safety net should be fitted to an accommodation ladder, gangway or other appliance rigged for the purpose of ingress and egress to a vessel he may direct accordingly and effect shall be given to such a direction.
- (2) Every vessel shall, while discharging or loading cargo at a wharf have, and keep, suspended, to the satisfaction of the Harbour Master, a safety net or saveall of such size and character, and so placed, as to prevent any material (including coal, coke, ballast, refuse, ashes, or other material) being dealt with falling into the water.
- (3) In the event of the failure to provide a net or saveall, or of any appliance used not being efficient or sufficient for its purpose, the master or owner of the ship shall, in addition to committing a breach of these regulations, be liable for any loss or damage caused by that failure or want of efficiency.

[Regulation 46 amended by Gazette 19 January 1979 p.154.]

47. Metal disc on hawsers, ropes, and springs

Any hawser, rope, or spring by which a vessel is made fast to a wharf, or the shore shall, when required, be defended by at least one metal disc of such size and pattern as shall have been approved by the Harbour Master or Health authorities; and every such metal disc shall, if not affixed to the satisfaction of the Harbour Master or Health authorities, be removed to a position on the hawser, rope, or spring required by him or them.

48. Openings at ship's side to be closed at sundown

Any opening in the ship's side shall be closed and all cargo skids shall be unrigged, at sundown, unless at that time they are actually in use, in which case they shall be brightly illuminated.

49. Gangways to be lighted

Any gangway fixed for the purpose of giving the crew access to a ship, after dark, shall be brightly illuminated by the best available means, as long as the gangway is in contact with the shore or wharf; and a watch shall be continually set upon that gangway.

50. No shipwright's work permitted on Port Authority property

A person shall not make, repair, dress, or scrape spars or masts or do carpentry, smithwork, boilermaking, sailmaking or rigging work of any kind, on, or under, any wharf or in, or under, any shed, or hand or put up sails, masts, spars or any other thing to, or upon, any beam or joist or any other part of any wharf or shed, without the permission of the Harbour Master or Wharf Manager, in writing.

51. Combustible matter to be heated in a boat

A fire shall not be lighted in or upon, under, over or near any wharf, or shed, nor, without permission of the Harbour Master, upon any portion of the foreshore; and combustible matter, such as pitch, tar, resin or shall not be heated on board any vessel lying at a wharf or at anchor in the Port and all combustible matter shall be heated in a boat astern of, and at a proper distance from a ship or vessel, but so that combustible matter is not heated while the vessel is lying alongside a wharf.

52. Cleaning of wharf berth

- (1) The removal of stages, planks, gangways, horse boxes, trams or other gear used in the loading or unloading of a vessel is the responsibility of the Master and shall be done to the satisfaction of the Wharf Manager; and in the event of the removal not being promptly effected and to the satisfaction of the Wharf Manager, it may be effected by the Port Authority at the expense of the owners of the vessel.

- (2) The cleaning up of excessive cargo spillage of whatever nature may be done by the Port Authority, at the expense of the consignor or the consignee, as the case may be.

53. Mooring appliances and fire-plugs to be kept clear

All goods or other articles landed or brought on, or into, any wharf or shed shall be placed as the Wharf Manager directs and, in any event, so as to keep mooring posts, rings and all other appliances free; and all fire alarms, fire-plugs, and electric connections shall be left clear, with a space of three feet around each, and with a passage three feet wide leading thereto.

54. Vessels at owner's risk

- (1) The Port Authority shall not take charge of any vessel lying within the Port and the safety of any vessel, whether at an anchorage or moored alongside any wharf or at any mooring buoy, is at all times the responsibility of the master or owner thereof.
- (2) Any instruction or direction given by the Harbour Master or other officer of the Port Authority to the Master of any vessel and any act performed by the Harbour Master or other officer of the Port Authority in respect of any vessel shall not place any responsibility for the security or safety of the vessel upon the Port Authority.

55. Defective moorings

The Port Authority is not responsible for any damage done to any vessel, arising from the defective condition of any mooring or springs or other appliances provided by the Port Authority.

56. Watchman to be provided

- (1) The Master of any vessel exceeding one hundred and fifty tons gross registered tonnage shall unless the Port Authority or the Harbour Master otherwise directs, cause a watchman to be kept

on duty on the deck of the vessel between sunset and sunrise whenever the vessel is within the Port.

- (2) The Master of a vessel exceeding one hundred and fifty tons gross registered tonnage shall, unless the Port Authority or the Harbour Master otherwise directs, cause one person to be on board the vessel between sunrise and sunset whenever the vessel is within the Port.
- (3) The master of any vessel of one hundred and fifty tons gross registered tonnage or less shall, if the Harbour Master directs, cause one person to be on board the vessel at any time that the vessel is within the Port.

57. Beaching of vessels

The Master of a vessel shall not, except in unavoidable circumstances or with the permission of the Harbour Master, beach the vessel within the Port and, where a vessel is beached in the Port, the Master or owner of the vessel shall cause the vessel to be removed in accordance with the directions of the Harbour Master.

58. Police may board vessels

For the purpose of seeing that all or any of these regulations are properly carried out, every Policeman in uniform, shall have access to a vessel, at any hour of the day or night, and shall be allowed and is authorised to ask any reasonable question of the Master of the vessel or of any officer thereof; and any information required shall in all cases be furnished.

59. Discharging

Any vessel discharging cargo or part cargo shall have a claim to a wharf, prior to a vessel taking in cargo.

60. Notice to be given before removal

A Master, officer, or other person in charge of a vessel shall not remove the vessel from any mooring or wharf, without due

notice having been given of that intended removal, at the office of the Harbour Master.

61. Securing

Every Master of a vessel shall, whenever so required by the Harbour Master, provide, make and fix, under his direction additional fastenings to that vessel.

62. Disposal of refuse

The Master of any vessel lying alongside a wharf in the Port shall not —

- (a) cause or permit any carcass of a dead animal or any refuse, debris or rubbish from the vessel to be cast or deposited on the wharf or in the water near the vessel;
- (b) cause or permit waste from any lavatory or any water to be discharged from the vessel upon any portion of the wharf or steps attached to the wharf; or
- (c) unless the Harbour Master otherwise directs, remove the vessel from the wharf until all debris, rubbish and waste from the vessel has been removed from that portion of the wharf near which the vessel was lying.

63. Scuttling of vessels

- (1) Whenever, in the opinion of the Harbour Master a state of emergency has arisen wherein it becomes necessary, for the safety of the Port, and for the preservation of life and property, that a vessel in the Port should be scuttled, he shall order the Master thereof to scuttle that vessel and shall give all necessary directions for that purpose.
- (2) In case the Master of any vessel ordered to be scuttled pursuant to the provisions of subregulation (1) of this regulation refuses or neglects to scuttle it then the Harbour Master shall proceed to scuttle the vessel and may for that purpose call upon any officer or member of the crew of the vessel or any officer or other person employed by the Port Authority to assist him.

- (3) A person refusing or neglecting to obey an order of the Harbour Master made, or refusing assistance asked, for any of the purposes of this regulation, is guilty of an offence.

64. Fire

- (1) In the case of an outbreak of fire in, or on board, any vessel in the Port, it is the duty of any person, being an officer or member of the crew or an officer or person employed by the Port Authority and discovering the outbreak, to give an alarm by means of the nearest electrical signal provided for that purpose and that person shall forthwith give notice of the outbreak to the Harbour Master and to the Wharf Manager.
- (2) Any person, being an officer or member of the crew of a vessel in, or on board of, which there is an outbreak of fire or being an officer or other person employed by the Port Authority, shall give such assistance in extinguishing the fire as the Harbour Master may direct.
- (3) A person shall not break, sound or in any manner operate or interfere with any electrical or other fire alarm on the premises of the Port Authority except in the case of an outbreak of fire.

65. Vessel and gear to be kept free and clear of cranes, etc.

The Master of a vessel in the Port shall keep it and every part thereof and all boats, rigging, ropes, hawsers and other equipment or apparel thereof and all gangways belonging hereto, or used or intended to be used in connection therewith at all times clear of, and away from, all cranes, running cranes, railway lines, engines, trucks, gear or plant, on the wharves within the Port forming part thereof, whether the cranes, running cranes, engines, trucks, gear or plant are stationary or in use.

66. General order

The Master of every vessel in the Port shall obey all lawful orders of the Harbour Master and such directions as, in the

opinion of the Harbour Master, the conditions of the Port may render necessary or expedient for the safety of, and in the interest of, shipping.

67. Certificate of Registry

The master of every vessel shall produce the Certificate of Registry of the vessel to the Harbour Master or other officer of the Port Authority, upon demand.

Division 5 — Pilotage and pilotage exemption

68. Pilotage compulsory

The master of any vessel other than a vessel exempted from pilotage under regulation 74 shall not cause or permit the vessel to enter or depart from the Port or the Pilotage Area without having first taken on a pilot, unless authorised to do so by the Harbour Master.

[Regulation 68 inserted by Gazette 3 August 1979 p.2187; amended by Gazette 15 August 1986 p.2929.]

69. Conditions to be observed by Masters of vessels requiring pilotage

- (1) The Master of a vessel approaching the Port and requiring the services of a pilot shall unless the pilot is to board the vessel in accordance with subregulation (3) of this regulation —
 - (a) lay to on the pilot boarding ground so as to provide the best possible lee;
 - (b) provide on the lee side of the vessel a pilot ladder fitted with spreaders and a man rope on either side of the ladder made fast to the vessel quite independent of the ladder, and cause the ladder to be suitably illuminated if the pilot is to board the vessel at night;
 - (c) if the vessel is of high structure, and is fitted with gangway doors, cause one gangway door to be opened and the ladder rigged at that doorway;

- (d) provide a suitable boat rope of which the forward end is fastened well clear forward of the ladder in readiness to be released when the pilot boat has secured the boat rope; and
 - (e) arrange for all scuppers, sanitary and other refuse outlets near the pilot ladder to be closed.
- (2) The master of a vessel from which a pilot is being discharged after the vessel has departed from the Port shall, unless the pilot is to depart from the vessel in accordance with subregulation (3) of this regulation, make arrangements similar to those set out in subregulation (1) of this regulation to assist the pilot leaving the vessel and boarding the pilot boat.
- (3) Where the Harbour Master so directs, the pilot shall board or depart from a vessel by means of a helicopter and the Master of a vessel on which a helicopter is to land shall comply with requirements of the Harbour Master to provide a suitable landing area.

[Regulation 69 amended by Gazette 17 November 1972 p.4436.]

70. Draught to be declared

The master of a vessel onto which a pilot is taken, shall declare to the Harbour Master the draught of the vessel.

71. Flag on pilot boat

The master of a pilot boat shall, at any time that the vessel is in service, cause to be so flown from the pilot boat as to be easily discernible from a reasonable distance, a flag of which the upper half is white and the lower half red.

72. Pilotage compulsory for movement within Port

The master of any vessel that is within the Port or the Pilotage Area shall not move the vessel within the Port or the Pilotage Area without the consent of the Harbour Master and shall, if the

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r. 72A

Harbour Master so directs, obtain the services of a pilot before moving the vessel.

[Regulation 72 amended by Gazette 15 August 1986 p.2929.]

72A. Safety when entering or leaving Port

- (1) Whenever a vessel is about to enter or leave the Port, or change position in the Port, the master of the vessel shall —
 - (a) cause the items set out in the form headed “Safety Check List” in Form 2 of the First Schedule and any other items which may be required by the Harbour Master, to be tested;
 - (b) enter the results of such tests on a form in the form of Form 2 in the First Schedule; and
 - (c) forward to the Port Control Tower the form completed pursuant to paragraph (b) of these regulations when requesting permission for the vessel to proceed.
- (2) Where a vessel is fitted with more than one steering motor, a second motor shall be switched on before the vessel commences to enter, leave or change positions in the Port.
- (3) The provisions of this regulation apply to —
 - (a) all masters of vessels required by regulation 68 or regulation 72 of these regulations, to take on a pilot; and
 - (b) all masters holding a valid Pilotage Exemption Certificate for the Port,

unless exempted from any of the requirements of this regulation by the Harbour Master.

- (4) Failure to comply with any of the provisions of this regulation renders the master or owner of the vessel liable to a penalty of \$200.

[Regulation 72A inserted by Gazette 26 August 1977 p.3007.]

[73. Repealed in Gazette 20 June 2000 p.3037.]

74. Exemptions

- (1) The following vessels are not required to use the services of a pilot when entering the port, moving within the port or leaving the port:
 - (a) vessels of war;
 - (b) any vessel that does not exceed 35 metres in length overall;
 - (c) any coasting or interstate vessel that exceeds 35 metres but does not exceed 65 metres in length overall, the master of which holds a current Pilotage Exemption Certificate valid with respect to the port.

- (2) The following vessels are not required to use the services of a pilot when entering the port, moving within the port or leaving the port, if the consent (in writing) of the Harbour Master has first been obtained:
 - (a) any coasting or interstate vessel that exceeds 65 metres but does not exceed 135 metres in length overall, the master of which holds a current Pilotage Exemption Certificate valid with respect to the port;
 - (b) any vessel that —
 - (i) is not registered in the Commonwealth of Australia; and
 - (ii) exceeds 35 metres but does not exceed 135 metres in length overall,the master of which holds a current Pilotage Exemption Certificate valid with respect to the port.

[Regulation 74 inserted in Gazette 22 December 1998 pp.6898-9.]

75. Charges for special services

The charge for special services such a swinging or manoeuvring a ship for compass adjustment, conducting a ship on a trial run after engine or other repairs, or for any other service not

elsewhere provided for shall be at the rate of \$100 per hour with a minimum of \$100 for a service, but if the service includes removing the ship from the inner harbour, or vice versa or both, the charges prescribed in the Second Schedule of these regulations shall be payable in addition to the charge for the special service.

[Regulation 75 inserted by Gazette 18 August 1972 p.3167; amended by Gazette 3 August 1978 p.2188.]

76. Application when pilot is required

- (1) The master or agent of any vessel within the Port or the Pilotage Area requiring the services of a pilot, shall make application therefor at least one hour before the time at which the pilot is required and any alteration of the hour fixed in the application shall be made by a fresh application or by notification to the control tower.
- (2) Any alteration must be made at least one hour prior to the time the pilot is required if the pilot is required earlier, or one hour prior to the time fixed in the previous application should the pilot be required at a later hour.

[Regulation 76 amended by Gazette 15 August 1986 p.2929.]

77. Special charge if pilot delayed or not used

- (1) Where a pilot attends a ship in accordance with an application as prescribed in regulation 76 and, his services not then being required, is ordered for a later hour, a special charge of \$130 shall be payable for each attendance.
- (2) In the event of a pilot being detained at a ship until such ship is ready to leave the berth or anchorage, a special charge of \$130 per hour or portion thereof after the first hour shall be payable.
- (3) Where a pilot is called out to attend a vessel in accordance with an application for pilotage and such vessel does not arrive at the boarding ground at the time given and the pilot is required to await the arrival of the vessel or the arrival is cancelled

completely, or if the vessel is at the boarding ground but is not ready to enter the Port or the Pilotage Area at the time of the pilot's arrival at the vessel, detention of the pilot shall be payable at the rate of \$150 per hour for the period of the detention with a minimum charge of \$210.

[Regulation 77 inserted by Gazette 18 August 1972 p.3167; amended by Gazettes 13 October 1972 p.4092; 23 September 1977 p.3447; 3 August 1979 p.2188; 13 June 1980 pp.1745-6; 15 August 1986 p.2929.]

78. Tugs under pilot's orders

Any vessel whilst employed in towing or in any way moving or assisting another vessel having in charge a licensed pilot shall be under the orders of such pilot in all matters connected with the navigation of the vessel.

79. Pilot detained or carried to sea, or into quarantine

Except under circumstances of unavoidable necessity, a pilot shall not, without his consent, be detained on board any vessel, or be taken to sea or beyond the limits for which he is licensed or into quarantine ashore or afloat, in any vessel whatever; and if he is so detained or taken under circumstances of unavoidable necessity or without his consent, the Port Authority shall be entitled to the sum of \$100.00 per day, and the pilot is entitled to a free passage back to the Port, all of which shall be paid by the owners of the said vessel in addition to the appropriate pilotage charges.

80. Production of Register, Certificate of Pratique and declaration of draught

The master of a vessel, on being requested by a pilot having charge of the vessel, shall produce the Register of such vessel and the Certificate of Pratique, and declare her draught of water.

81. Pilotage Exemption Certificates may be granted

- (1) A Pilotage Exemption Certificate for Port may be granted to a master or mate of a coasting or interstate vessel or a vessel which is not registered within the Commonwealth of Australia of which the length overall does not exceed 65 metres, if he holds a Master's Certificate of Competency of a sea going vessel approved by the Authority and is a natural born or naturalised subject of Her Majesty and upon his passing the requisite examination for the exemption certificate.
- (2) The fee for every such examination shall be \$200.00 no part of which shall be refunded in the case of failure to pass.
- (3) Any candidate having so failed shall not be eligible for re-examination until he has once more, as master or mate, been in and out of the Port, or the portion of the Port in respect of which his knowledge was found to be deficient, as the case may be.

[Regulation 81 amended by Gazettes 3 August 1979 p.2188; 11 June 1982 p.1930; 1 July 1983 p.2134; 29 June 1984 p.1763.]

82. Notice to be given by candidate

Applicants desiring to be examined for a Pilotage Exemption Certificate, shall give at least twenty-four hours notice thereof to the Harbour Master, on the form provided.

[Regulation 82 inserted by Gazette 3 August 1979 p.2188.]

83. Knowledge of Port

Candidates for examination must, within twelve months immediately preceding the date of application have made a minimum of three trips as master or mate into and out of the Port, one trip of which (both into and out of the Port) must have been made in the hours of darkness.

[Regulation 83 inserted by Gazette 3 August 1979 p.2188.]

84. Examination

The Harbour Master shall examine every applicant as to his knowledge of all matters concerning the navigation of vessels within the Port and, if he is satisfied that the applicant has sufficient knowledge of those matters to enable him to safely navigate a vessel into and out of the Port without the services of a pilot the Harbour Master may grant the applicant a Pilotage Exemption Certificate.

85. Medical and eyesight tests

- (1) Every candidate for a Pilotage Exemption Certificate shall pass the medical and eyesight tests recommended by the Australian Association of Port and Marine Authorities.
- (2) Candidates shall demonstrate their ability to read letter cards based on Snellen's principle —
 - (a) candidates must be able to read all letters on the fifth line of such cards using both eyes unaided; or
 - (b) candidates must be able to read all letters on the sixth line of such cards using both eyes with the use of artificial aids and all letters on the fourth line of the cards unaided by artificial aids.
- (3) Where a candidate is required to wear artificial aids to pass the eyesight test he shall furnish a certificate from an ophthalmologist indicating that he (the applicant) is not suffering from any progressive eye disease and that his corrected vision to his better eye is not worse than 6/6 on the Snellen's principle.
- (4) Candidates shall undergo a test for colour vision.
- (5) Candidates shall produce a certificate from a medical practitioner registered and practising in Australia, certifying as to physical and mental fitness to carry out pilotage duties.

[Regulation 85 inserted by Gazette 3 August 1979 p.2189.]

86. Biennial medical check

- (1) Every holder of a Pilotage Exemption Certificate shall submit himself biennially to a medical practitioner registered and practising in Australia approved by the Port Authority, and have his sight and physical fitness tested in accordance with regulation 85 and the result of those tests and the date thereof shall be endorsed on, or appended to, the Pilotage Exemption Certificate and the holder of the Certificate shall on his next return to the Port submit the medical certificates to the Authority as evidence that this condition has been complied with.
- (2) A candidate who passed the eyesight test using artificial aids will have an endorsement to that effect entered on the form showing the result of the test and will be required to wear those artificial aids at all relevant times.
- (3) Failure to comply with regulation 85 or this regulation or any part thereof or failure to pass the requisite tests shall invalidate the Pilotage Exemption Certificate.

[Regulation 86 inserted by Gazette 3 August 1979 p.2189.]

87. Duration of Pilotage Exemption Certificate

- (1) Subject to subregulation (2) of this regulations, a Pilotage Exemption Certificate remains in force only while the holder, at least once in each period of twelve months, makes one trip into and out of the Port or the portion thereof to which the certificate relates as master or mate of a vessel exempt from pilotage pursuant to regulation 74.
- (2) The Port Authority may suspend any Pilotage Exemption Certificate if it is of the opinion that —
 - (a) the carrying out of construction work in the Port;
 - (b) the alteration of the dredged area of the Port; or
 - (c) any other similar change in circumstances,

after the last trip by the holder of the certificate into or out of the Port as master of a vessel may render the master unable to bring a vessel into or out of the Port in absolute safety without the services of a pilot.

- (3) The holder of a Pilotage Exemption Certificate that has been suspended by the Port Authority may apply to the Port Authority to be re-examined without fee, and the Port Authority shall cause the applicant to be examined by the Harbour Master, and the provisions of regulation 84 apply in relation to any examination conducted under this regulation.

[Regulation 87 amended by Gazettes 27 August 1971 p.3182; 3 August 1979 p.2189.]

88. Flag to be flown by vessel not requiring a pilot

- (1) The master of a vessel approaching the Port who is, by reason of his being the holder of a Pilotage Exemption Certificate, entitled to bring the vessel into the Port without taking on board a pilot, shall cause to be flown from the vessel from the time that the vessel is within five miles of the Port until the vessel berths, a white flag.
- (2) Where a master referred to in subregulation (1) of this regulation fails to comply with the provisions of that subregulation, the master or owner of that vessel shall be liable to pay the charges for pilotage that would have been payable if the services of a pilot had been obtained.

89. Revocation etc. of Exemption Certificates

Where the holder of a Pilotage Exemption Certificate is convicted of incompetency to navigate a vessel into or out of the Port or fails to comply with any of these regulations, the Port Authority may revoke, suspend, or cancel the certificate.

90. Special Exemption Certificate

- (1) Notwithstanding anything contained in these regulations a Pilotage Exemption Certificate for the Port may be granted to the master of any vessel used in the carrying out of dredging operations in the Port if the master first satisfies the Harbour Master that the master is a suitable person to whom the certificate should be issued.
- (2) The Port Authority may revoke at any time a Pilotage Exemption Certificate granted under this regulation.
- (3) The Port Authority may waive payment of the whole or part of the fees payable for or in connection with the issue of Pilotage Exemption Certificates.

Part IV — Tonnage dues

91. Tonnage dues

- (1) Tonnage dues, at the appropriate rate specified in sub-regulation (2) of this regulation, are payable by the persons referred to in section 41 of the Act in respect of any vessel entering the Port, other than a vessel which is —
 - (a) a vessel of war;
 - (b) a vessel owned by any of Her Majesty's States or Colonies or the government of any country that is a member of the British Commonwealth of Nations, that is not engaged in trade or carrying goods under freight or charter;
 - (c) a mission vessel;
 - (d) a vessel calling at the Port either for the purpose of remedying a situation endangering the safety of the vessel or of obtaining medical treatment for a person on board;
 - (e) a vessel owned and used solely for private pleasure purposes;
 - (f) a fishing vessel used for professional purposes; or
 - (g) a vessel in relation to which the Secretary has stated in writing that he is satisfied has not, and before leaving the Port will not, enter the inner harbour, as defined in subregulation (4).
- (2) For the purpose of subregulation (1) of this regulation, the rate of tonnage dues payable in respect of a vessel entering the port is 8.5 cents per ton of the Gross Registered Tonnage of the vessel with a minimum charge of \$165.00.
- (3) Tonnage dues imposed and assessed in accordance with this regulation in respect of a vessel are payable on the date of the entry of the vessel into the Port.

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- (4) In subregulation (1) (g) the “**inner harbour**” means all that area of the Port to the west of a line between the Hunt Point Beacon and the Airey Point Beacon.

*[Regulation 91 inserted by Gazette 27 July 1975 p.2735;
amended by Gazettes 20 February 1976 p.488;
23 September 1977 p.3447; 13 June 1980 pp.1745-6;
26 June 1981 pp.2426-7; 11 June 1982 p.1930; 1 July 1983
p.2134; 27 June 1986 p.2178; 26 June 1987 p.2472;
24 June 1988 p.2014; 30 June 1989 p.1914; 28 December 1990
p.6399; 18 August 1995 p.3772.]*

Part V — Goods and charges thereon

Division 1 — Computation of charges

91A. Application

The handling and haulage charges referred to in this Part apply in relation to cargo which is loaded and unloaded by the Port Authority.

[Regulation 91A inserted by Gazette 4 August 1992 p.3829.]

92. Computation of wharfage handling etc.

- (1) All dues and charges on cargo shall, except where otherwise provided, be computed on their weights or measurements or the weights and measurements given in the ship's manifest, bill of lading, or other shipping document for that cargo, but the Port Authority may at its own option, proceed on a basis of the tonne of 1 000 kilograms, or the cubic metre, or the kilolitre.
- (2) Fractions of these units shall be charged on a *pro rata* basis excepting in the case of storage.
- (3) Charges on goods enumerated hereunder shall be computed on the basis following, that is to say —

boats, launches, etc.....	cubic measurement less 2/5th.
cornsacks and ore bags in bales	0.4 cubic metre each bale.
cylindrical cargo, except otherwise stated	cubic measurement on external dimensions less 1/5th unless the weight is then greater.
oil and inflammable liquids, in bulk (fuel lighting and lubricating)	at rate per tonne.
timber	per cubic metre.

[Regulation 92 amended by Gazette 28 June 1973 p.2481.]

93. Inwards manifests to be supplied and certified to

- (1) The master of every vessel arriving at the Port shall deliver to the Port Authority prior to commencing to discharge cargo, two true, legible, and complete copies of the manifest of that Vessel, certified by himself as being true and complete, containing the particulars indicated in Form 1 in the First Schedule, to these regulations, and shall also furnish within 48 hours a certified statement of all alterations (if any) which may be made in the manifest, by reason of remeasurement of goods included therein or otherwise.
- (2) An alteration to a manifest shall not be recognised, unless supplied prior to the goods thereby affected being removed from the premises of the Port Authority.

[Regulation 93 amended by Gazette 26 August 1977 p.3008.]

94. Outwards Manifests

- (1) Prior to the clearance for any vessel being granted by the Port Authority, the master shall deliver to the Port Authority in writing, a certified copy of the outwards manifest, containing the particulars, indicated in Form 1 in the First Schedule to these regulations, of the goods so shipped and in addition shall show the tonnage of coal or fuel oil bunkered.
- (2) A person shall not enter upon any wharf with goods for shipment and those goods shall not be received into any shed for that purpose, unless the shipper, owner or agent shall first have delivered to the Wharf Manager a cartnote or other written document, setting out such particulars of the goods as will enable the amount of wharfage and other dues payable thereon to be readily computed.

[Regulation 94 amended by Gazette 26 August 1977 p.3008.]

95. Payment of wharfage dues etc.

- (1) All wharfage dues and handling or other charges, including port improvement rates, incurred and payable in respect of cargo

discharged or shipped, are payable to the Port Authority, forthwith upon permission being given by a competent officer of the Port Authority for the discharge or shipment thereof; but the Port Authority may, at its discretion and in the case of outward cargo only, accept from the consignor, owner, shipper or agent of the vessel in which the cargo is shipped a guarantee in writing that the wharfage dues and handling or other charges and port improvement rates will be paid within the time specified by the Port Authority.

- (2) Inward cargo shall not be delivered to the consignee or owner thereof and, except where the Port Authority has accepted a guarantee in writing in accordance with subregulation (1) of this regulation, outward cargo shall not be delivered to the vessel in which it is intended to be shipped, until the receipt of the Port Authority for the payment of all wharfage dues, handling and other charges, including port improvement rates, in respect of that cargo has been issued to the consignee or owner or to the shipper or master of the vessel in which the cargo is to be shipped, as the case may be.

96. Wharfage and handling charges on cargo

- (1) Wharfage dues, handling and other charges shall be paid on any goods discharged from or to be shipped in, or transhipped out of, any vessel in the Port, as by this regulation prescribed, except on goods discharged from, or to be shipped in, or transhipped out of, a vessel berthed at a wharf outside the Port.
- (2) Except as otherwise provided by this regulation and subject to regulations 190, 191 and 192, wharfage dues and handling charges are those set out in the Second Schedule to these regulations.
- (3) The dues and charges provided by subregulation (2) of this regulation shall be modified, in any of the cases and in the manner following, that is to say —
- (a) a special wharf usage charge of 45 cents per tonne shall be paid in respect of all inward and outward cargo

conveyed to or from a vessel's side by road vehicles on any Port Authority wharf;

- (b) extra handling charges will be made in all cases where cargo is subject to more than the ordinary handling;
- (c) live stock — The Port Authority supplies labour only at the request of the consignee or consignor. Where horses, cattle and other large stock are landed upon the wharves in boxes or crates which are not removed except for the purpose of reshipment such receptacles shall be exempted from the payment of wharfage charges;
- (d) racing yachts and boats the property of visiting clubs for regatta purposes only — wharfage — nil, handling charges to be as arranged;
- (e) ship's refuse (such a manure from cattle ships in cases where the Port Authority permits it to be landed) wharfage — nil, handling charges to be as arranged.

[Regulation 96 amended by Gazettes 28 June 1973 p.2481; 12 July 1974 p.2623; 20 February 1976 p.488; 23 September 1977 p.3447; 13 June 1980 pp.1745-6; 11 July 1982 p.1930; 1 July 1983 p.2134; 27 June 1986 p.2178; 26 June 1987 p.2472; 24 June 1988 p.2014.]

97. Port improvement rates

- (1) For the purposes of fulfilling obligations referred to in paragraph (a) of subsection (1) of section 37 of the Act existing at the date from which the port improvement rate becomes payable, a port improvement rate is hereby levied at the rates specified in subregulation (2) of this regulation payable by the persons referred to in subregulations (4) and (5) of this regulation, which rate shall take effect on the date of the vesting in the Port Authority of the improvements referred to in paragraph (d) of subsection (1) of section 19 of the Act.
- (2) The port improvement rate levied by subregulation (1) of this regulation shall be payable in respect of all goods which are

shipped from or through the Port or enter the Port for discharge and are loaded from or discharged on to —

- (a) the wharf constructed on Lease No. 3116/3692 issued under the *Land Act 1933*, at the rate of 17.34 cents per tonne by weight;
 - (b) the wharf constructed on Lease No. 3116/3445 issued under the *Land Act 1933*, at the rate of 21 cents per tonne by weight.
- (2a) For the purpose of making capital repayments of funds borrowed for the purpose of carrying out improvements to the swinging basin adjacent to the wharf constructed on Lease 3116/3692 issued under the *Land Act 1933*, a port improvement rate is hereby levied at the rate specified in subregulation (2b) of this regulation payable by the persons referred to in subregulations (4) and (5) of this regulation which rate shall take effect on and from 1st July, 1975.
- (2b) The port improvement rate levied by subregulation (2a) of this regulation shall be at the rate of one cent per tonne by weight and shall be payable in respect of all goods which are shipped from or through the Port or enter the Port for discharge and are loaded from or discharged on to the wharf referred to in that subregulation.
- (3) The amount of port improvement rate payable in respect of any goods shall be calculated by reference to the manifests which are required by these regulations to be delivered to the Port Authority.
- (4) In the case of goods shipped outwards from or through the Port the port improvement rates levied by this regulation shall be paid to the Port Authority by the seller of those goods.
- (5) In the case of goods shipped inwards through the Port or entering the Port for discharge the port improvement rates levied by this regulation shall be paid to the Port Authority by the consignee of those goods.

[Regulation 97 amended by Gazettes 24 May 1974 p.1634; 27 June 1975 p.2128; 21 April 1978 p.1242; 20 June 1980 p.1828.]

98. Liability for unpaid port improvement rates

If any port improvement rate is not paid by the persons liable therefor under subregulation (4) or (5) of regulation 97, the Port Authority may require any owner of the relevant goods or any seller, consignor, consignee, shipper or agent for the sale or custody of the goods and any person entitled either as owner or agent for the owner to the possession of the goods, or the owner, or occupier of the wharf from which the goods are shipped or onto which the goods are discharged or the stevedoring company loading or unloading the goods, to pay the amount thereof upon demand in writing therefor.

[Regulation 98 amended by Gazette 4 August 1992 p.3829.]

99. Charges for transshipment cargo

- (1) Subject to subregulation (2) full wharfage dues one way only shall be payable on cargo for transshipment if landed on a wharf, but if passed overside from one vessel to another for conveyance to destination, or temporarily, the wharfage dues shall be ten cents per tonne; in both cases handling and haulage charges shall be payable as per rates shown for other cargo, according to the services rendered in each case.
- (2) The handling and haulage charges referred to in subregulation (1) are not payable to the Port Authority where the Port Authority has not carried out the work.

[Regulation 99 amended by Gazette 28 June 1973 p.2481; 4 August 1992 p.3829.]

100. Extra handling charges and extra charges on special cargo

- (1) The rates of handling charges prescribed by these regulations include charges for the usual and customary receiving, sorting, stacking and delivery of cargo only, and the Port Authority may

prescribe an additional charge for handling packages of over one tonne or of an awkward shape or where extra labour is required or unusual risk is involved; but that additional charge shall in no case exceed an additional 50 per cent, of the scale prescribed by these regulations for goods of the category so handled.

- (2) Where extra wages are payable by the Port Authority under an order or award of a Court or other competent authority, for the handling of any special cargo, the extra cost thereby occasioned shall be borne and be payable by the consignee or the consignor (as the case may be) of the cargo.

[Regulation 100 amended by Gazette 28 June 1973 p.2481.]

101. Charges on vessel's, stores, etc.

- (1) Materials and equipment passing over the wharves and to be used for the repair or refitting of a vessel, its machinery or equipment, whilst that vessel is in the Port and all consumable stores, excepting fuel oil loaded into a vessel for the vessel's own use, upon which an inward wharfage rate pursuant to these regulations has not been paid at the Port, are exempt from the payment of outward wharfage rates.
- (2) The outward wharfage rate on fuel oil loaded into a vessel as bunkers supplied for that vessel's own use and upon which an inward wharfage rate has not been paid at the Port, is forty-nine cents per tonne, payable by the suppliers of the oil.
- (3) Where any materials, equipment or stores shipped for a vessel's own use are handled by the Port Authority the owners of the vessel shall pay to the Port Authority handling charges, as for cargo of a like nature.

[Regulation 101 amended by Gazette 28 June 1973 p.2481.]

Division 2 — Handling and custody of cargo

102. Responsibility of Port Authority for cargo

- (1) Inward cargo shall not be deemed to be in the custody of the Port Authority, until such time as the sling by which the cargo is discharged is released from any ship's tackle or, if not discharged by sling, then until the cargo is deposited upon a wharf or jetty in the Port or upon a vehicle supplied by the Port Authority for that purpose.
- (2) Outward cargo shall be deemed to be in the custody of the owners of any ship when that ship's tackle is attached to the sling by which the cargo is to be shipped, or if not shipped by sling, then upon the cargo being taken clear of the wharf from which it is shipped in the Port.
- (3) Where the Port Authority does not handle the inward and outward cargo or stevedoring provided by the Port Authority the inward and outward cargo shall be deemed never to be in the custody of the Port Authority and the Port Authority shall not be responsible for the safe custody of, or any loss or damage to, that cargo.

[Regulation 102 amended by Gazette 4 August 1992 p.3830.]

103. Receipts, etc. for inwards cargo

- (1) Where, under the provisions of these regulations, cargo has passed into the custody of the Port Authority, any receipt given by the Port Authority for the cargo is as far as it purports to relate to the condition of the cargo, based upon the outward appearance of the packages comprising the cargo and does not purport to relate to the weight or the contents of any package.
- (2) Where, during the progress of discharge of any cargo, the Wharf Manager is in doubt as to the condition of any package or packages, it or they shall, at his direction, be placed on a situation apart from other cargo, pending examination, and the Port Authority tally of and receipt for that package or those

packages shall be read as being that for a doubtful or damaged package, as the circumstances may require.

- (3) Any package or packages dealt with under the provisions of subregulation (2) of this regulation shall be opened and examined by the consignee, in the presence of the Wharf Manager and of the ship's agent, as soon as possible after being landed, and the Port Authority is not responsible for the safe custody or the condition of that package or those packages or of their contents.
- (4) In the event of the ship, by its agent, refusing to accept a receipt for any cargo given in terms of this regulation, that cargo shall forthwith be returned on board by the agent of the ship, and shall not be again landed, until it has been examined by the consignee, who shall take delivery direct from the ship.

104. General responsibility of Port Authority

- (1) Goods for which a receipt has not been given by the Port Authority shall not be deemed, for any purpose, to be in the custody of the Port Authority and the Port Authority is not responsible for the safe custody, or for any loss or damage to those goods, however occasioned.
- (2) The Port Authority is not responsible for the weight, size, character, or condition of the contents of any packages, and, in any event, the Port Authority is not liable for a greater value in regard to any goods than is stated upon a ship's receipts, bills of lading, manifests, or other documents relating to those goods as regards declarations of values; and, for the purpose of this regulation, the Port Authority may rely on, and the owners of the goods are bound by, all statements, exceptions, and conditions endorsed upon any ship's document relating to the goods.
- (3) The Port Authority is not responsible for any claim for loss arising from delay in the delivery of any goods, however occasioned.

- (4) The Port Authority is not responsible for the non-delivery of goods in its custody or their delivery to persons other than the consignee, or of goods that, or the packages of which, are not marked or are erroneously or insufficiently marked, or that have numerous, old and imperfectly erased marks thereon, or, in the case of more than one consignment of goods of apparently similar character or appearance, in the same ship, that bear the same, or similar marks.

[Regulation 104 amended by Gazette 4 August 1992 p.3830.]

105. Goods not to be moved

A person shall not, without the authority of the Wharf Manager first had and obtained, remove from one vessel to another, or from any part of the wharf to any other part thereof, any goods or luggage or cargo.

106. Goods not to be handled in wet weather

Goods shall not be landed on, or shipped from, any wharf in wet weather, without the permission of the Wharf Manager, at the request of the master or agent of the discharging or loading vessel; and the giving of that permission does not impose upon the Port Authority any liability for damage to the goods caused by being so landed or shipped or handled in wet weather and any determination of the Wharf Manager that the weather is wet is conclusive.

107. Goods specially treated by Government or other authorities

The Port Authority is not liable for any goods which are required by a Government or other authority in that regard to undergo such special treatment, such as fumigation, dipping, steaming, opening, destroying or the like.

108. Responsibility in case of fire, etc.

The Port Authority is not responsible for loss of or damage to goods, while in their custody, occasioned by fire, water used in

extinguishing fire, or vermin, or for loss or damage to ironwork or goods of that character in an unprotected state that may be stacked on any wharf or on any land under the jurisdiction of the Port Authority; and any action of the Port Authority in endeavouring temporarily to cover or protect those goods shall not be held to impose upon it any liability for loss or damage.

109. Mode of discharging or loading

- (1) The master of every vessel shall give notice to the Wharf Manager of his intention to discharge or load onto or from any wharf before that work is commenced.
- (2) Goods, livestock, or other material of any kind whatever shall not be discharged or shipped, except at such times and places, and in such manner, as may be directed by the Wharf Manager, for the proper working of any wharf.
- (3) Cargo to be handled by the Port Authority which is discharged without permission of the Wharf Manager being first obtained shall not be deemed to be in the custody of the Port Authority, and the Port Authority is not responsible for any loss or damage to that cargo, however occasioned.

[Regulation 109 amended by Gazette 4 August 1992 p.3830.]

110. Goods handled out of the ordinary working hours of the Port

Where any goods have passed into the custody of the Port Authority, at a time other than during those hours fixed by these regulations as the ordinary working hours of the Port, the Port Authority is not, whatever the nature of receipt given for those goods, responsible for the condition of the goods so passing into its custody.

111. Goods insufficiently packed

Whenever, in the opinion of the Wharf Manager, any goods are wholly unprotected or so packed as to require additional labour

in the handling thereof or to involve the Port Authority in an additional risk in the handling, the Port Authority may charge an amount not exceeding 50 per cent of the scale fixed by these regulations for the class of goods so handled; and, in any event, shall not be liable for any damage occasioned those goods by reason of the insufficiency of their packing or protection.

112. Goods delivered in special manner

Where the consignee of any goods requires that they be delivered to him or his order in a different manner from that in which they have been received by the Port Authority, from a ship, and where, in the opinion of the Wharf Manager, that delivery involves special sorting or handling, the consignee shall pay the Port Authority an additional charge on the goods so actually sorted or handled sufficient to cover the actual cost of labour involved in the sorting or handling.

113. Vessel not ready for cargo

Where any goods accepted by the Port Authority for direct and immediate shipment cannot then, for any reason beyond the control of the Port Authority, be shipped and those goods are, for the convenience of any vessel or consignor, or by reason of bad weather or other cause, required to be stored by the Port Authority in any of its sheds, the consignor of the goods or the owner of that vessel, as the case may be, shall pay to the Port Authority handling charges, in accordance with the scale applying to goods of that category, for each occasion that the goods are required to be handled, together with storage charges as by these regulations provided.

114. Discharge or loading to be continuous or as directed

The master of any vessel berthed at a wharf shall cause the discharge or loading of that vessel to be commenced and continued till completed, by working at such hours as the Harbour Master or Wharf Manager may direct, but such a

direction shall not be given in contravention of any Customs law or regulation.

115. Weight of package or article to be marked thereon

The Master of a vessel shall not discharge, and a consignor shall not deliver for shipment, any packages or article of a gross weight of one tonne or more, unless the package or article has the weight marked thereon in legible characters of not less than twenty-five millimetres in height; but where it is not practicable to weigh any package or article of which the weight is more than one tonne, the gross weight of the package, or article may be stated approximately, within a limit of one tonne, that is to say “over one but under two tonnes” or as the case may be.

[Regulation 115 amended by Gazette 28 June 1973 p.2481.]

116. Cargo deposited on wharf

Ballast, stone, coal, coke, timber, sand or any goods or other materials in bulk shall not be deposited on a wharf without the permission of the Wharf Manager.

117. Vessels working overtime

- (1) The master of a vessel requiring to work the vessel at any wharf during any hours not being the ordinary working hours declared by the Port Authority, shall give to the Wharf Manager 2 hours’ notice and, on holidays, 12 hours’ notice of that requirement.
- (2) The cost over and above the ordinary cost of day work or of labour, supervision and services provided by the Port Authority during any hours, not being ordinary working hours so declared by the Port Authority, or on holidays, shall be paid by the master or owners of the vessel, or the agent therefor, in addition to the usual charges.
- (3) The cost of lighting to enable a ship to be worked at any wharf during any hours shall be at the rate shown in Part IV of the Second Schedule to these regulations.

118. Cost of delays caused by ships to be made good

Where, due to the delay in the handling of cargo from a ship, by reason of time lost in the repair or rigging of gear or the inefficient handling of cargo on the part of the ship, the Port Authority is occasioned extra expense in labour costs, that extra expense shall be made good by the master or the owners of the ship.

119. Unloading of heavy goods on wharves

Machinery, heavy merchandise or heavy commodities of any kind shall not be deposited upon any wharf except in accordance with the directions of the Wharf Manager.

120. Master responsible for proper slinging of goods

Every master of a ship shall be responsible for the proper slinging of all goods discharged on to a wharf or conveyance, and for any damage that may occur either from the breakage of slings or from goods being imperfectly slung.

121. Sorting or packing on wharves

Except with the permission of the Wharf Manager or as may be required by a Customs Official, a person shall not sort any timber, pack, repack or repair any goods or screen coal or other bulk goods on any wharf or in any shed in the Port.

122. No goods allowed on roadways

Goods shall not be placed on any roadway or other land adjoining a wharf, without the permission of the Wharf Manager having first been obtained.

123. Goods falling overboard

Where any cargo or other material is by accident otherwise dropped or let fall overboard, the master or agent or other officer of the vessel present at the time shall forthwith report the event to the Wharf Manager, and the Wharf Manager may take

such steps as seem to him expedient to recover and land that cargo or other material; and any expense of the recovery and landing shall be a debt due to the Port Authority by the owner or master of the vessel from which such goods were being landed, or into which they were being shipped, or from any person responsible for permitting or suffering the goods or other material to drop or fall overboard.

124. Limitation of value of goods, lost or damaged

Any claim for goods lost, damaged or destroyed shall be restricted to the cash value of those goods at Port Hedland which shall not exceed the cash value at the port of shipment at date of shipment with actual freight, insurance, duty (if any), and shipping charges added.

125. Limitation of the amount of liability for goods

The Port Authority is not liable for gold, silver, bullion, specie, watches, clocks, jewellery, precious stones, silk goods, quinine, precious metals, opium, bank notes, bonds or securities for money, paintings, sculpture or other works of art beyond the sum of \$20 nor beyond the sum of \$200 for any one package or parcel, regardless of the nature or value of the contents thereof.

126. Limitation of value of goods

Without affecting, restricting or limiting any provision of these regulations, the Port Authority's liability for any package of goods coming into its custody is limited to the amount of any declaration of value made by a consignor or consignee of those goods; and the Port Authority may rely upon, and the owner of the goods shall be bound by, all statements, exceptions and conditions endorsed on a ship's receipts, bills of lading or a ship's manifest, as to the value of the goods.

127. Passenger's luggage

The limitations with regard to value of ordinary cargo provided by these regulations apply to packages of passengers' luggage or affects passing into the custody of the Port Authority.

128. Persons receiving or retaining goods not their own property

A person shall not take delivery from the Port Authority or retain possession after delivery of any package or goods of any description not being his own property, except by, or under the authority of the owner.

129. Claim in respect of cargo

A claim shall not be entertained by the Port Authority unless that claim shall have been received by the Secretary —

- (a) in the case of cargo landed or alleged to have been landed from a vessel within four days of that vessel leaving the Port; and
- (b) in the case of outward cargo, within 24 hours of the departure from the Port of the vessel within which that cargo was intended to be shipped.

130. Special indemnity of Port Authority against Liability

- (1) Notwithstanding anything to the contrary elsewhere by these regulations provided, the Port Authority is not responsible or liable for any damage, injury or loss occurring in relation to any goods of any kind or description whatever while those goods are in the custody or under the control or power of the Port Authority or its servants or agents, or upon the Port Authority's premises, except where that damage, loss or injury is directly caused by the wilful and deliberate act of, or negligence by, a servant or agent of the Port Authority.
- (2) Nothing in this regulation operates to prevent the Port Authority from entering into a special agreement in writing with any person whereby, upon payment of any special consideration to

the Port Authority, the Port Authority assumes responsibility or liability in respect of damage, injury, or loss of goods specified in such agreement, in accordance with the provisions thereof and to the extent therein stated.

- (3) The exemption or indemnity provided in subregulation (1) of this regulation shall, subject to any special agreement entered into by the Port Authority thereunder, be read and construed and have effect as being supplementary and additional to all other exemptions and indemnities from liability elsewhere in these regulations provided for the benefit of the Port Authority.

Division 3 — Storage of cargo

131. Port Authority not bound to find storage accommodation

The Port Authority is not bound to find storage room for any goods, whether in any shed or on any wharf and, after notification to the owners, shippers or consignees, of any goods, or to a vessel's agent that room is not available for the storage of goods within a shed, or that any goods are, owing to their character, not permitted by some authority other than the Port Authority to be stored in a shed, the Port Authority shall not be held responsible for any loss or any damage that may occur to the goods by the elements or otherwise, during the time they remain on the Port Authority's premises.

132. Storage period of

- (1) Except where otherwise by these regulations provided, any inward goods placed in a shed in the Port and any goods placed therein for the purpose of shipment shall be removed therefrom, within 16 working hours after having been so placed.
- (2) Any goods on prime entry that are detained for examination by Customs Officials, may be stored free from the time of passing of entry until examination is completed, but a free storage period shall not exceed 4 days in all.

- (3) Any goods on warehousing entry requiring examination and making up for Customs purposes may have free storage in a shed during any time of examining and making up not exceeding 4 days in all.
- (4) Upon the expiration of the free storage time, by this regulation provided, goods are chargeable for storage, at the general rate of storage hereinafter by these regulations provided.

133. Goods to be removed, or may be sold

The Wharf Manager is empowered to take charge of, and store, any cargo or goods not removed from a wharf or shed by the consignee within the time or respective times limited for that purpose, to cause the cargo or goods to be conveyed to the Queen's warehouse or delivered to the consignee at the consignee's expense and risk or to remove the cargo or goods to any of the premises of the Port Authority or other convenient place, there to keep possession of the cargo or goods until payment is made to the Port Authority of the expenses of the removal and keeping and of all other charges due to the Port Authority thereon; and, in default of payment the Wharf Manager is empowered on behalf of the Port Authority to sell the cargo or goods in the manner, at the time, and in accordance with the powers, provided by section 28 of the Act.

134. Storage rates for goods

- (1) Where any goods are not removed from any wharf or shed, within the time specified in these regulations, there shall be (subject to and as hereunder mentioned) payable to the Port Authority, as and by way of storage rent in respect of those goods, charges at the rates set forth in the Second Schedule to these regulations.
- (2) The storage rate on transshipment cargo and on cargo landed and reshipped is ten cents per tonne or part thereof, per week, for a maximum period of two weeks, whereafter the rates prescribed for transit cargo become payable except where the goods are

actually reshipped during the third week of storage, in which event the rate of ten cents per tonne shall continue to apply for the third week.

- (3) Nothing in this regulation prevents the Wharf Manager from removing any goods or ordering their removal as by these regulations provided, at any time after the time thereby appointed for their removal.

[Regulation 134 amended by Gazette 28 June 1973 p.2481.]

135. Extension of prescribed storage period

- (1) Notwithstanding anything contained in this Division the Wharf Manager may, where —
- (a) handling services upon the wharves would be advantaged generally by the non-removal of any particular goods within the prescribed period; or
 - (b) the non-removal of goods would be conducive to the free flow of other goods; or
 - (c) excessive overtime is being worked on vessels, including that worked on Sundays and public holidays, to the detriment of the ordinary delivery of cargo,

grant such extension of the period prescribed for the removal of goods, either generally or in particular as, in his opinion, is justified by and is reasonable in the circumstances.

- (2) Where any place is set apart for the placing of goods awaiting shipment, the Wharf Manager may grant such extensions of the period prescribed for the removal of goods as he is empowered to grant under the provision of subregulation (1) of this regulation.
- (3) Without limiting the provisions of subregulation (1) or (2) of this regulation, the Wharf Manager, may at his discretion, in lieu of extending the prescribed period, determine that some lesser rate or rates of storage charges than those prescribed by these regulations, shall be payable in respect of goods, whether

awaiting shipment or delivery, that have not been removed in the prescribed period.

136. Limit of storage

Goods shall not be allowed to remain in any shed or upon any wharf for a longer period than 4 weeks, and if any goods so remain without the consent of the Port Authority, the Wharf Manager may remove them to Queen's warehouse (in the case of goods liable to custom duty), or to any of the premises of the Port Authority or other convenient place, and retain the goods under the provisions of section 28 of the Act and for the purposes enumerated in that section.

137. Goods left on wharf may be opened, etc.

Where any free goods remain, without the permission of the Wharf Manager, upon any wharf or on the approaches thereto or in any shed in the Port, for a longer period than by these regulations allowed, it shall be lawful for the Wharf Manager to open and examine the goods, before they are dealt with under the provisions of section 28 of the Act, or otherwise according to law.

[138. *Repealed by Gazette 14 July 1978 pp.2454-5.*]

Part VI — Inflammable liquids and oils

139. Exemptions

The regulations in this Part apply to inflammable liquids and oils, but notwithstanding anything therein contained, the Port Authority may, where, in its opinion the public safety will not be prejudiced, by notice in writing by the Secretary, grant exemption thereof, and an exemption may be for such term and such extent, and subject to such restrictions, limitations and conditions, as the Port Authority may think fit.

140. Interpretation

In this Part unless the contrary intention appears —

“approved electric lamp” means an electric lamp approved by the Director of Navigation, Commonwealth of Australia, the British Board of Trade or the American Bureau of Standards, at the time of the making of these regulations;

“approved safety lamp” means a safety lamp approved by the Director of Navigation, Commonwealth of Australia, the British Board of Trade or the American Bureau of Standards, at the time of the making of these regulations

“battened down” includes any method of securely closing, to make gas-tight as far as practicable any hatchway;

“cargo” includes bunker coal;

“certificate of test” means a certificate of test, in the prescribed form, given by a competent analyst in respect of a tank or any other part of a vessel that has been carrying oil or inflammable liquids, certifying that he has carried out a test, in an adequate and suitable manner, for the presence of inflammable vapour and has found the tank or other part to be free therefrom;

“competent analyst” means a member of the Institute of Chemistry of Great Britain and Ireland or of the Australian Chemical Institute, with special knowledge of inflammable

liquids and oils, or any other competent person approved by the Port Authority;

“fire” means fire of every description and includes means of ignition;

“flashing point” means the true flashing point of a liquid, as obtained by Abel’s close test apparatus or by any apparatus that has been established by Act of Parliament for the purpose of determining the true flashing point of inflammable liquids;

“hatchway” means any opening into a hold, not being an opening protected to prevent communication of fire;

“hold”, when applied to a vessel, means any hold between deck, shelter deck, tank, or other covered place where cargo or fuel may be stowed;

“inbulk”, with respect to oil and inflammable liquids, means such as are conveyed in quantities exceeding 400 litres in any one container and are intended to be transferred by pipe line or hose;

“inflammable liquid” includes any oil, liquid or spirit having a true flashing point of less than 61 degrees Celsius and also any substance that the Governor, by proclamation, declares to be inflammable liquid;

“Inflammable liquid ‘group A’ ”, means any inflammable liquid that has a true flashing point of less than 23 degrees Celsius;

“inflammable liquid ‘group B’ ”, means any inflammable liquid that has a true flashing point of not less than 23 degrees Celsius;

“oil” means oil of any description, having a true flashing point of not less than 61 degrees Celsius.

“tank” means any tank, compartment, or space which contains or has contained any oil or inflammable liquid, or any sludge deposit or residue therefrom;

“**tank ship**” means a vessel specially fitted with tanks and used wholly, or mainly, for the conveyance of oils or inflammable liquids;

“**wire gauze**” means a gauze made of copper or brass wire of not less than 0.4 millimetres diameter and having not less than eleven meshes to the lineal centimetre.

[Regulation 140 amended by Gazette 10 January 1975 p.66.]

141. General regulation applying to all vessels

- (1) This regulation applies to every vessel —
 - (a) that is carrying, has carried, or may carry any oil, inflammable liquid or liquid derived from oil, shale or coal; and
 - (b) that may be affected by any such vessel as is mentioned in paragraph (a) of this subregulation.
- (2) The master, owner and agent of a vessel are severally responsible for the due performance and observance of every regulation applying to that vessel and the responsibility of one of them does not relieve any other of them of his responsibility.
- (3) A person shall not commit any act or permit the commission of any act of such a nature as to cause an outbreak of fire or an explosion; and every person shall take every reasonable precaution, whether expressly prescribed by this Part or not, to prevent an outbreak of fire or an explosion.
- (4) The Harbour Master, may, at any time, inspect or examine any vessel that he reasonably believes to have, or lately to have had, oil or inflammable liquid on board; and a person shall not hinder or obstruct the Harbour Master in his inspection or examination; and every person shall assist in any inspection or examination and in the conduct of any inquiry made with regard thereto.
- (4a) Where the Harbour Master reasonably believes that the last cargo carried by a vessel before its arrival at the Port consisted of or partly of inflammable liquid, he may refuse to allow that

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vessel to berth at the Port unless and until a certificate of test is produced to him.

- (5) It is the duty of any person, being the master or owner of any vessel or being the owner, occupier or person in charge of any oil terminal, depot, storage tank, oil pipe line or any other apparatus or place used for the storage or handling of oil or being the servant or agent of any of the foregoing persons and engaged in or on any of the foregoing places or things, to prevent the escape, flow or drainage of any oil, inflammable liquid or liquid derived from oil, shale, or coal, directly or indirectly, into or upon any waters, land or vessel in the Port; and none of the persons in this subregulation mentioned shall permit or suffer any escape, flow or drainage as therein described.
- (6) Oil in bulk or inflammable liquid shall not be loaded or unloaded in the Port, unless notice of intention in that regard has first been given to, and a permit therefor obtained from, the Harbour Master who may however, in the case of intra-harbour traffic, dispense with the requirement of notice and issue a permit to load and unload any oil or inflammable liquid, for a period of time fixed by him.
- (7) Heating, boiling or burning of any pitch, tar, resin, turpentine, spirits, inflammable liquid, oil refuse, rubbish or other combustible matter in or on any vessel is prohibited; and the heating, boiling or burning of any such substance removed from a vessel on any wharf or on any place, within fifteen metres of any wharf, is prohibited, except in such place and in such manner as may be approved of by the Harbour Master.
- (8) Inflammable liquid shall not be conveyed, loaded or unloaded on, into or from any vessel, unless that inflammable liquid is contained in tanks, drums, tins or other containers from which, in the opinion of the Harbour Master, the inflammable liquid cannot escape, in the form of liquid or vapour.
- (9) Except in the case of vehicular ferries —

- (a) a person shall not ship or send in any vessel a motor driven vehicle, machine or boat using inflammable liquid, unless the tanks thereof and all engine connections are empty and free from that liquid or any vapour thereof;
 - (b) a motor driven vehicle, machine or boat, shipped, or carried in a vessel, shall not have stored, placed or packed therein any inflammable liquid, whether enclosed in a separate container or otherwise; and
 - (c) the master shall not knowingly receive or carry on board his vessel any motor-driven vehicle, machine or boat in respect of which the requirements of this subregulation have not been complied with.
- (10) The Harbour Master may, as shall appear to him expedient, in the interests of safety, require any of the provisions of this Part to be complied with by the master or owner of any vessel then anchored, moored or berthed within thirty metres of a vessel loading, unloading; or carrying bulk oil or inflammable liquids; and that master or owner shall comply with that requirement.
- (11) The following precautions shall be taken against injurious fumes and explosion in tanks on vessels, that is to say —
- (a) until a certificate of test has been obtained, a person shall not bring or permit to be brought near, or take into, any tank or part of a vessel that has been used for the carriage of oil or inflammable liquid a naked light, fire, or lamp (other than an approved electric lamp) or apparatus of any kind for producing a light or spark, nor enter that tank, except for the purpose of testing the atmosphere or for the necessary preliminary cleaning;
 - (b) where the cargo last contained in any tank was inflammable liquid “group A”, a fresh certificate of test shall be obtained, daily, before work is commenced or continued therein; and where, during the course of work, any pipe or joint in the tank is broken or any other risk arises of inflammable liquid or vapour therefrom

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- entering the tank, work therein shall be suspended, until a further certificate of test has been obtained;
- (c) every certificate of test, or a true copy thereof, shall immediately after its receipt, be posted in a conspicuous place, where it may easily be read by every person concerned therewith;
 - (d) in connection with the preliminary cleaning of tanks —
 - (i) all sludge deposit or residue in a tank shall first be removed; and, where it is necessary for any person to be employed in the cleaning of a tank which has contained inflammable liquid “group A”, he shall be provided with suitable breathing apparatus, consisting of a helmet or facepiece with all necessary connections by means of which he may breathe outside air;
 - (ii) a tank shall be thoroughly steamed by means of steam jets, for such periods as will ensure the vaporisation of all volatile oil or inflammable liquid;
 - (iii) after a tank has been steamed, all covers of man-holes and other openings therein shall be removed and the tank shall be thoroughly ventilated, by mechanical or other efficient means, so as to ensure the removal of all inflammable vapour; and the interior surfaces including covers shall if any deposit remains thereon, be washed or scraped down with a wooden or other suitable tool;
 - (iv) any person in charge thereof shall take precautions that matches or other means of producing fire or sparks are not carried by the men who are employed in the cleaning of a tank; and

- (v) a person employed in the cleaning of a tank shall not smoke in, or take matches or other means of producing fire or sparks into, the tank; and
 - (e) such further precautions as may be required by the Harbour Master.
- (12) Where repairs are being carried out on or in any tank in which there is a possibility of the presence of inflammable or explosive fumes and in respect of which a certificate of test is required under these regulations, —
- (a) lamps other than approved electric lamps or approved safety lamps shall not be used; and
 - (b) a fire, naked light or heated rivet shall not be taken into any tank or compartment, without the written authority of the person giving the certificate of test that, as far as he is able to ascertain, work may be undertaken without danger to the vessel or the men employed.

[Regulation 141 amended by Gazettes 10 January 1975 p.66; 3 September 1976 p.3297.]

142. Vessels with oil in bulk

The master and owner of any vessel conveying, loading or unloading oil in bulk shall, in addition to complying with the requirements of regulation 141 ensure that every pipe, valve, hose or other appliance used for the transference of oil is suitable for that work and is kept in good condition and free from leakage; and that master and owner shall take every precaution to prevent the escape of oil into inland and tidal waters of the Port.

143. Vessels with inflammable liquid

- (1) The provisions of this regulation shall be observed by the master, owner and agent of every vessel upon which inflammable liquid in any quantity exceeding 2 000 litres is conveyed, loaded or unloaded, within the Port.

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- (2) The master, owner or agent of the vessel shall give at least 24 hours notice to the Harbour Master of the intention to convey, load or unload inflammable liquid, within the Port and of the quantity of inflammable liquid to be conveyed, loaded or unloaded.
- (3) While within the Port, there shall be displayed on the vessel, at the masthead or other conspicuous place, but not less than six metres above the deck, so as to be clear of all obstructions and clearly visible in all directions, a red flag of not less than 900 millimetres square, with a white circular centre 160 millimetres in diameter, by day and a red light of a design approved by the Harbour Master, by night; but if the vessel is a barge that cannot reasonably comply with the foregoing requirements, then the master or owner of that barge shall display in a conspicuous position above the deck a red flag of metal, not less than 450 millimetres square, with a white circular centre 160 millimetres in diameter, by day, and an all round red light of a design approved by the Harbour Master, by night.
- (4) A copy of these regulations shall be obtained and placed in such a prominent part of the vessel as to be readily seen and read by the officers and crew.
- (5) A person, other than those actually engaged in the work of loading or unloading inflammable liquid, shall not be allowed on the vessel, without the permission of the master.
- (6) A person shall not smoke in or on the vessel during the loading or unloading of inflammable liquid.
- (7) A locomotive in which steam is generated by combustion in open fires shall not enter or be permitted to enter on railway tracks within fifteen metres of any vessel carrying inflammable liquid.
- (8) Immediately a vessel carrying inflammable liquid has been berthed, a steel wire hawser, sufficiently strong to enable the vessel thereby to be hauled away from the wharf shall be placed over both the fore and aft ends of the vessel, and those hawsers

shall be maintained there, during the whole of the time the vessel remains alongside the wharf.

- (9) Except with the permission of the Harbour Master, a vessel shall not be berthed alongside any wharf, unless it is ready to discharge and to continue discharging, and arrangements have been made by the consignee immediately to receive, the inflammable liquid.
- (10) A responsible officer of the vessel shall be on duty, day and night, and be responsible for giving effect to these regulations.
- (11) All inspections necessitated by the requirements of this Part, other than during the ordinary working hours of the Port, whether carried out aboard the vessel or ashore, shall be at the expense of the master, owner or agent of the vessel.
- (12) Inflammable liquid shall not be loaded or unloaded on or from the vessel, during the hours between sunset and sunrise, unless a permit in writing therefore shall first have been obtained, in each instance, from the Harbour Master, and all the conditions of such permit shall be duly observed.
- (13) Approved fire extinguishers and other approved material shall be provided and so distributed about the vessel as to be available for dealing with any inflammable liquid that may be spilled or ignited.
- (14) An iron or steel hammer or other instrument capable of causing a spark shall not be used for the purpose of opening or closing hatches or tank lids of the vessel and, except with the written approval of the Harbour Master, chipping, scraping or hammering on iron or steel on the vessel is prohibited when any hold that contains, or has recently contained, inflammable liquid is open, or while there is any inflammable liquid on deck.
- (15) A vessel (other than a self-propelled vessel) carrying inflammable liquid shall not be navigated, except in tow of, or attended by, an efficient tug propelled by mechanical power, and not more than two such vessels shall be towed together at

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any one time, either abreast or in train; and a vessel (other than a self-propelled vessel) carrying inflammable liquid shall not be towed alongside a tug, unless with the permission in writing of, and then upon such conditions as shall have been imposed by, the Harbour Master.

- (16) A tank used for conveyance of inflammable liquid on a vessel shall, as far as practicable and applicable —
- (a) be solidly constructed of steel and shall not exceed a capacity approved by the Harbour Master;
 - (b) be firmly attached to strongly constructed supports;
 - (c) be efficiently screened from any engine on the vessel, by a fire-resisting shield placed at least 150 millimetres from the tank and carried up above the tank and down below it, and so that the exhaust of the engine shall be wholly in front of that shield, where the engine is in front of the tank, or wholly behind that shield, where the engine is behind the tank;
 - (d) have all vent pipes vacuum relief valves effectively protected by wire gauze;
 - (e) be provided with effective earthing to prevent accumulation of static electricity;
 - (f) have the bottom end of each fill pipe carried down near to the bottom of the tank to form a liquid seal;
 - (g) have all fill pipes, dip pipes and other openings of the tank fitted with screw caps, bolted covers or other means of closing, gastight, at all times when those fill pipes, dip pipes or other openings are not in use for filling or dipping;
 - (h) have all vent pipes properly protected at the outlets by wire gauze and have the outlets not less than 3.5 metres above deck and made weather-proof; and
 - (i) not be filled with inflammable liquid to more than 95 per centum of its capacity and be marked in a permanent

manner to indicate the level at which that percentage of its capacity is occupied.

- (17) Without prejudice to the provisions of regulation 141 the Port Authority may, at the expense of the owner of any vessel, employ watchmen to guard the vessel and the wharf at which it is moored, during the whole of the time that any inflammable fluid remains in or upon the vessel; and those watchmen shall thereupon be empowered to enforce any of these regulations made, and any instruction of the Harbour Master given, to ensure the general safety of the Port and the immunity of persons and property from the danger of accident.

[Regulation 143 amended by Gazette 10 January 1975 p.66.]

144. Vessels with inflammable liquid otherwise than in bulk

- (1) This regulation applies to every vessel carrying inflammable liquid, other than in bulk.
- (2) Notices, warning the crew and every person on board or coming on board the vessel that smoking or any practice likely to cause fire is prohibited, shall be displayed in conspicuous positions on the vessel and on its gangways.
- (3) Every hold containing inflammable liquid, in drums, tins or other packages, shall be thoroughly ventilated before, and during, the time the inflammable liquid is being unloaded.
- (4) Every hold from which any inflammable liquid in drums, tins or other packages has been unloaded shall be thoroughly ventilated and the bilges shall, thereupon, be carefully cleaned by the removal of any liquids by hand pumps, suitable wooden bailers and by swabbing, and shall thereafter be suitably ventilated; and a fire or unauthorised light shall not be permitted at or near that hold, until a certificate of test has been obtained.
- (5) Any inflammable liquid loaded on the vessel shall be properly and securely stowed, to the satisfaction of the Harbour Master.

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- (6) Proper and efficient ventilation for the place of stowage of the inflammable liquid shall be provided, and when required by the of Harbour Master, outlet ventilators, passing through the deck and terminating just below the deck, and inlet ventilators, extending to the bottom of the holds from above the upper deck, shall be fixed and all outlet and inlet ventilators shall be covered with wire gauze.
- (7) After inflammable liquid has been stowed in a hold, it shall be battened down.
- (8) Every package containing inflammable liquid shall be properly marked or branded to indicate the nature of the inflammable liquid; and all inflammable liquid “group A” shall be marked “Highly inflammable”.
- (9) Sufficient hatch coverings and other coverings as may be required by the Harbour Master shall be provided by the Master or owner of the vessel.
- (10) Every hold that contains, or has recently contained, inflammable liquid shall, except when inflammable liquid or other article is being loaded into or unloaded from that hold or that hold is being cleansed and ventilated, be closed, gastight, as far as practicable.
- (11) A permit in writing shall be obtained from the Harbour Master to load or unload general cargo into or from a vessel carrying inflammable liquid, after sunset; and the following precautions shall be taken, that is to say —
 - (a) every hold containing inflammable liquid shall be securely battened down; and
 - (b) cargo shall not be loaded into or unloaded from a hold unless the hold is separated, by watertight and gastight bulkheads, decks, battened down hatchways or other means; from every place on the vessel in which vapour from the inflammable liquid is likely to be present.

- (12) The stowing of inflammable liquid below deck in a wooden vessel is prohibited; but a limited quantity of that liquid may be carried as deck cargo on the weather deck of any wooden vessel, if the inflammable liquid is stowed at a safe distance from the galley, crew's quarters and openings leading into any machinery or boiler spaces.

145. Tank ships

- (1) The master of every tank ship carrying inflammable liquid shall not permit the vessel to enter the Port, until specially authorised in writing by the Harbour Master and then only if the master of the vessel is in possession of a copy of these regulations; and the master shall not, except with the written permission of the Harbour Master permit wire ropes to be used in the mooring of the vessel.
- (2) The loading or unloading of inflammable liquid from a tank ship shall not be commenced, until a barricade efficient to prevent access to the vessel and pipe line hose connections, by any unauthorised person, has been erected to the satisfaction of the Harbour Master and until a watchman has been stationed at each opening of the barricade, to prevent the entrance of any unauthorised person and to take charge of matches from every person entering the barrier.
- (3) Before entering the Port, all matches shall be collected by the master from any member of the crew and other person on the tank ship having them; and a person shall not smoke or bring matches or other means of making a fire or light on to the vessel, while it is within the Port.
- (4) Without prejudice to, and in addition to, any requirement of these regulations for a responsible officer to be in charge of a vessel, there shall, at any time that a tank ship has inflammable liquid on board, be a responsible member of the vessel's engine-room staff and a crew available to assist the officer in charge, in case of emergency and to operate fire pumps or other fire extinguishing appliances.

- (5) From the time that the tank or any hold of a tank ship carrying inflammable liquid is first unsealed or opened for the purpose of loading or unloading inflammable liquid and until every tank or hold has been closed and sealed down, a fire or light, other than any fire or light approved by the Harbour Master, shall not be lit or used either on board the vessel or on shore, within fifteen metres of any place at which the inflammable liquid is being loaded or unloaded; but where the Harbour Master is satisfied that the construction of the vessel and the situation of any fire is such that no serious hazard will be created thereby, he may permit the use of boiler fires for the purpose of supplying power necessary for the working of machinery or appliances, for the unloading of inflammable liquid or for heating galley appliances; but those fires or lights of any description shall not be permitted on any vessel while the tanks are open or unsealed for the purpose of loading inflammable liquid.
- (6) Except during inspection or when samples or ullage measurements are being taken, wire gauze shall be fitted over all openings of every tank that contains, or has recently contained, inflammable liquid in bulk; but the lids, screw caps or other coverings shall not be removed from any tank or other receptacle containing or recently containing, inflammable liquid, in respect of which pumping operations are not in progress.
- (7) Pipes, hoses, pumps and other appliances used for the transferring of inflammable liquid in a tank shall be maintained free from leakage and gastight to the satisfaction of the Harbour Master and unless otherwise authorised, on the completion of loading or unloading all gear shall be thoroughly freed from inflammable liquid and the hoses shall be disconnected from the shore pipe lines.
- (8) The following precautions in the loading or unloading of inflammable liquid in bulk shall be taken, that is to say —

- (a) hoses constructed to be resistant to inflammable liquid and maintained in good order, and none other, shall be used for connecting from ship to shore installation;
- (b) a non-return valve shall be placed immediately behind the connection between hose and shore installation pipe and, where required by the Harbour Master, at the shore end of the wharf also; and pumping operations shall not be commenced before the correct position of all valves has been verified by the Harbour Master;
- (c) Whenever pumping ceases temporarily, every valve on ship and shore pipe line shall be closed and every pipe line under a wharf shall be thoroughly cleared of inflammable liquid, by flushing with water, and shall be kept full of water;
- (d) on the completion of loading or unloading, the connections or connection to the shore pipe line shall not be broken, until the pipe line has been completely and satisfactorily cleared of all inflammable liquid for the whole of its length; and the condition of the pipe line in this respect shall be verified as satisfactory by the Harbour Master;
- (e) every opening in the tanks shall be closed gastight, immediately on suspension or completion of loading or unloading;
- (f) the master of a tank ship shall see that a competent signalling staff is in attendance, both at the tank installation and on board the ship, and that telephonic communication between those points is established;
- (g) pipelines and hoses shall not be coupled or uncoupled or otherwise interfered with until —
 - (i) permission to do so has been given by the Harbour Master;
 - (ii) a representative of the Port Authority is present;
 - (iii) a satisfactory electrical connection has been made between the tank ship and the shore

- pipelines by means of a suitable continuous bonding cable remaining intact, until all hoses have been disconnected from the tank ship at the completion of discharging or loading, the shipboard connection being made first and disconnected last;
- (iv) approved equipment and tools for the purpose are available;
 - (v) a drain cock, such as will enable controlled draining of hoses and pipes before they are disconnected, and a test cock, to ensure that only water is in the hoses and pipes, prior to disconnection, has been fitted at points required by the Harbour Master; and
 - (vi) all inflammable liquid therein is cleared by pumping water as provided by paragraph (c) of this subregulation;
- (h) every coupling, uncoupling or other work on hoses, pipes and fittings shall be carried out under approved supervision as may be required by the Port Authority's representative;
 - (i) the rate of loading inflammable liquid shall be such as may be required by the Harbour Master and any directions given by him for other safety measures to be taken for that loading shall be strictly observed; and
 - (j) arrangements shall be made by the master of the tank ship, to ensure that there is a sufficient staff of officers and men available, at all times, by day and by night, to ensure the efficient carrying on of the work or to remove the vessel, if so required.
- (9) Subject to the approval in writing of the Harbour Master, inflammable liquid in bulk may, after sunset, be unloaded into shore tanks and, in special circumstances only, loaded into tank ships, if the following conditions and such other conditions as

may be prescribed by the Harbour Master, in special cases, are complied with, that is to say —

- (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 floodlighting of an approved type, shall be provided to give ample light for all operations.
- (10) Immediately it becomes known that repairs or alterations are necessary to any tank in which oil or inflammable liquid has been conveyed, application shall be made to the Harbour Master for permission to undertake that work; but repairs or alterations involving operations, such as welding, cutting, boring, soldering or hammering that may produce heat or be liable to cause ignition of inflammable vapours, shall not be commenced, until the permission of the Harbour Master, in writing, has been obtained, and then not until the measures prescribed by subregulations (11) and (12) of regulation 141 have been taken.
- (11) An inflammable liquid tank ship shall leave the Port as soon as possible, following completion of loading or discharging.
- (12) Where it is necessary for an inflammable liquid tank ship to replenish bunker supplies, that operation shall be allowed within the Port only after permission therefor in writing being obtained from the Harbour Master.

[Regulation 145 amended by Gazette 10 January 1975 p.66.]

146. Inflammable liquid on wharves or in sheds

- (1) A person shall not deposit any inflammable liquid or cause to allow any inflammable liquid to be deposited on any wharf or in any shed on any wharf or on or in any place within fifteen metres of any wharf or on any vessel, without the permission of the Harbour Master; and a person shall not deposit any inflammable liquid or allow any inflammable liquid to remain on any wharf or place within fifteen metres of any wharf, during the hours between sunset and sunrise, unless he shall first have

obtained the permission in writing of the Harbour Master therefor.

- (2) Except with the permission of the Harbour Master, a greater quantity of inflammable liquid than that which may be handled in a period of one hour, with the means of transport then available, shall not be placed on any wharf.
- (3) Inflammable liquid shall not be handled or deposited upon any wharf or in any place within fifteen metres of any wharf, until notice boards, not less than 1.5 metres by one metre in size and bearing the words: —

“This vessel handling INFLAMMABLE LIQUID —
NO SMOKING”,

have been erected in such conspicuous positions as to be visible from every point of access to the wharf or place.

- (4) Where inflammable liquid is kept, handled, exposed or lying anywhere on premises under the jurisdiction of the Port Authority, other than in properly constructed fuel tanks of a vessel, boat, aircraft, motor vehicle or mechanically operated appliance or under such safety precautions as may be approved by the Harbour Master in writing, a person within fifteen metres of the inflammable liquid shall not smoke or have in his possession or under his control any fire, means of ignition or light, other than an approved safety lamp.
- (5) A fire, light, telephone or electrical 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 within fifteen metres of any premises under the jurisdiction of the Port Authority wherein inflammable liquid is kept, handled, exposed or lying, unless the inflammable liquid is contained in properly constructed fuel tanks of a vessel, boat, aircraft, motor vehicle or mechanically operated appliance or except where safety precautions approved by the Harbour Master in writing are in operation.

*[Regulation 146 amended by Gazette 10 January 1975
pp.66- 7.]*

Part VII — Noxious, dangerous and inflammable materials and explosives

147. Noxious or dangerous goods

- (1) Except where otherwise in these regulations provided, the master of a vessel shall not discharge, and a person shall not bring, onto any wharf any noxious or dangerous goods, without the permission in writing of the Wharf Manager.
- (2) Containers of noxious or dangerous goods shall be distinctly labelled to show the nature of the contents and shall be so constructed as to comply with standards approved by the Port Authority.
- (3) All goods of a noxious, dangerous or inflammable character shall be removed from the wharves with all possible despatch after being placed thereon.
- (4) The Port Authority is not responsible for any loss or damage that may accrue to goods of a noxious, dangerous or inflammable character while on its premises and the master of the vessel from which any such goods have been discharged, or the owner, agent or consignor of those goods shall be held responsible for damage or loss arising directly or indirectly therefrom.

148. Vessel not obliged to carry dangerous goods

The master or owner of a vessel is not obliged to carry therein *aqua fortis*, oil of vitriol, any explosive as defined by the *Explosives and Dangerous Goods Act 1961*, or any other goods that are of a dangerous nature; and a person shall not carry or send by any vessel any goods of an dangerous nature, without first distinctly marking their nature on the outside of the package in which they are contained or without giving notice in writing to the master or owner at or before the time of carrying or sending them to be shipped; and the master or owner of a vessel may refuse to take on board any parcel or package that he

suspects may contain goods of a dangerous nature, and may, to satisfy himself of the contents thereof, require any parcel or package to be opened in his presence.

149. Exemptions

Nothing in this Part applies to a vessel having exclusively on board explosives of the following kinds, or to the loading or unloading into or out of, or conveyance to or from, that vessel of those explosives that is to say —

- (a) explosives belonging to the first division of the sixth (ammunition) class;
- (b) the following explosives of the third division of fireworks class, namely — squibbs, crackers, serpents, rockets (other than war rockets), maroons, stars, lances, wheels, and Roman candles;
- (c) other explosives in such quantities and under such authority as may from time to time be approved by the Inspector;
- (d) explosives on any vessel of war; or
- (e) explosives carried for a vessel's own use, and in such quantities as are necessary to meet the requirements of law for signalling purposes, if those explosives are kept, while the vessel is in Port, in a magazine of copper or other suitable material, and if, where two or more of the following explosives are in the vessel, they are kept in separate and completely enclosed receptacles, in the magazine, namely —
gunpowder, rockets, sound signal rockets, blue lights, Holmes lights and pyrotechnic signals of any other kind.

150. Signals to be exhibited

- (1) The master or person in charge of a vessel having explosives on board shall keep conspicuously exhibited at the foremast head, from sunrise to sunset, the Red burgee, being letter "B" of the International Code and from sunset to sunrise, in addition to the

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lights ordinarily required for navigation purposes, a red light in such a position as to be above the ordinary lights, showing a clear, uniform and unbroken light all round the horizon, visible on a clear night at a distance of half a mile.

- (2) The person in charge of a vessel shall observe due caution when approaching another vessel exhibiting the flag or signal prescribed by this regulation and shall not approach within 180 metres thereof, unless duly authorised by an officer of the Port Authority.

[Regulation 150 amended by Gazette 10 January 1975 p.67.]

151. Shipping of explosives

Explosives shall not be shipped on board any vessel as cargo, except in the quantities and according to the manner approved of or prescribed by the Inspector.

152. Lighters to be licensed

A lighter conveying explosives to or from vessels, wharves or other places shall be duly licensed in accordance with the provisions of the *Western Australian Marine Act 1948*, under such conditions as may be prescribed in the license by the Chief Inspector of Explosives, and shall be subject to any regulation (as far as the same may be applicable) in force for the time being for the management of magazines.

153. Towing of lighters

A powder lighter having explosives on board shall not be towed by a high-pressure open-decked steamer of which the furnaces are exposed, nor by any steamer with a towline of less than eighteen metres in length.

[Regulation 153 amended by Gazette 10 January 1975 p.67.]

154. No explosives on passenger vessels

Explosives shall not be conveyed in any vessel carrying or plying for passengers, except under special written permission of the Inspector.

155. Conveyance of mixed classes

An explosive of the 5th (Fulminate) Class or of the 6th (Ammunition) Class that contains its own means of ignition, or an explosive of the 7th (Fireworks) Class shall not be conveyed in the same vessel or powder lighter with any other explosives not of the same class and division, unless it is sufficiently separated from that of the other class and division as to prevent any fire or explosion that may take place by one explosive being communicated to another.

156. To be protected against fire

Where an explosive is not effectively protected from accident by fire from without, as when conveyed in the hold of a vessel or powder lighter having a close deck securely closed, then the explosive shall be completely covered with a painted cloth, tarpaulin or other effective material so as to effectively to protect it against any communication of fire.

157. Iron and steel to be covered

Any iron or steel in the interior of that portion of a vessel or powder lighter where explosive is deposited shall be covered, either permanently or temporarily with leather, wool, cloth, lead or other effective material.

158. Matches

Matches, other than safety matches, shall not be carried in any powder lighter containing explosives; and safety matches shall be carried for the use of the boat only and shall be kept apart from explosives in a place prescribed by the license.

159. Stowing of explosives

Due precaution shall be taken in the stowing of explosives on a powder lighter, by means of a partition or otherwise, and by careful stowing, to secure the explosives from being brought into contact with, or endangered by, any other article or substance, conveyed in that vessel or lighter, that is liable to cause fire or explosion.

160. No smoking

A person while on, in, or attending at, a powder lighter containing any explosives shall not smoke, except in such place (if any) as may be prescribed in the license.

161. Conduct of persons

A person in charge of a vessel, or powder lighter containing explosives shall not conduct it in a dangerous or reckless manner; and a person who is intoxicated shall not be permitted or continue to be in charge of, or be in, on, or attending at, that vessel or lighter.

162. Prevention of accidents

While the loading, unloading, or conveyance of explosives is in progress, any person engaged in that loading, unloading, conveyance shall observe every due precaution for the prevention of accident by fire or explosion; and shall not permit or suffer any unauthorised person to have access to the explosive being loaded, unloaded or conveyed; and shall abstain from any act whatever that tends to cause fire or explosion; and shall not permit or suffer any other person to do any such act.

163. Conditions applying to loading and unloading of explosives

- (1) Explosives shall not be loaded into, or unloaded from any vessel or powder lighter at or adjoining a wharf or landing stage, except with the consent of, and under conditions approved by, the Inspector.

- (2) Subject to subregulation (3) of this regulation, once the loading and unloading of explosives, into or out of a vessel or powder lighter, has been commenced, that operation shall be continued, with all diligence and without avoidable delay, until completed.
- (3) Notwithstanding the provisions of subregulation (2) of this regulation, explosives shall not be loaded into, or unloaded from, a vessel or powder lighter other than during the hours between sunrise and one hour before sunset, unless the permission in writing of the Inspector therefor has first been obtained and then only to enable the loading or unloading to continue until sunset.

164. Not to be conveyed with other merchandise

An explosive shall not be conveyed in any vessel that is carrying, as merchandise, any charcoal, lucifer matches, articles for striking a light, inflammable liquid or any article liable to cause or communicate fire or cause an explosion.

165. Delays to be avoided

A person in charge of a vessel conveying explosives shall not suffer or permit that vessel to remain at any place in the Port for any period longer than may be necessary for the loading, unloading, fueling, victualling, or commissioning of that vessel; and shall not station that vessel at any place in the Port where the vessel might occasion danger to the public,

166. Fires, lights, water, etc.

- (1) Whenever a vessel or powder lighter is conveying explosive, due provision shall be made by the master and owner for preventing the introduction into that vessel or lighter of fire, lucifer matches or any substance or article likely to cause explosion or fire, or the introduction therein of any iron, steel or grit so as to come in contact with explosive; and if the explosive carried in a vessel or powder lighter is liable to be dangerously affected by water, due precaution shall be taken to prevent water coming into contact with that explosive.

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- (2) This regulation shall not be construed to prevent the introduction of an artificial light of such construction, position or character, or of safety matches of such character, as not to cause any danger of fire or explosion.

167. Regulations to be exhibited

The owner of every vessel or powder lighter into, from or on which explosive exceeding forty-five kilograms is loaded, unloaded or conveyed who employs any person for the purpose of that loading, unloading or conveyance shall, by furnishing copies of this Part of these regulations, or by affixing copies thereof in some place where they may conveniently be read, or by any other means, take such measures as may be necessary to acquaint every person so employed with the provisions of this Part.

[Regulation 167 amended by Gazette 10 January 1975 p.67.]

168. Lighters to have person in charge

Every powder lighter conveying explosives shall be in the exclusive charge of, and constantly attended by, some competent person; and that person shall not have charge of more than one lighter; and where more than 2 250 kilograms of explosives are on, or are being conveyed in, a powder lighter, there shall be two persons continuously on board that lighter.

[Regulation 168 amended by Gazette 10 January 1975 p.67.]

169. Quantity to be conveyed

The quantity of explosives to be conveyed in any one powder lighter shall not exceed such quantity as may be allowed by the license, except under any special conditions that may be authorised by the Inspector.

170. Space between lighters

Where two or more vessels or powder lighters are conveying explosives, or are travelling together, a space of at least

forty-five meters shall be kept between them, unless any circumstance renders it impracticable to maintain that distance.

[Regulation 170 amended by Gazette 10 January 1975 p.67.]

171. General precautions

- (1) In every vessel loading or discharging explosives within the Port —
 - (a) an officer of the vessel shall be constantly and exclusively in charge of the shipment, stowage or discharge of those explosives;
 - (b) every fire and light thereon shall be completely extinguished (except engine-room fires which shall be carefully banked with damp ashes); and smoking shall not be allowed on board that vessel;
 - (c) a person selected to work in the magazine of that vessel shall not have any matches, fuses, knives or hooks about his person, or wear boots or shoes having any iron or steel on them;
 - (d) any exposed iron or steel in or near the place where any explosive is being passed or handled shall be covered with tarpaulin or other effective covering;
 - (e) where the Inspector —
 - (i) is satisfied that weather conditions are such as will safely permit the loading or discharging of explosives by net; and
 - (ii) has examined every net prior to its use for loading and discharging of explosives and has found it to be suitable for that purpose; and
 - (iii) has determined the load of explosives to be carried in any net approved by him,he may authorise the loading or discharging of explosives in the loads determined by him in any net approved by him but, in the absence of that authorisation, the explosives shall be loaded or

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discharged by passing them from man to man, by hand, or by rolling them; and they shall not in any case be pitched, thrown or slid; and, in any event the directions of the Inspector as to the loading or discharging of explosives shall be obeyed;

- (f) a person shall not be allowed to work aloft or in those parts of the rigging that may be near to a magazine.
 - (g) any person, having the charge of the loading or discharging, shall exercise special care in the selection of men for that work to ensure that none is affected by drink and a person so affected shall not be engaged for that work;
 - (h) where at any time the loading or discharging of explosives is discontinued, before completion the person in charge of the vessel engaged in that loading or discharging shall cause the hatches of the vessel to be closed and covered with tarpaulin and shall not permit or suffer any person to remain, and no person shall remain, in any hold or magazine in that vessel, at any time during which the loading or discharge is discontinued.
- (2) Except as approved by the Inspector, paraffin, naphtha, petroleum or other volatile oil shall not be used in any vessel or lighter in the Port, as long as that vessel or lighter has on board more than 450 kilograms of any explosives other than of ammunition and while the vessel is within the limits of the Port.
- (3) The provisions of paragraph (b) of subregulation (1) of this regulation apply to every vessel alongside of, or attached to, a vessel or powder lighter loading or discharging any explosive.
- [Regulation 171 amended by Gazette 10 January 1975 p.67.]*

172. Explosives to be marked

Any case containing explosives imported into the Port shall be marked in legible and indelible characters, showing the date of

its manufacture, the name of the explosive and the word “Explosive”.

173. Explosives to be inspected

Explosives shall not be laid within the limits of the Port, unless they have been previously inspected by the Inspector, or unless permission has been given by him.

174. Explosives stored in lighters

Explosives in course of transit by a licensed powder lighter may, by permission in writing from the Port Authority be stored in that lighter for such time as may be specified in the permit; but unless that permission has been given, all explosives shall be removed from every lighter to some duly licensed magazine or other place where they may legally be kept, within one week from the date on which they were received into the lighter.

Part VIII — Pipe lines for transmission of inflammable liquids and oils

175. Application

- (1) This Part of these regulations applies to any pipeline used for the transmission of petroleum or any liquid derived from petroleum, coal or shale, from the point of its attachment to a vessel to the point where it is attached to the place of storage or intended storage of the petroleum or other liquid and to any component of, and appliance ancillary to, that pipeline.
- (2) Where any regulation in this Part prescribes any act to be done by a person, that person, unless therein otherwise appearing, shall be taken as being the owner of the pipeline or of any appliance ancillary thereto, referred to in that regulation.

176. Installation and Repairs

- (1) Any proposal for the installation of a new pipeline shall be submitted to the Port Authority together with all relevant details, before installation is commenced and a pipeline shall not be installed or put into use, until approved by the Port Authority.
- (2) Where any existing pipeline is to be relaid or removed or any major repairs (which term includes any repairs or alterations involving welding) are to be effected, that pipeline, or such part of it as the Port Authority may determine, is classed as a new pipeline, for the purposes of this regulation.
- (3) Where the Port Authority is of the opinion that it is in the interest of public safety that any pipeline should be renewed relaid or repaired, it may by notice to the owner of that pipeline, require that work to be carried out within such reasonable period as the notice may require and the requirements of that notice shall be complied with in the time thereby limited.

177. Construction

Every pipeline installed in the Port shall —

- (a) comprise only such pipes, valves, flanges and ancillary fittings as comply with the relevant requirement of British Standards, British Institute of Petroleum Safety Codes or American Petroleum Institute Specification for Line Pipe in operation at the time of the making of these regulations or such other specification as the Port Authority may approve;
- (b) wherever practicable, have welded joints and, where welded joints are not practicable, have flanged or other joints approved by the Port Authority;
- (c) where supported by wharf or jetty, be adequately secured to that wharf or jetty, with provision made for expansion, movement and anchorage;
- (d) where any of its valves or outlets are placed below the deck of a wharf or jetty, be provided with covered access openings in that deck;
- (e) on any wharf or jetty, be fitted with a stop valve, at the outer or seaward end, and with a non-return valve, immediately behind any connection to a flexible hose and at the shore end of the wharf or jetty;
- (f) at any control point, have a rising spindle gate valve of a type approved by the Port Authority;
- (g) if used for the transmission of any inflammable liquid having a flash point of less than 61 degrees Celsius, be bonded and earthed in a manner approved by the Port Authority;
- (h) when not operating, have the outer or seaward end on any wharf or jetty or the end of any hose connected thereto closed off, by fitting thereto either a screwed cap or a blank flange, properly secured and fastened by at least four bolts;
- (i) be, and have the control valves, marked as may be required by the Port Authority;
- (j) where not situated on a wharf or jetty, be wherever practicable, laid and supported above ground at a height

- of not less than 160 millimetres; but so as not to rest directly on wood;
- (k) be protected against corrosion and damage by the elements;
 - (l) if laid under water, be afforded cathodic protection if so required, and in a manner approved by the Port Authority;
 - (m) where laid under any railway track, road or street or where likely to be subject to heavy loading, be installed in accordance with the plans and specifications of the “Recommended practice on form of agreement and specifications for pipeline crossings under railroad track” issued by the American Petroleum Institution (A.P.I. Code No. 26) and in operation at the time of making these regulations or in accordance with any other specification in regard to steering or culverting that may be approved by the Port Authority;
 - (n) where laid in any ground the surface of which is subject to loading or vehicular traffic, have at least 610 millimetres of approved cover above the pipe, excluding flanges and be provided with covered access pits to valves and have any flanged joint readily accessible;
 - (o) when first installed, be tested, in sections not exceeding the distance between consecutive flanged joints, over the whole of its length with water, maintained at a pressure of two megapascals for a minimum period of 30 minutes, in each test; and
 - (p) have provision for the relief of any excess pressure occasioned by temperature variations, when the pipe line is full of liquid.

[Regulation 177 amended by Gazette 10 January 1975 p.67.]

178. Electrical equipment

Any electrical equipment on any oil wharf or located within fifteen metres of a shore terminal valve in a pipeline shall comply with the Standards Association Standard C.C.1. —

Part 1 — 1961 — (S.A.A. Wiring Rules) and shall be inspected at least once in every period of six months to ensure continued compliance with that standard.

[Regulation 178 amended by Gazette 10 January 1975 p.67.]

179. Maintenance and operation

The provisions of this regulation shall be observed for the maintenance and operation of every pipeline and its ancillary appliances in the Port, that is to say —

- (a) every underground pipeline, between any wharf or jetty and a place of storage, shall be examined at intervals not exceeding three years and a certificate shall be given to the Port Authority showing —
 - (i) that the pipeline has been examined and whether that examination was by visual, pressure or metal thickness test; and
 - (ii) if such is the case, that the pipeline is in good order and condition;
- (b) every pipeline and its fittings shall be inspected, prior to each occasion of its use, and shall, at least once in every three months, be tested under working conditions to a pressure of at least 25 per cent in excess of the maximum pressure under which it is intended ordinarily to operate to ensure certainty of operation;
- (c) every valve or ancillary appliance used in pumping operations shall, before each occasion of pumping, be inspected to ensure certainty of operation;
- (d) every flexible hose to be used in connection with any pipeline to which this Part of these regulations applies shall —

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- (i) be of approved quality with a safe working pressure of at least 700 kilopascals;
 - (ii) be fitted with Turk's Heads of hemp or sisal rope or with other approved means of protection, at intervals of one metre of its length;
 - (iii) have incorporated in the hose a metallic plate on which shall be engraved the number and the safe working pressure of the hose and the owner's name except that the Port Authority may approve any alternative method by which those particulars shall be exhibited;
 - (iv) be fitted with 44/.012 copper wire mechanically connected to the metallic fittings at either end in such manner as to ensure electrical connection between any vessel and the pipeline to which the hose is connected, except that the Port Authority may approve any alternative method by which that connection is assured;
 - (v) be properly and adequately supported to prevent chafing or kinking during pumping operations; and
 - (vi) be tested under working conditions to at least 25 per cent in excess of the maximum working pressure under which it is intended to be operated, at least once in every six months, and the result of every such test shall be recorded in a register that may be examined by the Port Authority when it so requires and, in any event, a report of those tests shall be provided to the Port Authority in January and July in each year;
- (e) every pipeline used for the transmission of any liquid derived from petroleum, coal or shale, having a flash point of not less than 61 degrees Celsius, shall —

- (i) be provided with a drip-tray or a drum of a type approved by the Port Authority at the seaward end of that pipeline; and
 - (ii) be maintained in good condition and free from leakage; and every precaution shall be taken to prevent any liquid escaping into water of the Port;
- (f) every pipeline, valve, hose or ancillary appliance used for the transmission of inflammable liquids having a flash point of less than 61 degrees Celsius, shall —
 - (i) be maintained free from leakages and gas-tight;
 - (ii) be tested at intervals of not less than twelve months, to ensure that it is properly bonded and earthed as may be required by the Port Authority; and
 - (iii) unless otherwise authorised by the Port Authority, be freed of all flammable liquid and have any hose disconnected from the shore pipeline, upon the completion of any operation of loading or discharging;
- (g) the velocity of flow of liquid in any pipeline shall be restricted to that of one metre of the narrowest bore of that pipeline, per second —
 - (i) for a period of 30 minutes after pumping has commenced or recommenced or for a period sufficient to clear the pipeline twice, whichever is the longer, in either case where the liquid has a flash point of less than 61 degrees Celsius or the pipeline has been cleared by water; or
 - (ii) until the fill pipe is covered where the liquid is being pumped into empty tanks;
- (h) at any time during which liquid derived from petroleum, shale or coal is being pumped to or from any vessel in the Port —

- (i) the pipeline then in use shall be continuously patrolled throughout the whole of its length, to ensure the detection of any leakage from it;
- (ii) every terminal valve then in use on the wharf or jetty and any control valve in use in that vessel shall, in each case, be manned by a person competent to close the valve whenever emergency or expediency may require;
- (iii) a boat, barge or other small craft shall not be moored or remain nearer than fifteen metres of that vessel and the master of the vessel shall maintain a lookout to ensure compliance with the provisions of this subparagraph.
- (iv) a naked light, matches or other means of ignition shall not be brought within fifteen metres of any terminal valve then in use and any torch or other artificial light used within that distance shall be of flame-proof construction, except that the Port Authority may approve any alternative type of light which shall, in any event, be mounted at least 7.5 metres above the level of the wharf or Jetty;
- (v) a watchman or watchmen approved by the Port Authority shall be stationed at that vessel, as the Harbour Master may require;
- (vi) both at the time of, and during any period in which preparation is being made for, that pumping, the master or a representative of the master of that vessel and a representative of the owner of the installation to or from which the liquid is being or is to be, pumped shall be present at the point of discharge or intake; and each of those persons shall ensure that sufficient firefighting equipment of a type approved by the Port Authority is there present available and capable of dealing with any outbreak of fire that

may occur within the ambit of his own operations; and

- (vii) the master of that vessel shall ensure that a sufficient complement of officers and men is in the vessel to enable the pumping operations to be efficiently carried out and, if the circumstances should require, to remove the vessel from its mooring;
- (i) pumping operations shall not be commenced in the Port, except with the approval of, and subject to any conditions imposed by the Port Authority, and where, in the opinion of the Port Authority, it is not in the interest of safety that pumping be continued, the Port Authority may order it to be discontinued and every person shall comply with that order;
- (j) whenever pumping operations are temporarily suspended, the valve on the vessel and on any shore pipeline, then in use, shall be closed; and
- (k) on the completion of pumping operations, every pipeline, outside the storage installation used for the transmission of inflammable liquids having a flash point of less than 61 degrees Celsius shall be cleared of that liquid by flushing with water and thereupon be kept filled with water; but the Authority may exempt a person from compliance with the requirements of this paragraph, in the case of an underwater pipeline that was used for the transmission of any crude oil having a flash point of not less than 23 degrees Celsius.

[Regulation 179 amended by Gazette 10 January 1975 p.67.]

180. Liquids derived from petroleum, coal or shale may be pumped after sunset in certain cases

- (1) With the written approval of the Port Authority, liquids derived from petroleum, coal or shale may be pumped to or from a vessel after sunset, if —

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- (a) every pipeline, hose, valve and other appliance is coupled and pumping is commenced at least one hour before sundown; and
 - (b) adequate lighting of an approved type is provided to the satisfaction of the Port Authority.
- (2) Where pumping operations are continued after sundown, pipelines and hoses shall not, without the express permission of the Port Authority, be uncoupled until the hours of daylight, and then only in the presence of a representative of the Port Authority.
- (3) Except as provided by this regulation, liquids derived from petroleum, coal or shale shall not be pumped to or from a vessel, after sunset.

Part IX — Miscellaneous charges

Division 1 — Hire of cranes

181. Applications for cranes

- (1) Every application for the hire of a crane owned by the Port Authority shall be made to the Port Authority, on the form provided, and, as far as practicable, cranes will be available for use in the order of the applications received and as near to the time specified in such application as can be arranged.
- (2) The Port Authority is not bound to supply any crane, at any time, to an applicant.
- (3) Charges for the hire of cranes shall be payable when making application.
- (4) The Wharf Manager may at any time reallocate cranes or withdraw a crane from any hirer where in his opinion, the exigencies of the working of vessels require that action.

[Regulation 181 amended by Gazette 4 August 1992 p.3830.]

182. Calculation of crane hire

- (1) The amount payable for the hire of a crane is that calculated in accordance with Part IV of the Second Schedule to these regulations: and the minimum amount payable is that payable for a hiring of one hour.
- (2) Crane hire is payable from the time for which the crane is ordered (if then available), until the time that the officer of the Port Authority in charge of the crane is advised that it is no longer required.
- (3) Where a crane is not used by the hirer at the time for which it is hired, the Port Authority may permit some other person to take the hiring.

183. No liability for loss

The Port Authority is not liable for any loss or expense by applicants for cranes, in the event of a crane not being available for hire at the time appointed.

184. Expenses to be paid

Any expense incurred by reason of the failure of an applicant to make use of a crane, at the time appointed, shall be to be borne by the applicant.

185. Responsibility of hirers

- (1) The hirer of a crane shall not permit the crane fall to be used for the purpose of dragging out cargo, unless a pennant is attached so as to avoid the fall being drawn across any part of a vessel's structure.
- (2) The hirer is responsible for, and shall indemnify the Port Authority against, any loss or damage that may be caused to, or be suffered by, the Port Authority, by reason of any wrongful or negligent act or any omission, or incorrect information made or given by the hirer or anyone acting on his behalf, including all damage done to the cranes or the gear or purchases used in connection therewith, while being used by them, reasonable wear and tear excepted.

186. General responsibility

- (1) The Port Authority is responsible for working the cranes, but shall not supply, nor accept any responsibility for, the safety of slings used for lifting cargo out of or into vessels.
- (2) Every crane shall be operated by an employee of the Port Authority and that employee shall, as far as possible and consistent with safety, be subject to and obey the instructions of the hirer, his stevedore or agent, but the Port Authority is not liable for any loss or damage whatever that may occur while the employee is operating the crane, during the period of hire,

unless the loss or damage is proved to be the direct result of wilful misconduct or wilful disobedience of any reasonable order on the part of the employee.

187. Work in overtime hours

The cost over and above the ordinary cost of day work or of labour supervision, and services provided by the Port Authority, during hours not being working hours as defined in these regulations, or on holidays, whether in respect of continuous work, or casual or special lifts, shall be paid by the hirer, in addition to the usual charges.

Division 2 — Charges relating to mooring and unmooring of vessels

188. Mooring and unmooring

- (1) The Port Authority may when so required supply men to attend to the mooring and unmooring of vessels and the charge in respect of those services, shall be a charge on the vessel concerned.
- (2) Where a gang is requisitioned and not employed, the whole cost shall be charged to the vessel upon whose behalf the gang was requisitioned.
- (3) The Harbour Master, his deputy or other officer acting for the Harbour Master may order a gang to handle mooring ropes, when a vessel is berthing or casting off from any wharf.

[Regulation 188 amended by Gazette 4 August 1992 p.3830.]

Division 3 — Other charges and rebates

189. Charges for other plant and equipment

Charges payable for plant and equipment not hereinbefore in these regulations prescribed are those set out in Part IV of the Second Schedule to these regulations.

190. Port Authority may rebate certain charges

Notwithstanding anything to the contrary in these regulations contained, the Port Authority may, in its discretion, at any time and from time to time, make rebates in respect of the charges in regard to hire of machinery and the handling of cargo therein prescribed and accept payment for those services at rates, being the rates prescribed, less the amount of the rebates made by the Port Authority under the authority of this regulation.

191. Rebate of wharfage charges

The Port Authority may, in its discretion, and according to the circumstances of each case, allow such rebates as it considers reasonable on the wharfage charges prescribed by these regulations in respect of goods imported into this State for manufacturing, industrial or similar purposes, or in the case of exports where goods are wholly or partially manufactured or produced within the State, or in respect of other goods where, in its opinion, a rebate is justified.

192. Charges for incomplete services

Where any variation occurs in the method of, or in the conditions relating to, the handling or custody of cargo, whereby the complete service as contemplated or defined in these regulations is not rendered by the Port Authority, or when any handling service not defined by regulation is required by the Port Authority, the Secretary shall determine the appropriate rate of amount of handling charges payable, in each case.

[Regulation 192 amended by Gazette 4 August 1992 p.3830.]

Part X — Miscellaneous provisions

Division 1 — Bathing

193. Bathing from wharves

A person shall not bathe from any wharf or in any part of the Port except at such places and at such times as the Port Authority may appoint for bathing purposes; and a person shall not wantonly or indecently expose his person within the Port area.

194. Depth of water

The lessee, owner or occupier of any public baths within the Port shall take soundings of the depth of water in different portions of the baths, and properly and plainly show or mark the depths at those places.

195. Lifesaving appliances

The lessee, owner or occupier of any public baths within the Port shall provide proper and sufficient life-saving appliances and keep them in good order and condition and readily available for use when required.

196. Experienced attendant required

The lessee, owner or occupier of any public baths within the Port shall have in attendance at least one person who is an expert swimmer.

Division 2 — General

197. Touting

A person shall not, upon any wharf or roadway within the Port tout for or solicit anyone to proceed as a passenger by any steamer or to take up his or her residence at or to proceed to any

boarding-house or hotel, or to entrust the landing or, portorage of luggage or goods to any one person or firm.

198. Stray boats to be handed over to the Secretary

Any drifting boat, timber or other unattended article found within the Port shall immediately be delivered up to the Secretary in whose custody it shall remain, until claimed by the lawful owner, who is liable for any expenses arising from the recovery and storage of that boat, timber or article.

199. Rubbish or offensive matter, etc., shall not be put into water

Every person who unloads, puts or throws into any part of the Port or on any shore or ground in the Port below high-water mark at ordinary tides any rubbish, earth, ashes, dirt, mud or other matter, or allows any offensive matter to flow into the Port is guilty of an offence.

200. Dead animals

Any person who throws, places or leaves any dead animal or putrefying matter into or upon any part of the Port is guilty of an offence.

201. Interference with notice boards

A person shall not remove, obliterate or otherwise interfere with any notice or notice board erected by the Port Authority.

202. Defacement and bill-posting prohibited

A person shall not soil, deface or injure or, without the consent of the Port Authority, write, paint or place any placard or other document upon any shed, waiting room, barricade, railing, fence, wharf, post or plant; and shall not place or deposit any rubbish, refuse matter, article of offensive character or such as is likely to create a nuisance upon or under any pier, wharf or approach road, except at those places and in the manner appointed the Wharf Manager.

203. Life-saving appliances

A person shall not interfere with any lifesaving equipment, boat-hook, drag grapnel or other apparatus placed within the Port and intended to be used for the purpose of saving persons from drowning, except for the purpose of saving life or for the carrying out of his duties by a member of the Police Force.

204. Dragging or grappling in the Port

A person shall not, without the written permission of the Harbour Master, use drags or grappling within the Port for the purpose of lifting any object from the bed thereof or otherwise disturb the bed of the Port.

205. Vehicles on wharves or in sheds

- (1) The driver of a motor driven vehicle, who is permitted to drive into any cargo shed or upon a wharf, shall not take or permit the vehicle to approach within fifteen metres of any inflammable goods.
- (2) The driver or person in charge of a motor vehicle shall not permit the vehicle to remain within any cargo shed for any period in excess of that necessary for the discharging or loading of the vehicle.

[Regulation 205 amended by Gazette 10 January 1975 p.67.]

206. Vehicles may be moved

- (1) Where, in the opinion of the Wharf Manager, any vehicle should be moved from any stand or place, it is lawful for him to direct the driver thereof to remove the vehicle to such place as the Wharf Manager directs and any driver refusing to obey those directions is guilty of an offence.
- (2) The Wharf Manager or any officer of the Port Authority may lawfully remove or cause to be removed any unattended vehicle or any vehicle that the driver fails to remove when so directed.

207. Preservation of order

Every waterman, ferryman, stevedore, porter, carter, or other person, when on any wharf, whether employed thereon or not, is under the control of, and shall obey the orders of, the Harbour Master or Wharf Manager, and shall immediately leave the wharf when ordered by either of them so to do.

208. Riding and driving upon wharves or approach roads

A person shall not ride any horse or other animal or drive or impel any machine, bicycle, tricycle, velocipede, perambulator, or hand-cart or motor-car over, or upon, any wharf, except with the permission of the Wharf Manager; but a person may take any of those machines across the wharf to or from any ship moored thereto for the purpose of being loaded or after being unloaded therefrom.

208A. Signs and notices to be obeyed

(1) Subject to regulation 208, a person who —

- (a) rides a horse or any other animal; or
- (b) drives, uses, moves, parks, or stands a vehicle,

on any portion of the Port contrary to any direction of the Port Authority contained in —

- (c) a sign erected in the Port; or
- (d) a notice in a newspaper circulating in Port Hedland,

commits an offence.

(2) If a notice is published under subregulation 1(d), the Port Authority may, by subsequent notice in a newspaper circulating in Port Hedland, revoke that notice either absolutely or for the purpose of substituting another notice for the first-mentioned notice.

*[Regulation 208A inserted in Gazette 6 August 1999
pp.3731-2.]*

209. Speed limit

A person shall not drive a vehicle within any portion of the Port area at a speed exceeding 40 kilometres per hour.

[Regulation 209 amended by Gazettes 28 June 1973 p.2481; 18 November 1994 p.5874.]

210. Disorderly persons

The Harbour Master or Wharf Manager may lawfully prevent any drunken, idle or disorderly person from entering in, upon or under any wharf or shed within the Port.

211. Smoking and loitering

A person shall not smoke or loiter in, under or near to any shed, loiter upon any wharf, lounge or sleep among any cargo placed in or under any shed or upon any wharf, play at any game or, without the written consent of the Port Authority, address any assemblage of persons in any shed or on any wharf or any approach thereto.

212. Nuisances

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

213. Yacht moorings

Every yacht, motor boat or other craft of any nature anchored within the Port shall keep clear of the fairway and shall anchor or moor in such position as the Harbour Master may from time to time appoint.

214. Private jetties and moorings

The Port Authority may permit the erection of private jetties and moorings upon such rent, terms and conditions as it may from time to time decide.

215. Boat races

A person shall not cause any boat race or procession of boats to take place in the Port without the leave of the Harbour Master and then only subject to such conditions as the Harbour Master may impose; and a steamer shall not be caused or permitted to accompany a race without the consent of the Harbour Master.

216. Auction sales, etc.

A person shall not hold any auction sale, carry on any retail trade or sell or expose for sale any goods on any wharf or landing place or upon any land or premises owned or leased by the Port Authority without first having obtained permission from the Port Authority in writing.

217. Removal of material

A person shall not remove any ballast, rock, stone, slate, shingle, gravel, sand, earth or other substance or thing from any tidal land or water, or from the shore below high-water mark in any part of the Port, without the permission of the Port Authority.

218. Unserviceable vessels may be removed

To the extent, if any, that section 32 of the Act does not apply, any unserviceable vessel in the Port may, subject to the rights of any person thereunder, be dealt with as provided by section 6 of the *Shipping and Pilotage Act 1967*.

219. Damage by water from ships

The master of a vessel lying alongside any wharf is responsible for any damage occasioned to goods on that wharf by spillage of water from that vessel.

220. Fire alarms and appliances

Except to give notice of the outbreak of fire or for the suppression of fire, a person breaking, sounding, opening or in

any way interfering with, any electric or other fire alarm apparatus on the premises of the Port Authority or using without permission, or in any way interfering with, any apparatus for the suppression of fire, is guilty of an offence and, in addition, is liable for any loss or damage thereby occasioned to the Port Authority.

221. Wharves may be closed

The Port Authority has power to close any wharf or part thereof, whenever the Port Authority considers it advisable to do so, and a person shall not enter upon any wharf or part thereof so closed, without the consent of the Port Authority.

222. Persons not allowed on wharves except on business

A person shall not enter and remain upon any wharf vested in the Port Authority unless he has, in the opinion of the Wharf Manager, legitimate business to warrant his presence thereon and any person refusing, when so required by the Wharf Manager, to state the nature of the business warranting his presence on the wharf is guilty of an offence.

222A. Restricted area of the Port

The area set out in the Fourth Schedule is a restricted area of the Port and a person shall not moor, anchor, land or beach a vessel, or fish in that area except with written permission of the Harbour Master.

[Regulation 222A inserted by Gazette 12 August 1988 p.2711.]

223. Cargo not to be shipped at landing steps

A person shall not land or ship any goods, except passengers' luggage of a portable nature, at or from any landing place for passengers.

224. Fishing

- (1) A person shall not fish from any wharf without obtaining the permission of the Wharf Manager therefor.
- (2) A person shall not fish from any public landing steps or place for landing passengers, or place or use any fishing nets or other fishing gear there, or upon or under any wharf or shed.

225. No building allowed on wharf

A person shall not, without special permission from the Port Authority erect any building, staging or structure on any wharf or landing place; and shall strictly abide by every condition upon which that permission is given.

226. Climbing about structures not permitted

An unauthorised person shall not clamber on or about the structure of any wharf, below the deck level, upon or about any crane or hoist or on or over any gate or fence.

227. Tampering with water appliances

A person shall not turn any valve or cock, or open or shut any fireplug or hydrant, unless so authorised by the Wharf Manager.

228. Tampering with electric light or power mains

A person shall not tamper with, or in any way interfere with, any electric light, light fitting or power main, within the Port.

229. Tugs, lighters and other vessels to be licensed

A person shall not, within the Port, ply for hire or reward with a steamer, vessel or boat of any description, or hold or let any of them for hire or reward, for towing, conveyance of passengers, goods, water, ballast, refuse, or any other commodity or thing or for any other purpose, unless he is the holder of a license which is current, and the Port Authority may issue, a license for that purpose, and may withdraw or vary any such license.

230. Complaints

Any complaint concerning the Wharf Manager or any person under his direction shall be made in writing to the Secretary.

231. Where stock to be landed

- (1) Live stock may be landed or shipped at any wharf, on permission being first obtained from the Wharf Manager, but not otherwise.
- (2) Application for permission shall be made at least 24 hours prior to the arrival of the vessel carrying the stock sought to be landed.
- (3) Cattle shall not be landed until all necessary precautions have been taken to ensure their being at all times properly tended and under control and, in any event, shall not be landed until the master has made the necessary declaration to the Customs authorities, and submitted the stock for inspection, in terms of the *Stock Disease (Regulations) Act 1968*.

232. Stock vessels to clean up

- (1) Every vessel that has discharged its consignment of live stock, in accordance with regulation 231, shall thereupon be removed to the ballast ground and there be cleaned.
- (2) Refuse of any kind, shall not be put overboard into the waters of the Port.
- (3) Notwithstanding any other provision of this regulation, the Wharf Manager may permit a vessel to clean her cattle decks at a wharf or jetty, if: —
 - (a) that work is commenced immediately the livestock is landed and is carried on rapidly and continuously, until completed;
 - (b) all refuse is put into barges, in such manner that none is permitted to find its way into the waters of the Port; and

- (c) every barge containing refuse is, when filled, forthwith taken to a situation outside the Port indicated by the Harbour Master and there unloaded and cleaned.
- (4) Where a vessel is permitted to be cleaned under the provisions of subregulation (3) of this regulation the master or other person in charge of that work shall comply with every condition imposed by that subregulation; and nothing in the subregulation relieves a person of the requirement of complying with the provisions of the *Health Act 1911* and any regulations made thereunder.

233. Exemption from liability

The Port Authority is not liable for any damage to, or any loss suffered by, any person in consequence of an act of God, act of war, act of public enemies, strikes, lock-outs or stoppages or restraint of labour for whatever cause, whether partial or general riots and civil commotions, or the use for the purposes of war, of defence, or training or preparation for war or defence of any property vested in the Port Authority.

234. Wharf holidays

The following days shall be observed as wharf holidays, namely, New Year's Day, Australia Day, Waterside Workers' Picnic Day, Good Friday, Easter Monday, Anzac Day, Labour Day, Foundation Day, Christmas Day and Boxing Day, and such other days as may be declared to be wharf holidays.

235. Decaying goods or material not to be placed or left on wharves, etc.

- (1) A person shall not place or leave, or cause to be placed or left, upon any wharf or in any shed, any vegetable or animal matter, or goods, or other things that are in a state of decay or putrefaction.
- (2) Any goods or other things that are, in the opinion of the Wharf Manager, unfit to remain on a wharf, or in any shed, or are

harmful to other goods stored on or in a wharf or shed, may be removed by the Wharf Manager and the consignee or owner of those goods or other things shall, upon demand, repay to the Port Authority the cost of removal.

236. Special services

Where any service is undertaken or provided by the Port Authority, whether generally or at the request or for the convenience of shipping interests, and that service is not defined in these regulations, the Port Authority shall determine the rate or charge payable in respect thereof.

Part XI — Application of regulations and penalties

237. Application to ships and vessels

Where by these regulations an act is required to be done, or forbidden to be done in relation to any 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.

238. Penalties

Except where any specific penalty is imposed, a person committing an offence against these regulations is liable to a penalty not exceeding Two hundred dollars in respect of each breach, and the imposition and payment of any penalty does not affect the liability of any person or vessel, for damages for any injury to any property, or person, arising from the breach.

First Schedule

Form 1

SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST

Manifest of the S.S./M.V Trip

Master From to

PACKAGES							Total Gross Weight Tonnes	Total Gross Measurement Cubic Metres
Bill of Lading No.	Shipper	Consignee	Marks and Nos.	Quality	Description	Contents	(expressed to three decimal places)	

I (or We) declare the above particulars of weights, measurements, and quantities to be correct.

.....
Master or Agent

Port Hedland 19

It shall be open to the Port Authority to accept, instead of the above form of manifest, the manifest of any Shipping Company, provided that such manifest contains the above declaration and sufficient information for the purposes of the Port Authority.

Form 2

SAFETY CHECK LIST

PORT HEDLAND PORT AUTHORITY

THE MASTER:

MV/SS:" " ENTRY/DEPARTURE DATE:

In the interest of Port safety you are required to complete the following: The vessels equipment indicated below, has been tested at hrs on / /19....., and is/is not in good working order.

	YES	NO	If NO, provide further details
ITEM			
MAIN ENGINE/S:	<input type="checkbox"/>	<input type="checkbox"/>	

Port Hedland Port Authority Regulations
First Schedule

STEERING GEAR:	<input type="checkbox"/>	<input type="checkbox"/>
ARE ALL S/G MOTORS		
OPERATING:	<input type="checkbox"/>	<input type="checkbox"/>
ANCHORS: READY FOR USE		
STRBD:	<input type="checkbox"/>	<input type="checkbox"/>
PORT :	<input type="checkbox"/>	<input type="checkbox"/>
COMMUNICATIONS:		
V.H.F. CHANNELS:	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGE TO FORWARD:	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGE TO AFT:	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGE (Telegraph) TO	<input type="checkbox"/>	<input type="checkbox"/>
ENGINE RM:		
WHISTLE:	<input type="checkbox"/>	<input type="checkbox"/>
GYRO COMPASS:STEERING:	<input type="checkbox"/>	<input type="checkbox"/>
OTHER REPEATERS:	<input type="checkbox"/>	<input type="checkbox"/>
RADAR: SET 1 :	<input type="checkbox"/>	<input type="checkbox"/>
SET 2 :	<input type="checkbox"/>	<input type="checkbox"/>
(If fitted)		
RUDDER/HELM INDICATOR :	<input type="checkbox"/>	<input type="checkbox"/>
ECHO SOUNDER :	<input type="checkbox"/>	<input type="checkbox"/>

Indicate ANY other condition e.g. faulty hydraulics/electrics etc. which may affect the Entry/Departure manoeuvre.

.....

.....

.....

.....

SIGNED

*[First Schedule amended by Gazettes 28 June 1973 p.2481;
26 August 1977 p.3008.]*

Second Schedule

[Part 1 deleted]

PART II — WHARFAGE HANDLING AND HAULAGE CHARGES PER TONNE

Goods	Wharfage \$	Handling \$	Haulage \$	Total \$
Bunker oil (inwards only) per tonne	0.20	--	--	0.20
Piped commodities — oil, bitumen, cement, barite etc	3.65	--	--	3.65
Brine —road tanker	0.30	--	--	0.30
6.1 m Containers per FCL	68.00	--	--	68.00
Empty returns (each — where containers are less than 6.1 metres linear measurement	--	--	--	--
where containers are not less than 6.1 metres linear measurement	--	--	--	--
Livestock (each)	1.35	--	--	1.35
Bulk Feldspar	1.25	--	--	1.25
Bulk Bentonite	3.40	--	--	3.40
Bulk Manganese	2.05	--	--	2.05
All other goods	3.15	--	--	3.15

PART III — CARGO STORAGE AND STORAGE CHARGES

- Subject to clause 2 the charges set out in columns 2 and 3 in the table to this clause shall apply for the corresponding periods set out in column 1 of the table.

TABLE OF CHARGES

Column 1 Period of Storage	Column 2 Charge (per tonne or part thereof per week or part thereof) \$	Column 3 Minimum Charge (per week or part thereof) \$
Up to 1 week	no charge	--
8 days to 4 weeks.....	1.80	18
29 days and over	3.60	36

- Where the consignee or owner hands to the Port Authority an indemnity, in the form provided and approved by the Wharf Manager, relieving the Port Authority from all liability, the storage charges on goods for which goods shed accommodation is not provided, and which are not protected from the weather, may be reduced by one half.

3. Notwithstanding anything contained in this Part, the Wharf Manager may remove or order the removal of all or any goods referred to in clause 2, at any time after the time appointed for their removal by the consignee and where the goods are removed by or on the order of the Wharf Manager the Port Authority shall not be responsible for any loss, damage or injury occasioned to the goods by reason of their being removed into the open.

PART IV — MISCELLANEOUS HIRE AND OTHER CHARGES

	\$
Forklift Hire (7 tonnes) per hour with operator	43.00
Forklift Hire (6 tonnes) per hour with operator	37.00
Truck Hire (4 tonnes) per hour with operator	49.00
Crane Hire (10 tonnes) per hour with operator	51.00
Tractor c/w attachments per hour with operator	37.00
Scissor Lift Barge per hour with operator	51.00

Charges for provision of lighting —

Numbers 1 and 3 wharves — \$47.00 per vessel per night or part thereof.

Goods sheds or transit sheds — \$47.00 per shed per night or part thereof.

Goods yards — \$91.00 per yard per night or part thereof.

Fresh water: Supplied to all vessels at \$1.72 per tonne.

Ships Stores: Stores for consumption on vessels by which shipped are free of wharfage dues, but handling charges shall be payable at ordinary cargo rates, according to services rendered.

*[Second Schedule inserted by Gazette 28 December 1990
pp.6399-400; amended by Gazettes 19 July 1991 p.3673;
18 August 1995 pp.3772-4; 17 May 1996 p.2111; 20 June 2000
p.3037.]*

Third Schedule

MANAGEMENT AND CONDUCT OF BUSINESS AT MEETINGS OF THE MEMBERS

1. **General Conduct of Business.** In any case occurring in connection with the conduct of business that is not herein provided for, resort shall be had to the rules, forms, and usages of the Legislature of Western Australia, and they shall be followed, as far as they may reasonably be applied to the proceedings of the Port Authority.
2. **Minutes of Meetings to be Read at Next Subsequent Meeting.** At every ordinary meeting of the members, the first business thereof shall be the reading and putting a question for the confirmation of the minutes of the proceedings at the preceding meeting; and discussion shall not be permitted thereon, except as to their accuracy as a record of the proceedings; and if confirmed the minutes shall then be signed by the Chairman.
3. **Order of Business at Ordinary Meetings.** After the signing of the Minutes, as provided by clause 2 of this Schedule, the order of business of an ordinary meeting shall, except as may, for the greater convenience of the members at any particular meeting of the Port Authority, be altered by resolution, be as nearly as is practicable as follows: —
 - (a) reading of copies of letters sent by the authority of the Port Authority;
 - (b) reading of letters received, and considering and ordering thereon;
 - (c) reception and reading of petitions and memorials;
 - (d) receiving deputations;
 - (e) presentation of schedule of receipts and disbursements and passing of accounts;
 - (f) presentation of reports of Chairman and of Committees and considering and ordering thereon; postponed items of former reports of Committee taking precedence over new business brought up by Committees;
 - (g) orders of the day, including subjects continued from proceedings of former meetings and any business the Chairman may think desirable, with the consent of the Port Authority;
 - (h) motions of which previous notice has been given; and
 - (i) notices of motion for consideration at following meetings.
4. **Order of Business at Special Meetings.** The order of business at a special meeting shall be the order in which such business stands in the notice thereof.

5. Motions. Every notice of motion shall be dated, signed, and given by the intending mover to the Secretary, either at a meeting of the Port Authority or three clear days, at the least, prior to the holding of any ordinary meeting; and the Secretary shall enter every motion in the Notice of Motion Book, in the order in which they were received; and each member shall receive a copy of every notice of motion with the ordinary notice of meeting.
6. Motion Not To Be Proceeded With, in Absence of Member Giving the Notice, Except by His Authority. A motion entered in the Notice of Motion Book shall not be proceeded with, in the absence of the member who gave notice of it, unless by some other member having authority from him in that regard.
7. Order of Debate. Any member desirous of making a motion or amendment or of taking part in discussion thereon shall address the Chair, and shall not be interrupted, unless called to order, whereupon he shall remain silent until the member calling to order has been heard thereon and the question of order disposed of; whereafter the member having the floor may subject to the ruling of the Chairman, proceed with the subject.
8. Motion Not To Be Withdrawn Without Leave. A motion or amendment shall not be withdrawn, without the consent of the majority of the members present.
9. Motion to be Seconded. A motion or amendment shall not be discussed or put to the vote of the Port Authority, unless it is seconded; but a member may require the enforcement of any standing order of the Port Authority, by directing the Chairman's attention to the infraction thereof.
10. Mover of Motion. A member moving a motion shall be held to have spoken thereon; but a member merely seconding a motion shall not be so held.
11. Priority of Members. If two or more members attempt to speak at the same time, the Chairman shall decide which of them is entitled to priority.
12. Members not to Speak a Second Time on the Same Question. A member shall not speak a second time on the same question, unless entitled to reply, or in explanation, if he has been misrepresented or misunderstood.
13. Points of Order. The Chairman, when called upon to decide on points of order or practice, shall state the provision, rule or practice which he thinks applicable to the case, without discussing or commenting thereon; and his decision as to order or explanation shall in every case be final.
14. Members not to Digress, Etc. A member shall not digress from the subject matter of the question under discussion; and every imputation of improper motives and every personal reflection is out of order.

15. **Members Called to Order to Sit Down.** A member called to order shall remain silent, unless permitted to explain.

16. **Member May Demand Documents.** Any member may, of right, demand the production of any of the documents of the Port Authority applying to the question under discussion and may, at any time during business hours, have access to all the records and documents of the Port Authority.

17. **Voting.** The members shall, where any question is put to the vote, vote by show of hands.

18. **Motions, Etc., if Required to be Reduced into Writing.** At every meeting of the members all motions, whether original motions or amendments, shall, if required by the Chairman, be reduced into writing, signed by the mover and delivered to the Chairman, immediately on their being moved and seconded.

19. **If Amendment Negatived, A Second may be Moved.** Where an amendment is negative, a second amendment may be moved to the motion to which the first-mentioned amendment was moved; but only one amendment shall be submitted to the Port Authority for discussion at any one time. If an amendment is carried, it shall then become the substantive motion, and only one amendment shall be made thereon at any one time.

20. **Mover of Motion to have Right to Reply.** The mover of every original motion, but not of any amendment, shall have the right to reply, and the question shall be put by the Chair immediately thereafter; but a member shall not be permitted to speak more than once on the same question, unless permission is given to explain or the attention of the Chair is called to a point of order.

21. **Motion for Adjournment.** A motion for adjournment of the meeting or of a debate may be moved at any time, but discussion shall not be allowed thereon.

22. **Protests.** A member of the Port Authority, may by notice of intention given forthwith after the adoption thereof, protest against any resolution of the Port Authority. Every protest shall specify the reasons therefor and shall be entered and signed by the protesting member, at least three days before the next ordinary meeting of the Port Authority, in a book to be kept for that purpose at the office of the Secretary. Every protest shall be noted in the minutes of the meeting at which it was made but may be expunged from the minutes, if declared by a majority of the members to have no basis in fact or to be disrespectful to the Port Authority.

23. **Committees.** Minutes of all proceedings of all Committees shall be entered in the Committees' Minute Book.

24. Petitions to be Signed by Petitioners. Every petition shall be signed by the persons whose names are appended thereto, by their names or marks, and by no one else, except in the case of incapacity by sickness.

25. Petitions to be Respectful. It is incumbent on every member presenting a petition to acquaint himself with the contents thereof and to ascertain that it does not contain language disrespectful to the Port Authority.

Fourth Schedule

Restricted Area of the Port

Commencing at a point which is situated approximately 100 metres north of the Goldsworthy Mining Limited convey, or groyne and coincident with the high water mark on Finucane Island, thence 498 metres on a grid bearing of $124^{\circ} 07'$ to a point situated on a line parallel to the wharf alignment and 60 metres out from the dredged berth toe line, thence 527.6 metres on a grid bearing of $198^{\circ} 43'$ to a point on that same alignment, thence 138 metres on a grid bearing of $229^{\circ} 48'$ to a point which is coincident with the high water mark on the "UTAH" reclamation promontory on Finucane Island and thence generally north-westerly and north-easterly following the high water mark along the shore line of Finucane Island back to the commencement point.

[Fourth Schedule inserted by Gazette 12 August 1988 p.2711.]

Notes

- ^{1.} This is a compilation of the *Port Hedland Port Authority Regulations* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Port Hedland Port Authority Regulations</i>	14 Jun 1971 pp.2077-131	
	12 Dec 1975 p.4513	
	23 Jan 1976 p.154	
	20 Feb 1976 p.488	
	6 Aug 1976 pp.2692-3	
	3 Sep 1976 p.3297	
	26 Aug 1977 pp.3007-8	
	23 Sep 1977 pp.3446-7	
	17 Mar 1978 p.816	
	21 Apr 1978 p.1242	
	14 Jul 1978 pp.2454-5	
	19 Jan 1979 pp.152-4	
	3 Aug 1979 pp.2186-9	
	13 Jun 1980 pp.1745-6	
	20 Jun 1980 p.1828	
31 Oct 1980 p.3702		
26 Jun 1981		

Port Hedland Port Authority Regulations

Citation	Gazettal	Commencement
	pp.2426-7	
	11 Jun 1982	
	pp.1930-1	
	20 May 1983	
	p.1555	
	20 May 1983	
	p.1554	
	1 Jul 1983	
	pp.2134-5	
	29 Jun 1984	
	pp.1763-4	
	19 Oct 1984	
	p.3372	
	27 Jun 1986	
	pp.2178-9	
	15 Aug 1986	
	pp.2929-30	
	10 Apr 1987	
	pp.1310-1	
	26 Jun 1987	
	pp.2472-3	
	24 Jun 1988	
	pp.2014-5	
	12 Aug 1988	
	pp.2710-1	
	30 Jun 1989	
	p.1914	
	28 Dec 1990	
	pp.6399-400	
	19 Jul 1991	
	pp.3672-3	
	4 Aug 1992	
	pp.3829-30	
<i>Port Hedland Port Authority Amendment Regulations 1994</i>	18 Nov 1994 pp.5873-4	18 Nov 1994
<i>Port Hedland Port Authority Amendment Regulations 1995</i>	7 Jul 1995 p.2870	7 Jul 1995
<i>Port Hedland Port Authority</i>	18 Aug 1995	18 Aug 1995

Port Hedland Port Authority Regulations

Citation	Gazettal	Commencement
<i>Amendment Regulations (No. 2) 1995</i>	pp.3772-4	
<i>Port Hedland Port Authority Amendment Regulations (No. 2) 1996</i>	17 May 1996 pp.2110-11	17 May 1996
<i>Port Hedland Port Authority Amendment Regulations (No. 3) 1996</i>	18 Feb 1997 pp.1156-7	18 Feb 1997
<i>Port Hedland Port Authority Amendment Regulations 1997</i>	27 Feb 1998 p.1061	27 Feb 1998
<i>Port Hedland Port Authority Amendment Regulations (No. 2) 1998</i>	22 Dec 1998 pp.6898-9	22 Dec 1998
<i>Port Hedland Port Authority Amendment Regulations (No. 3) 1998</i>	11 Dec 1998 p.6648	11 Dec 1998
<i>Port Hedland Port Authority Amendment Regulations 1999</i>	6 Aug 1999 pp.3731-2	6 Aug 1999
<i>Port Authorities (Charges for Pilotage Services) Regulations 2000 r. 11</i>	20 Jun 2000 pp.3032-7	1 Jul 2000 (see regulation 2)
These regulations were repealed by the <i>Port Authorities Regulations 2001 r. 122(1)</i> as at 1 Jun 2001 (see r. 2 and <i>Gazette 18 May 2001 p. 2487</i>)		