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Crown Law Department,
Perth, 13th August, 1963.

THE undermentioned regulations made under the provisions of the Fremantle Harbour Trust Act, 1902-1960, and amended prior to the 16th May, 1963, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

Fremantle Harbour Trust Act, 1902-1960.

REGULATIONS.

(Published in the *Government Gazette* on 17th June, 1955, and incorporating the amendments thereof published in the *Government Gazette* on the 8th June, 1956, the 16th November, 1956, the 27th June, 1957, the 4th October, 1957, the 5th September, 1958, the 12th December, 1958, the 12th June, 1959, the 29th October, 1959, the 28th April, 1960, the 6th October, 1960, the 3rd May, 1961, the 22nd June, 1961, the 7th September, 1961, and the 29th December, 1961, and reprinted pursuant to the Reprinting of Regulations Act, 1954.)

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice, dated 13th August, 1963.

FREMANTLE HARBOUR TRUST ACT, 1902-1960. REGULATIONS.

[As published in the *Government Gazette* on the 17th June, 1955, and incorporating the amendments thereof published in the *Gazette* on the 8th June, 1956, (a) 16th November, 1956, 27th June, 1957, 4th October, 1957, 5th September, 1958, 12th December, 1958, 12th June, 1959, 29th October, 1959, 28th April, 1960, 6th October, 1960, 3rd May, 1961, 22nd June, 1961, 7th September, 1961, and 29th December, 1961, and reprinted pursuant to the Reprinting of Regulations Act, 1954.]

No. 1.

Interpretation.

In the construction, and for the purposes of these Regulations, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them:—

- “Accountant” includes any officer deputed by the Commissioners to carry out any duty on behalf of the Accountant.
- “The Act” means the Fremantle Harbour Trust Act, 1902, as amended by the Fremantle Harbour Trust Amendment Act, 1906, reprinted as directed by Section 21 of such Amendment Act, and any subsequent Act amending the same, respectively.
- “Ballast” includes any kind of stone, gravel, sand, soil, or material commonly used for the ballasting of vessels.
- “Berth,” “Berthing” means a position alongside any wharf or jetty or any vessel fastened to any wharf or jetty or to the shore, or at any mooring buoy or anchorage; and any vessel fastened to any wharf or jetty or shore or to any other vessel, or moored to any buoy or fixture, or anchored within the harbour, shall be held and deemed to be occupying a berth.
- “Berthing Master” means the person appointed to the charge of berthing of vessels, or any other person acting for the Berthing Master.
- “Buoys,” “Beacons” include all other marks and signs placed for the purpose of navigation.
- “Coasting Vessel” means a vessel owned or registered in the Commonwealth whose trade is exclusively confined to the Ports of Western Australia.
- “Commissioners.”—The Fremantle Harbour Trust Commissioners constituted under the Act and in office for the time being.
- “Consignee” shall mean the person to whom any goods are consigned, and shall include the owner of such goods, the agent for such owner, the agent for the sale or custody of such goods, the holder of any bill of lading or other document representing such goods, and any other person having any right, title, or interest in such documents or goods.
- “Consignor” shall mean the person consigning any goods, and shall include the owner, shipper, agent for the owner or shipper, and any other person having any right, title, or interest in such goods.
- “Engineer” includes any person empowered to represent the Engineer.

(a) With force and effect from 1st July, 1956.

"Explosives" means explosives as defined by the Explosives Act, 1895.¹ Whenever in these Regulations any explosive is distinguished as belonging to a particular class, or division of a class, reference is made to the classification of explosives in pursuance of the Explosives Act, 1895.

"Goods," "Cargo."—All wares and merchandise, and all chattels, live stock, and other things of whatsoever description, but not a ship's own stores or equipment unless landed to be disposed of.

"Harbour Master" includes any person under the instructions of the Harbour Master, and may include the Berthing Master.

"Inner Harbour" shall mean all that portion of the Estuary of the Swan River lying between the Western side of the Railway Bridge and a line drawn from the outer extremity of the South Mole in a North-Westerly direction to the outer extremity of the North Mole.

"Inspector" means any inspector appointed by the Commissioners, and in Part IV, Section VI, of these Regulations means the Chief Inspector, or any Sub-Inspector of Explosives under "The Explosives Act, 1895."

"Interstate vessel" means a vessel owned and registered within the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State or Newfoundland (as signatories to the "British Commonwealth Merchant Shipping Agreement" dated 10th December, 1931), and ordinarily trading only between

(a) this State and any other Australian State or States and/or New Zealand; or

(b) Fremantle and any port or ports in the Dutch East Indies, Straits Settlements, Federated Malay States, Borneo, or any other ports in South-Eastern Asia and as far as Hong Kong, via one or more of the coastal ports of Western Australia in either or both directions.

"Landed" includes unloaded or discharged, whether on to wharves, from one vessel to another, direct overside into water, or in any other manner whatsoever.

"Manager" means the Wharf Manager for the Commissioners and includes any officer acting for, or deputed to carry out any duty on behalf of the Wharf Manager.

"Master" includes every person having the command, charge, or management of a vessel for the time being, and includes the owners and/or agents for the owners of such vessel.

"Minister" means the responsible Minister of the Crown charged with the administration of the Act.

"Outer Harbour" shall mean all that portion of the Harbour of Fremantle as is contained within the boundaries described in the schedule to the Act, other than the "Inner Harbour" or as amended from time to time as prescribed by the Act.

"Owner," when used in relation to goods includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of goods, and includes also the holder of any Bill of Lading or other document representing such goods and every person having or claiming any right, title, or interest therein or thereto.

"Owner," when used in relation to a ship or vessel, includes the holder of any share or interest in a ship or vessel whether beneficially or otherwise, and also the agent for such owner.

¹ Repealed by Explosive and Dangerous Goods Act, No. 38 of 1961.

- "Pilot" means any person duly licensed and appointed to the Trust to act as Pilot for the Port of Fremantle.
- "Secretary" means the Secretary to the Commissioners or any person acting as such under their authority.
- "Ship" means every description of vessel used in navigation and not propelled exclusively by oars.
- "Ships' Slings," "Ships' Tackle," "Ships' Gear," when used in connection with the handling of goods, shall include all cranes or other hoisting or conveying appliances hired or used for the purpose of or in connection with the handling of such goods.
- "Ship's Stores" mean and include materials and equipment required to be used in the Port of Fremantle in repairs to a ship or her machinery or equipment; consumable stores for the ship's own use; also fittings, ballast, or dunnage required by a ship to enable her to ply her trade and on which she earns no freight or reward.
- "Shore" means shore so far as the tide flows and reflows between low and high-water marks.
- "State" means the State of Western Australia.
- "Steamer" includes every motor or power driven vessel.
- "Surveyor" means any officer or person appointed by the Commissioners to act as surveyors of vessels or goods.
- "The Harbour," "The Port."—So much of the Harbour of Fremantle as is contained within the boundaries described in the Schedule to the Act, or as amended from time to time as prescribed by the Act.
- "The Trust," "The Fremantle Harbour Trust" shall mean the Fremantle Harbour Trust constituted under the Act.
- "Ton" means (except where otherwise specifically described) a ton of 2,240 lb. avoirdupois or of 40 cubic feet measurement, at the option of the Commissioners.
- "Tonnage Rates" includes Port Dues.
- "Tons," "Tonnage," and words of the like import, having reference to a vessel's tonnage, shall mean the gross registered tons or tonnage as calculated in accordance with the British standard of measurement of registered tonnage.
- "Vessel" means any ship, lighter (not being a licensed powder lighter), barge, boat, raft, or craft of whatever description, and howsoever navigated.
- "Vessels of War" means vessels built for combatant service or converted for that purpose and tankers conveying fuel oil for such vessels, provided such vessels 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," "Year," or any other period shall be taken to mean and 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 over which the Commissioners have jurisdiction, and includes any shed erected thereon.
- "Wreck" includes jetsam, flotsam, ligan, and derelict.
- Words importing the masculine gender shall include the feminine.
- Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular.

PART I.**Section I.****Conduct of Business.**

No. 2.

Ordinary Meetings.—Ordinary meetings of the Commissioners shall be held on Fridays or upon such other days and at such hour as shall from time to time be decided upon by the Commissioners.

No. 3.

Office Hours.—The offices of the Trust shall be open for the transaction of business between the hours of 9 a.m. and 12 o'clock noon and between 1 p.m. and 4.30 p.m., from Mondays to Fridays, both inclusive, except upon such days or portions of days as may be declared holidays by the Commissioners.

Section II.**Commissioners.**

No. 4.

General conduct of Business.—In all cases occurring in connection with this section which are not herein provided for, resort shall be had to the rules, forms, and usages of the Legislature of Western Australia, which shall be followed as far as the same are applicable to the proceedings of the Commissioners.

No. 5.

Minutes of Meetings to be Read at next Subsequent Meeting.—At every ordinary meeting of the Commissioners 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 no discussion shall be permitted thereon except as to their accuracy as a record of the proceedings, and the said minutes of proceedings at the preceding meeting shall then be signed.

No. 6.

Order of Business at Ordinary Meetings.—After the signing of the Minutes, as aforesaid, the order of business of an ordinary meeting shall be as follows, or as near thereto as may be practicable, but for the greater convenience of the Commissioners at any particular meeting thereof it may be altered by resolution to that effect:—

- (a) Reading of copies of letters sent by the authority of the Commissioners.
- (b) Reading 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. Passing of accounts.
- (f) Presentation of reports of Chairman and of Committees, and considering and ordering thereon. The postponed items of former reports of Committee shall take precedence of 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 Commissioners.
- (h) Motions of which previous notice has been given.
- (i) Notices of motion for consideration at following meetings.

No. 7.

Order of Business at Special Meetings.—The order of business at special meetings shall be the order in which such business stands in the notice thereof.

No. 8.

Motions.—All notices of motion shall be dated, signed, and given by the intending mover to the Secretary, either at a meeting of the Commissioners or three clear days at the least prior to the holding of any ordinary meeting, and such Secretary shall enter the same in the Notice of Motion Book in the order in which they may be received, and he shall send a copy of such notice of motion to each Commissioner with the ordinary notice of meeting.

No. 9.

No motion to be proceeded with in absence of Commissioner giving notice of same, except by his authority.—No motion entered in the Notice of Motion Book shall be proceeded with in the absence of the Commissioner who gave notice of the same, unless by some other Commissioner having authority from him to that effect.

No. 10.

Order, etc., of Debate.—Any Commissioner desirous of making a motion or amendment, or taking part in discussion thereon, shall address the Chairman, and shall not be interrupted unless called to order; when he shall stop until the Commissioner calling to order shall have been heard thereon, and the question of order disposed of, when the Commissioner in possession of the Chair may, subject to the ruling of the Chairman, proceed with the subject.

No. 11.

Motion not to be withdrawn without leave.—No motion or amendment shall be withdrawn without consent of the majority of the Commissioners present.

No. 12.

Motion to be seconded.—No motion or amendment shall be discussed or put to the vote of the Commissioners unless it be seconded, but a Commissioner may require the enforcement of any standing order of the Commissioners by directing the Chairman's attention to the infraction thereof.

No. 13.

Mover of Motion.—A Commissioner moving a motion shall be held to have spoken thereon; but a Commissioner merely seconding a motion shall not be held to have spoken upon it.

No. 14.

Priority of Commissioners.—If two or more Commissioners rise to speak at the same time, the Chairman shall decide which is entitled to priority.

No. 15.

Commissioners not to speak second time on same question.—No Commissioner shall speak a second time on the same question, unless entitled to reply, or in explanation when he has been misrepresented or misunderstood.

No. 16.

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 deems applicable to the case, without discussing or commenting on the same; and his decision as to order or explanation in each case shall be final.

No. 17.

Commissioners not to digress, etc.—No Commissioner shall digress from the subject matter of the question under discussion, and all imputations of improper motives, and all personal reflections, shall be deemed highly disorderly.

No. 18.

Commissioners called to order to sit down.—A Commissioner called to order shall sit down, unless permitted to explain.

No. 19.

Commissioners may demand Documents.—Any Commissioner may of right demand the production of any of the documents of the Commissioners applying to the question under discussion, and may at any time during business hours have access to all the records and documents of the Commissioners.

No. 20.

Voting.—The Commissioners shall, when a division is called for, vote by show of hands, and all Commissioners present shall vote.

No. 21.

Motions, etc., if required, to be reduced into writing.—At every meeting of the Commissioners all motions, whether original motions or amendments, shall, if required by the Chairman, be reduced into writing, signed by the mover, and be delivered to the Chairman immediately on their being moved and seconded.

No. 22.

If amendment be negatived, a second one may be moved.—If an amendment be negatived, then a second one may be moved to the question to which the firstmentioned amendment was moved; but only one amendment shall be submitted to the Commissioners for discussion at a time. If an amendment be carried it shall become the original motion, and only one amendment shall be made thereon at a time.

No. 23.

Mover of Motion to Have Right to Reply.—The mover of every original proposition, but not of any amendment, shall have the right to reply, immediately after which the question shall be put from the Chair; but no Commissioner shall be allowed to speak more than once on the same question unless permission be given to explain, or the attention of the Chair be called to a point of order.

No. 24.

Motion for Adjournment.—A motion for adjournment of the Commissioners or of a debate may be moved at any time, but no discussion allowed thereon.

No. 25

Protests.—Any Commissioner may protest against any resolution of the Commissioners, and notice of intention to protest shall in every case be given forthwith on the adoption of the resolution protested against; and the protest shall specify the reasons for protesting, and shall be entered three days at least before the next ordinary meeting of the Commissioners, by the protesting Commissioner in a book, to be kept for that purpose in the office of the Secretary, and signed by such Commissioner, and shall be also entered in the minutes of the meeting at which notice of intention to protest shall have been given previously to the confirmation thereof; but such protest may be expunged from the minutes if declared by a majority of Commissioners to be not in accordance with the truth or to be in its terms disrespectful to the Commissioners.

No. 26.

Committees.—Minutes of all proceedings of all Committees shall be entered in the Committee's minute book.

No. 27.

Meetings of Committees.—The Secretary shall convene every Committee within ten days of its first appointment, or at any other time thereafter, on the order of the Chairman of the Committee or of any two members of the Committee.

No. 28.

Petitions to be respectful.—It shall be incumbent on every Commissioner presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Commissioners.

No. 29.

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 case of incapacity by sickness.

No. 30.

Suspension of Rules.—Any one or more of the Rules and Regulations relating to the management and conduct of business at the meetings of the Commissioners may be suspended for a special purpose by the consent of two-thirds of the Commissioners present.

No. 31.

Remuneration of Commissioners.—With effect from the 1st March, 1957, each Commissioner other than the Chairman who shall receive a fee of six guineas, shall receive a fee of four guineas for every meeting of Commissioners at which he attends.

Provided that the fees payable to the Chairman shall not in any one year exceed the sum of six hundred pounds, and that those payable to any Commissioner other than the Chairman shall not in any one year exceed the sum of four hundred pounds.

Reg 31
amended by
G.G. 27/6/57,
p. 2133.

Section III.**Officers.**

No. 32.

Receipt of Accountant to Collectors to be a sufficient discharge.—Every Collector, and every Officer, Clerk, or Servant of the Trust, who shall collect or receive any moneys for or on behalf of the Trust, shall daily pay over same to the Accountant of the Trust, and the receipt of such Accountant for the moneys so paid shall be a sufficient discharge to the said Collector, Officer, Clerk or Servant.

No. 33.

Duties of Accountant as to making entries and lodgments.—The Accountant shall make, or cause to be made, true entries in the books provided by the Commissioners for that purpose of all moneys or cheques paid to, or received by him for and on behalf of the Trust and he shall, within twenty-four hours, or such shorter period as the Commissioners may direct, after the same shall have come to his hand, pay the same moneys and cheques into the Commonwealth Trading Bank of Australia, at Fremantle, for transfer to the Treasury to the credit of an account to be called the "Fremantle Harbour Trust Account."

No. 34.

Common Seal.—The common seal of the Trust shall be kept locked with two locks, of one of which locks the Chairman shall have a key, and of the other of which locks the Secretary shall have a key, and a duplicate of each such keys shall be lodged at

such bank as the Commissioners may direct, and the common seal shall be affixed by the Chairman of the Commissioners and one other of the Commissioners with the Secretary, or in the absence of such Chairman, by two Commissioners and the Secretary.

No. 35.

Commissioner or Officer not to be Surety.—No Commissioner or Officer of the Trust, and no Assessor or Auditor of the Trust, shall be received as a surety for any officer appointed by the Commissioners, or for the performance of any contract made with the Trust.

No. 36.

Officers to report breaches of the Customs Act.—It shall be the duty of all officers or persons in the employment of the Trust to report to the nearest Officer of Customs anything coming under their notice, or to their knowledge, whereby the general revenue may be defrauded, or the provisions of the Customs Act be violated.

No. 37.

Conduct of Officers.—Should any Officer of the Trust divulge to any person not in the service of the Trust any particulars contained in any ship's manifest furnished to the Trust, or should any officer divulge any information of a confidential nature, or knowingly be a party to any act or procedure or conspiracy to defraud the general revenue, he shall be liable to be dismissed from the service of the Trust.

No. 38.

Presents or Sales to Officers or Servants of the Trust prohibited.—No officer or servant of the Trust shall take or accept any gratuity or present in money or kind from any person having business with the Trust, and no person shall offer or agree to give to any officer or servant any gratuity or present in money or kind.

No owner of any goods in the custody or on the premises of the Trust shall sell or give or agree to sell or give to any officer or servant of the Trust any of such goods, and no officer or servant shall buy, take, ask for, or receive any such goods, even though such goods may appear to be only waste material. Any breach of this Regulation in letter or spirit shall render the offending officer or servant liable to immediate dismissal, and all offending parties other than officers or servants of the Trust to a penalty not exceeding one hundred pounds (£100).

No. 39.

Leave to Officers.—The following shall be the leave of absence allowed by the Commissioners to officers of the Permanent Salaried Staff, appointed in terms of section 19, subsection (1), of The Fremantle Harbour Trust Act, 1902:—

- (a) *Public Holidays.*—New Year's Day, Foundation of Australia Day, Good Friday, Easter Eve, Easter Monday, Anzac Day, Labour Day, Foundation Day, Sovereign's Birthday, Christmas Day, Boxing Day, and all other days which the Commissioners shall decide shall be observed as office holidays.

Whenever any of the abovementioned holidays are by law observed on a day other than the exact date upon which they fall, such day shall be held to be the holiday indicated.

Should the requirements of the Trust, or the public, necessitate the attendance of any officer on service upon any of the abovementioned holidays, such officer, shall be granted, in lieu thereof, an equivalent holiday, either added to his annual leave or at such other time as the Commissioners may decide.

- (b) *Annual Recreation Leave.*—Every officer shall be granted leave of absence, on full pay, for recreation, for two weeks in each calendar year, exclusive of Public Holidays.

The arranging of this leave shall be by a programme prepared in January of each year.

Every officer must take his annual leave upon the dates arranged, except where the requirements of the Trust or the public render it desirable, in the opinion of the Commissioners, that such leave shall be taken at some date other than those arranged.

The Commissioners may, upon special application, permit any officer to allow his annual recreation leave to accumulate to the extent of six weeks (*i.e.*, for three years), but no longer.

When an officer enters the service of the Trust after 1st January, he may be granted annual leave for that year at the rate of one day for each complete month of service, provided that no annual leave shall accrue until six months' service shall be attained.

(c) *Long Service Leave.*—The Commissioners may grant Long Service Leave as under, *viz.*:—

- (1) To any officer who has continued in the service for not less than seven years, three months' leave on full pay, or six months on half pay.
- (2) To any officer who has continued in the service for at least fourteen years, six months' leave on full pay or twelve months on half pay.
- (3) Any officer who takes his long service leave at the expiration of seven years cannot be granted the longer term for fourteen years' service, *i.e.*, he may, at the conclusion of the second seven years' service, be granted another fresh term of long service leave, as prescribed for seven years' service.
- (4) Long service leave is permissive, and before it is granted the commission of any offences and the lack of good and diligent conduct will be taken into consideration. Long service leave shall be regarded as a special provision for recuperation after a lengthy term of service, with a view of fitting an officer for a further term.

(d) *Payment in lieu of Accrued Leave.*—The Commissioners may make payment to dependants of a deceased officer upon proof of dependency for any Annual Leave due to such officer; and for Long Service Leave *pro rata*, provided that such officer shall have served continuously for at least twelve months prior to his death.

(e) *Sick Leave.*—An officer who is too unwell to attend to his duties may be granted sick leave, on production of a medical certificate, for a period, and upon the conditions determined by the Commissioners. Prior to resumption such officer may be required to produce a medical certificate stating he is fit to resume.

Should the sickness be of a contagious or infectious character, the officer shall not return to duty without a medical certificate stating that he may return without danger to others.

No medical certificate will be accepted for any purpose unless in writing and from a registered medical practitioner.

(f) *General.*—The Commissioners may permit any officer to draw his salary in advance when going on leave, or, if the officer so desires, his salary may be drawn upon its regular due dates during the continuance of such leave.

The Commissioners may grant to any officer, for special purposes, leave without pay for any period not exceeding six months. Such leave may stand

alone, or may be added to any period of leave on pay which may have accrued. Such unpaid leave shall not be included when computing, for any purpose, the period of such officer's service.

All periods of leave on pay, as well as all sick leave, shall stand as portions of an officer's period of service, and no officer's service shall be deemed to have been broken by reason of any leave which may be granted to him.

All applications for leave shall be made upon the prescribed form, and shall be addressed to the Secretary.

Section IV.

Contracts.

No. 40.

Contracts to be Advertised.—Except in cases of emergency no contract for the execution of any work or for furnishing materials or labour, to the amount of Fifty pounds or upwards, shall be entered into unless five days previous to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Perth and Fremantle.

No. 41.

Tenders.—All tenders shall be enclosed in a sealed envelope addressed to "The Secretary to the Fremantle Harbour Trust Commissioners," and marked "Tender for....." as stated in such advertisement.

No. 42.

Deposit.—Along with his tender the tenderer shall enclose, in a sealed envelope, a banker's cheque payable to the order of the Trust for the amount required by the conditions of tender as a preliminary deposit; but the Commissioners shall have no liability in the event of the loss of the said cheque before the same shall reach the hands of the Secretary.

No. 43.

Lowest tender need not be accepted.—The Commissioners shall not be bound to accept the lowest or any tender.

No. 44.

Acceptance of Tender.—Upon the acceptance of the tender, the Secretary shall notify the same to the tenderer, who shall be required within the time specified in such general condition or conditions of tender to enter into a formal contract for the execution of the work or otherwise.

PART II.

Payment of Revenue.

No. 45.

Mode and condition of payment.—No dues, rates or charges payable to the Trust shall be paid to any person or persons whatsoever other than the Commissioners, or such of their officers or agents as are authorised to receive such revenue; and the receipt of any sum of money on behalf of the Commissioners by any person or persons other than the Commissioners, or such of their officers or agents as are authorised to receive such moneys, shall not be binding on the Commissioners in any way whatsoever. All moneys shall be paid to the Trust at its office within the ordinary business hours of the Trust.

No. 46.

Officer may enter vessel, etc.—The Secretary or other officer authorised by him 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 no person shall hinder or molest the said Secretary or other officer or persons as aforesaid, or refuse to allow him or them to enter or search any such vessel.

No. 47.

Charges to be paid before vessel leaves port.—All dues, rates, or charges payable under these Regulations or imposed by the Act, in respect of any vessel, shall be paid before such vessel leaves the port, provided that it shall be competent but not compulsory for the Trust to accept from the agent of the master of the said vessel a guarantee, in writing, that such dues shall be paid within 24 hours of the departure of the vessel. The master, owner or agent of such vessel shall obtain a certificate from the Trust that all such dues, rates, or charges have been duly paid, or the guarantee to pay as aforesaid has been accepted.

No. 48.

Liability of Consignee and Consignor.—Without in any way limiting Sections 48 and 49 of the Act, consignees shall be liable for all wharfage and other charges on all inward cargo. Consignors shall be liable for all wharfage and other charges on all outward cargo; provided always that this Regulation shall not limit the right of the Trust to recover such wharfage and other charges from any person (other than the consignee or consignor) who may be liable by law to pay the same.

No. 49.

Liability of Masters.—Whenever any dues, rates, or charges are by these Regulations expressed to be payable by vessels the same shall be payable by the owners, masters, or agents of such vessels, or other person or persons liable to pay the same.

No. 50.

[Regulation 50 revoked by G.G. 8/6/56, p. 1416.]

PART III.**Section I.****Signals.**

The Signal Station for the Port is situated on the crest of Cantonment Hill: Latitude 32deg. 2min. 40sec. South and Longitude 115deg. 45min. 9sec. East.

Signals at Signal Station.

No. 51.

(1) *Safety Signals.*—Inner Harbour: The following signals shall be displayed by day and by night respectively in order to avoid any risk of danger from incoming and outgoing vessels meeting in the Entrance Channel, or Inner Harbour, and shall be observed by all vessels:—

- (a) One black ball by day, or one green light by night, 6 feet from the mast-head shall be exhibited to indicate that a vessel is entering the Entrance Channel, and that any vessel about to move in the Inner Harbour must remain in her berth until the ball is lowered or the light put out.
- (b) Two black balls one beneath the other and 6 feet apart by day or two green lights one beneath the other and 12 feet apart by night, shall be exhibited to indicate to an incoming vessel that movements are taking place in the Inner Harbour or the Entrance Channel, and that the incoming vessel must remain in Gage Roads, clear of the mouth of the channel, until the balls are lowered, or the lights put out.
- (c) Three black balls by day, or three green lights by night, one below the other and 6 feet apart, shall be exhibited to indicate to all vessels desiring to pass into or out of the Inner Harbour that both the Inner Harbour and the Entrance Channel are closed against all movements of vessels.
- (d) The balls referred to shall be hoisted up to a bracket 10 feet below the mast-head, pointing North, while the green lights shall start 6 feet below the mast-head.

- (e) A flashing red light shall be shown from the North-West corner of the Signal Station building when the abovementioned green lights are exhibited.
- (f) International Code Flag "Z" hoisted at the mast-head shall indicate that the berth previously allotted to a vessel then about to enter the Inner Harbour, has been altered and the said vessel shall await a message by Morse Code, from the Signal Station indicating the berth to which the vessel is required to proceed.

(2) *Safety Signals*.—Outer Harbour: Where circumstances so require, the following signals shall be exhibited at the Cantonment Hill Signal Station for the purpose of vessels requiring to navigate Success or Parmelia Bank Channels:—

- (a) Two black balls by day, and two red lights by night, displayed horizontally and 6 feet apart from the South yard-arm of the Signal Station mast shall indicate that vessels may enter Success Bank Channel from the Northward.
- (b) Three black balls by day, and three red lights by night, displayed horizontally and 6 feet apart on the South yard-arm of the Signal Station shall indicate that the Channels are closed to all vessels from the Northward.
- (c) A flashing red light shall be also shown from the Signal Station building when the abovementioned lights are exhibited.

No. 52.

Navigation in Hazy or Foggy Weather.—When weather conditions are such as to interfere with a clear view of any day or night signal which may be shown at the mast-head on the staff at the Signal Station, Cantonment Hill, vessels shall not attempt to navigate the Inner Harbour Entrance Channel or the Success or Parmelia Bank Channels without first having received the Harbour Master's permission to do so.

Signals on Vessels.

No. 53.

Signals for Pilots.—The following signals, when used or displayed together or separately, shall be deemed to be signals for a pilot:—

- (a) *By day*—
 - (1) The International Code Signal "G".
 - (2) The International Code Signal "PT".
 - (3) The Pilot Jack hoisted at the fore.
- (b) *By night*—
 - (1) The pyrotechnic light, commonly known as a blue light, shown every fifteen minutes.
 - (2) A bright white light flashed or shown at short or frequent intervals just above the bulwarks for about a minute at a time.
 - (3) The International Code Signal "PT", by flashing.

No. 54.

Pilot Boarding Ground and Pilot Boat.—Any vessel which may require the services of a pilot over the non-compulsory pilotage area in the Outer Harbour as defined in Regulation No. 106 shall proceed to the Sea Pilot Boarding Ground and there wait until boarded by the pilot, for whose services an application shall be made by wireless telegraphy when notification of expected time of arrival at the port, as prescribed in Regulation No. 72 is given. A flag (called a "pilot flag") of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, will be flown at the mast-head, or on a sprit or staff, or in some equally conspicuous situation on the pilot boat.

No. 55.

Penalty.—If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilots' signals for any other purpose than that of summoning a pilot, or uses, or causes or permits any person under his authority to use, any other signal for a pilot, he shall, for each offence, be liable to a fine not exceeding Twenty Pounds (£20).

No. 56.

Miscellaneous Signals.—The following signals shall be used for the purposes mentioned, on vessels in the Port:—

Customs Officer Required.—International Code Flags "E.H.C."

Medical Assistance Required.—International Code Flag "W."

Police Required.—

- (a) By day—International Code Flags "ST".
- (b) By night—Two white lights shown vertically five feet apart from peak or other prominent place.

Tug Boat Required.—

- (a) *By day.*—
 - (1) International Code Flags "YA." (if more than one required, indicate number by International Code Flags); or
 - (2) Two blasts on whistle, one prolonged and one short.
- (b) *By night.*—
 - Two blasts on whistle, one prolonged and one short.

Water Required.—International Code Flags "YJ."

Ash Boat Required.—International Code Flags "F.S."

Lighter Required.—International Code Flags "Q.N." (If more than one required, indicate number by International Code Flags.)

Mails on Board.—International Code Flag "Y."

Explosives Aboard.—

- (a) *By day.*—International Code Flag "B" at foremost head or other prominent position;
- (b) *By night.*—A red light, of such character as to be visible all round the horizon for a distance of one mile, shown from a prominent position clear of all other lights on the vessel.

Inflammable Liquid Aboard (in excess of 400 gallons)—

- (a) *By Day.*—A red flag, not less than three feet square with a white circular centre six inches in diameter;
- (b) *By Night.*—A red light of such character as to be visible all round the horizon for a distance of one mile, shown at the masthead, or where it can be best seen, but not less than twenty feet above the deck.

No. 57.

Signals of Distress.—The following signals, when used or displayed together or separately, shall be deemed to be signals of distress:—

(a) *By Day.*—

- (1) A gun or other explosive signal, fired at intervals of about a minute.
- (2) The International Code Signal "N.C."

- (3) A continuous sounding with any fog signal apparatus.
- (4) The signal S.O.S. made by radiotelegraphy.
- (5) The distance signal, consisting of a square flag having either above or below it a ball or anything resembling a ball.

(b) *By night*—

- (1) A gun or other explosive signal fired at intervals of about a minute.
- (2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- (3) Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals.
- (4) A continuous sounding with any fog signal apparatus.
- (5) The signal S.O.S. made by radiotelegraphy.

No. 58.

Penalty.—Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the signals defined in the preceding regulation, except in the case of a vessel in distress, shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of such signal having been supposed to be a signal of distress; and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Section II.

Navigation.

No. 59.

Masters' and Owners' Responsibility for Observance of Regulations.—The master and owner of every vessel shall each be responsible for the due performance and observance of such of the Regulations of the Trust as apply to such vessel at any time; and when any vessel is under the direction of a pilot, the said pilot shall be also responsible for the due performance and observance of the Regulations; but the responsibility of the pilot shall in nowise relieve the master and the owner of the vessel of their responsibility.

No. 60.

Guns or Explosives not to be used.—No person shall, 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.

No. 61.

Speed of Vessels in Harbour.—The speed of any vessel within the Entrance Channel or Inner Harbour shall not exceed the minimum speed at which such vessel may be safely navigated.

No. 62.

Dredger Signals.—The master of a dredger moored within any part of the harbour, whether such dredger is working or not, shall, in the undermentioned circumstances, exhibit or make, as the case may be, the following signals:—

- (a) When requiring any vessel approaching from seaward, to keep the dredger on the starboard hand of such vessel, and any vessel proceeding seaward to keep the dredger on the port hand of such vessel in passing—
 - (1) By day, a Black Triangle on the yardarm on the side to be passed.

- (2) By night, a Green Light over a Red Light on the yardarm on the side to be passed.
 - (3) In fog, mist or heavy rain the Morse sound signal letter "A" at intervals of not more than two minutes, on the dredger's bell.
- (b) When requiring any vessel approaching from seaward to keep the dredger on the port hand of such vessels, and any vessel proceeding seaward to keep the dredger on the starboard hand of such vessel in passing—
- (1) By day a Red Square on the yardarm on the side to be passed.
 - (2) By night, a Red Light over a Green Light on the yardarm on the side to be passed.
 - (3) In fog, mist, or heavy rain, the Morse sound signal letter "N" at intervals of not more than two minutes on the dredger's bell.
- (c) When the dredger is blocking the channel—
- (1) By day, a green cone between two red balls, vertical at the mast-head.
 - (2) By night, a green light between two red lights, vertical at the mast-head.
 - (3) In fog, mist, or heavy rain, the Morse sound signal letter "S" at intervals of not more than two minutes on the dredger's bell.
- (d) When a vessel may pass on either side of the dredger—
- (1) By day, a white flag on the mast-head.
 - (2) By night, a green light on both yardarms.
- (e) When the dredger is unable to move, or is out of control—
- (1) By day, a red flag on the mast-head.
 - (2) By night, a red light on both yardarms.

Self-propelling Dredgers—Not Anchored.—Suction-dredgers under way when dredging, and unable to manoeuvre as required by Regulations in order to keep out of the way of other vessels, shall show lights and shapes required by the International Regulations, Article (4) (a), for vessels not under command, viz.:—

Two (2) black balls by day or two (2) red lights by night from where best seen.

Morse Sound Signals.—The Morse sound signals hereinbefore referred to shall be made by the dredger's bell for the respective signals, viz.:—

- (1) Short ring— $1\frac{1}{2}$ seconds duration.
- (2) Long ring—4 seconds duration.
- (3) Interval between rings— $1\frac{1}{2}$ seconds duration.

Anchor Lights on Dredgers.—In addition to the coloured lights shown above, moored dredgers may carry the anchor light or lights required to be carried by other vessels, according to their lengths.

A white light shall be shown on the outer rail of the silt barge, if moored to the dredger, on the passing side. No light need be shown on the barge if moored to the side of the dredger that is not clear.

Size of Shapes.—The diameter of the shapes shall be not less than 2 feet 9 inches. The vertical height of the cone and cylinder shapes shall be $1\frac{1}{2}$ times the diameter of their own base. The vertical distance between shapes or lights shall be between 4 and 6 feet.

Vessels to Observe Dredger Signals.—(1) Any vessel approaching a dredger from whatsoever direction shall pass such dredger on the side upon which the signal is exhibited, as hereinbefore mentioned.

(2) Any vessel approaching from whatsoever direction shall not pass any dredger exhibiting the "Channel Blocked" signals as mentioned in paragraph (c), but must wait until one of the passing signals mentioned in paragraphs (a), (b), or (d) is exhibited or made.

(3) Every vessel approaching a dredger from whatsoever direction, when such dredger is exhibiting the signal mentioned in paragraph (d), may pass on either side of the dredger.

(4) Every vessel approaching a dredger from whatsoever direction, when such dredger is exhibiting the signal mentioned in paragraph (e), must be navigated with all due precaution when passing such dredger.

No. 63.

Steam Whistles.—No steam whistle, siren, or horn shall be used on board any vessel within the Port, or while moored alongside any wharf, nor whilst swinging in the Inner Harbour, whether as a signal of arrival or departure, or for any other purpose whatever, except that laid down in the Admiralty Regulations in connection with fogs, or to avoid collision, or as a signal to tugs or upon outbreak of fire, but a bell may be rung for a reasonable time previous to the departure of any vessel from the wharf.

No. 64.

Steering Sound Signals Day or Night.—When vessels are in sight of one another, a steamer under way, in taking any course authorised by the steering and sailing rules for preventing collisions embodied in regulations made under "The Merchant Shipping Act, 1894," shall indicate that course by the following signals on her whistle, siren, or horn, viz.:—

- (a) One short blast to mean, "I am directing my course to starboard."
- (b) Two short blasts to mean, "I am directing my course to port."
- (c) Three short blasts to mean, "My engines are going full speed astern."
- (d) Four short blasts to mean, "My ship is out of control, keep clear."

No. 65.

Stranded Vessels or other Impediments to Navigation.—If any vessel be sunk or stranded within the Port, or if any obstruction be found to impede the navigation and use of the Port or any part thereof, the master or the owner or agent of such vessel, or the owner of the property by which such obstruction is caused, shall immediately notify the Harbour Master of the position of such obstruction, and shall exhibit on or near such vessel or obstruction such flags, masts, or 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.

No. 66.

Rafts not allowed in the Fairway.—No rafts of timber shall lie in the fairway or be moored or anchored in any spot not pointed out by the Harbour Master.

No. 67.

Rafts in the Harbour.—Rafts lying in the harbour shall, between sunset and sunrise, exhibit a proper light on a pole twelve (12) feet high, fitted properly on one end or part of such raft. In any case in which the raft is over one hundred (100) feet in length, lights of the description abovementioned must be fitted and exhibited on each end thereof.

No. 68.

Small Craft.—The master or other person in charge of any small craft, whether self-propelled or being towed, and in the event of the latter also the person in charge of the vessel towing, shall

take special precautions, while navigating the Inner Harbour and Entrance Channel, to prevent collisions with shipping entering or leaving the harbour. Persons in charge of such small craft must make certain before entering the Entrance Channel that no vessels are in or approaching the channel, and if there should be any vessel in or approaching the channel the small craft must wait out of the channel till such vessel has passed clear. If, however, they should meet a vessel in the channel, the small craft shall keep as far as possible to that side of the channel which lies on their own starboard hand, taking care at the same time not to foul the mark beacons placed at the sides of the channel.

No. 69.

Interference with Buoys, Beacons, etc.—No person shall trespass on, ride by, or make fast to, damage, injure, or otherwise interfere with any pile light, dolphin, buoy, or beacon vested in the Commissioners.

No. 70.

Lights and Signals at Anchor or Under Way.—The master of any vessel in the circumstances hereinafter set out shall observe the following provisions:—

- (a) *Anchor Signals.*—A vessel at anchor in or near the fairway or within the Inner Harbour shall, between the hours of sunrise and sunset, have exhibited on the fore part of the vessel where best seen a black ball two feet in diameter.
- (b) *Anchor Lights.*—A vessel at anchor, or fastened to a mooring buoy or other fixture, shall, from sunset to sunrise, have exhibited a bright white light in a globular lantern, not less than eight inches in diameter, and so placed as to show a clear, uniform, and unbroken light visible all round the horizon, and at a distance of at least one mile. In cases of vessels of over 100 feet in length, a second light shall be exhibited, and the two lights shall be so located as to indicate the extremities of the vessel. This paragraph shall not apply to vessels moored to the shore or any wharf, such vessels being provided for elsewhere in these Regulations.
- (c) *Lights when Under Way.*—An open boat, sailing yacht, lighter of less than 28 tons net registered tonnage, or a fishing boat, when under way, shall not be obliged to carry the coloured side lights; but every such boat and vessel shall in lieu thereof have ready at hand a lantern with a green glass on one side and a red glass on the other side, and on approaching to or being approached by another vessel, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

A vessel which is being overtaken by another shall show from her stern to such lastmentioned vessel a white light or a flareup light.

Berthing.

No. 71.

Berthing Master to have entire control of berthing and removing of vessels.—The Berthing Master shall have entire control of the berthing and removing of all vessels, and shall appoint the place where all such vessels shall berth within the harbour, and no vessel shall be so berthed without his authority or contrary to his directions. He shall have power to remove any vessel from a berth or alter the berth of any vessel whenever he may deem it necessary, notwithstanding that a portion only of a vessel's cargo may have been loaded or discharged, and upon his giving notice to the master, owner or agents of any such vessel that he requires such removal, such master, owner or agents shall make all arrangements therefor.

Failing compliance with the notice so given, the Berthing Master is empowered to remove the vessel at the risk and expense of the master, owner or agents thereof.

No. 72.

Notification of Arrival at Port.—(1) Notification of expected arrival time of vessels in the vicinity of the Fairway Buoy marking the approach to Gage Roads shall be given by wireless telegraphy 24 hours ahead, and a second notice of expected time of arrival confirming or amending the previous notice shall be given two hours ahead.

(ii) All vessels with explosives, inflammable liquid and other dangerous cargoes on board shall communicate such information by wireless telegraphy when notice of expected time or arrival is being given 24 hours ahead.

(iii) All such communications shall be addressed to the Harbour Master Fremantle.

No. 73.

Entry of Vessels.—(1) All vessels entering the Port shall except as otherwise provided come to an anchorage in Gage Roads, South of Latitude 32° 01' S., taking care to avoid an area bounded by lines drawn from the light tower on the North Mole on a bearing of 284° for a distance of 1.63 miles, thence on a bearing of 180° for a distance of 7.7 cables, and thence on a bearing of 83° for a distance of two miles to the light tower on the South Mole, this area being reserved for the manoeuvring of vessels into and out of the Inner Harbour.

(ii) Vessels arriving at the Port with explosives on board or desiring to load explosives whilst in Port and which are unable to be berthed at the Explosives Jetty, shall anchor in the "Explosives Area" in Owen Anchorage, as directed by the Harbour Master.

No. 74.

General Berthing Provisions.—The following provisions shall be observed at all times unless otherwise specified, by the master of a vessel:—

- (a) The master or agent of every vessel requiring a berth within the Port shall make application therefor to the Berthing Master on the form provided.
- (b) No vessel shall be moored or fastened to any part of any wharf except to such bollards or other fastenings as are or may be provided for the purpose; and no vessel shall lie alongside such wharf unless properly moored or fastened. The Berthing Master shall have power to direct that all vessels so moored or fastened shall also be anchored or moored in such a manner as to relieve such wharf as much as possible from the weight of such craft.
- (c) Passenger boats shall lie alongside the steps at any wharf no longer than may be necessary to embark or disembark passengers.
- (d) Hulks, lighters, and other non-seagoing vessels shall not occupy berths when vessels with cargo or passengers require same.
- (e) In no case shall more than one tier of vessels lie alongside or be moored or fastened to any wharf or to any other vessel lying alongside moored or fastened to any wharf without the special permission of the Berthing Master, except in the case of passenger vessels, steam tugs, hulks, and lighters engaged or about to engage in towing or the loading or unloading of passengers or cargo or stores, and in respect of which a general or special permission so to do shall have been obtained from the Berthing Master.
- (f) All vessels lying alongside any wharf shall take such precaution as may be necessary or directed to prevent injury to the structure.

- (g) When the Berthing Master may deem it unsafe, through stress of weather, for a vessel to remain alongside any wharf, he shall direct the immediate removal of such vessel and the master or other person in charge of such vessel shall remove such vessel accordingly.
- (h) Under no condition and in no circumstances whatsoever shall any vessel be allowed to berth at any wharf in the port until she has been granted full pratique.
- (i) Subject as aforesaid, and in these Regulations in general, any vessel may be permitted to lie alongside any wharf for the purpose of discharging and taking in cargo at all hours of the day and night.

No. 75.

Authority of Water Police on Wharves.—When any vessel is being brought alongside any berth, the water police shall have 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 with all possible facility.

Vessels in Port.

No. 76.

Lights and Gangways on Vessels alongside Wharves.—Every vessel berthed at any wharf shall at all times be provided with such appliances as gangways and manropes, and shall exhibit such lights as may in the opinion of the Harbour Master be necessary for the convenience and safety of persons passing to and from such vessel. Every gangway fixed for the purpose of giving access to a vessel shall from sunset to sunrise be brightly illuminated as long as such gangway is in communication with the shore, and a watch shall be continuously set upon the said gangway.

No. 77.

Naked Lights Prohibited in Vessels' Holds.—The use of flare-up lamps or naked lights of any sort or design whatsoever, in the holds of vessels lying at any of the wharves of the Port, whether for the purpose of working cargo, or for any other purpose, is prohibited.

No. 78.

Lights on Vessels when Lying in Tier at Wharves.—Any vessel which shall, between the hours of sunset and sunrise, lie in tier outside of any other vessel, moored to the shore or to any wharf or mooring buoy or at anchor in the Harbour shall, during those hours, exhibit at the widest part and on the side furthest from such other vessel, a bright light so placed as to show a clear and unbroken light completely round the off side from right ahead to right astern.

No. 79.

Safety Nets.—(a) Where a vessel is lying at a wharf or where two or more vessels are lying alongside of one another, and any means of passing from the vessel to the wharf or from one vessel to the other vessel as the case may be is used, the Master of the vessel which provides such means of passing aforesaid shall cause to be suspended and kept so suspended thereunder between the vessel and the wharf or between the two or more vessels as the case may be, a safety net or other suitable appliance of sufficient design and material as will, in the opinion of the Harbour Master or Berthing Master, prevent persons using such means of passing between the vessel and the wharf or between the two or more vessels as the case may be, in the event of a mishap, falling into the water

(b) Where a vessel is discharging or loading cargo or is otherwise working at a wharf or alongside another vessel the Master of such vessel shall cause to be suspended and to be kept so suspended to the satisfaction of the Harbour Master or Berthing Master a safety net or save all so placed and of such size and character as will prevent any substance or matter (including coal, coke, ballast, ashes or other refuse) falling into the water.

(c) If any default be made in the due compliance with any provision of this regulation, the Master of the vessel so in default and the owners of such vessel shall be jointly and severally guilty of a breach of these regulations, and also shall be jointly and severally liable for all loss, damage or injury caused to or suffered by any person by reason of such default.

No. 80.

Metal Disc on Hawsers and Ropes.—The Master or owner of any vessel shall affix and keep affixed an effective ratguard disc or screen of such size and pattern as has been approved by the Commonwealth Department of Health, not less than one foot or more than three feet from the side of the vessel, to every rope or hawser connecting the vessel with the wharf, or lighter or other vessel.

Where, in the opinion of the Harbour Master or the Berthing Master, it is impracticable to affix an effective ratguard disc or screen to a rope or hawser, three feet of such rope or hawser, commencing from the ship's side must be covered with freshly tarred canvas.

No. 81.

No Work to be Permitted on Sundays.—With the exception of special cases wherein the Customs authorities have given special permission to work, no work of any description shall be done or carried out on any vessel in the Port on Sundays, except such as may be necessary for the safety and cleanliness of the vessel. No cargo shall be handled between any vessel and the wharves with the exception of passengers' personal luggage. Livestock in limited quantities may be landed at wharves on Sundays from vessels arriving, but only upon special permission of the Manager, and then only at the berths and times stated in such permission. Such permission shall not be given unless proper provision has been made for removal of the stock immediately upon landing.

No. 82.

No Shipwright's Work Permitted on Trust Property.—No person shall make, repair, dress or scrape spars or masts or do any kind of carpentry, smith work, boilermaking, sail-making, or rigging work on or under any wharf, or in or under any shed, or hang or put up sails, masts, spars, or any thing to or upon any of the beams or joists or any other part of any wharf or shed, without the permission of the Manager in writing.

No. 83.

No fires to be Lighted or Combustible Matter to be Heated.—No fire shall be lighted in or upon, under, over or near any wharf or shed, nor without permission of the Manager, upon any portion of the foreshore. No combustible matter, such as pitch, tar, resin or oil, shall be heated on board any vessel lying at any wharf or at anchor in the harbour, but with the permission of the Harbour Master, such combustible matter may be heated in a boat at a safe distance from such vessel.

No. 84.

No Combustible Liquid to be Pumped into the Water.—No oil, spirit, or inflammable liquid shall be pumped or discharged from any vessel or tank into the waters of the port.

[Regulation 85 revoked by G.G. 8/6/56, p. 1416.]

No. 86.

Deaths on Vessels.—Should any person die on board any vessel in the Port the master of such vessel shall cause the body to be brought on shore and interred.

No. 87.

Vessels at Owners' Risk.—The Trust shall not accept any responsibility for the safety or otherwise of vessels lying within the Port, and all such vessels, whether at an anchorage or moored

alongside any wharf, or at any mooring buoy, are at all times at the sole risk of the master or owners thereof. No instruction or direction given by the Harbour Master or other officer of the Trust to the master of any vessel, and no act performed by the Harbour Master or other officer of the Trust in respect of any vessel, shall place any responsibility for the security or safety of any such vessel upon the Trust.

No. 88.

Vessels and Gear to be kept Free and Clear of Cranes, etc.—The master of every vessel shall keep the same and every part thereof, and all boats, rigging, ropes, hawsers, and other equipment or apparel thereof, and all gangways belonging thereto or used or intended to be used in connection with his vessel at all times free and clear of and from all cranes, running cranes, railway lines, engines, trucks, gear and plant, or other things on the wharves within the harbour, or forming part thereof respectively, and that whether the said cranes, running cranes, engines, trucks, gear and plant are stationary or in use.

No. 89.

Defective Moorings.—The Trust will not be responsible for any damage done to any vessel arising from the defective condition of any mooring or moorings or other appliances provided by the Trust.

No. 90.

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

No. 91.

Beaching Vessels.—No vessel shall be beached or grounded in the Port without permission being first had and obtained from the Harbour Master; and any such vessel which shall take ground or be stranded, from accident or stress of weather, or any other cause, shall be removed by the owner when called upon to do so by the Harbour Master.

No. 92.

Water Police may Board Vessels.—For the purpose of seeing that all or any of these Regulations are properly carried out, the Water Police, or Harbour Trust Patrolman in uniform, shall have access to any vessel at any hour of the day or night, and shall be allowed and 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.

No. 93.

Power of Harbour Master or Berthing Master.—In case of non-compliance with any of the Regulations regulating the mode and place of mooring and anchoring vessels, and their position and government in the Harbour, and their unmooring and removal within or to without the Harbour, the Harbour Master or Berthing Master is hereby empowered to ensure the observance of such regulations, and for that purpose may moor, unmoor, place, or remove any vessel.

(a) In the performance of any such service for or in connection with any vessel, the master of the vessel and the crew thereof are required to give and afford all possible aid and assistance to effect the same. If there is no crew on board of any vessel to be moved, placed, moored, or unmoored, or the crew thereof refuse or fail to aid and assist as aforesaid, or if the crew, or tackle, or quantity of ballast on board such vessel is not sufficient to enable the Harbour Master or Berthing Master to effect such removal, he is empowered to hire and employ such other assistance and other quantity of ballast as to him seems requisite, at the cost and charges of the master, agent, or owner of the vessel.

(b) The Harbour Master or Berthing Master is hereby empowered to make fast and attach any rope or other tackle to any vessel, and to cast off or loose any warp or rope, or unshackle or loose any chain by which any vessel is moored or fastened.

(c) All such costs and charges, and all other costs, charges, and expenses incurred, shall be paid, on demand, by such master, agent, or owner to the Trust.

(d) No person shall, without the consent or authority of the Harbour Master or Berthing Master, cut or cast off any such rope or tackle so made fast and attach to any vessel as aforesaid, nor refuse to assist the Harbour Master or the Berthing Master, or interfere with him in the performance of his duty, or otherwise, or in any other manner infringe these Regulations.

No. 94.

Careening Vessels.—Masters requiring to careen, heave down, or haul their vessels on shore for the purpose of inspection or repairs must apply to the Harbour Master for permission; and no person shall make fast any boat or vessel to any wharf, jetty, buoy, beacon or other property of the Trust for the purpose of heaving down or careening such boat or vessel.

No. 95.

Discharging.—Vessels discharging cargo shall have prior claim to the wharf to vessels taking in cargo.

No. 96.

Securing.—The master of any vessel shall, whenever required so to do by the Harbour Master, or Berthing Master, provide, make, and fix, under his direction, additional fastenings to make such vessels secure.

No. 97.

Propellers not to be used when Vessel Moored to Wharf.—The master of a vessel shall not, without permission of the Harbour Master, work, or allow to be worked, the propeller of his vessel whilst moored to a wharf.

No. 98.

Anchors let go in Port to be Buoyed.—The master of any vessel shall not let go any anchor without a buoy being attached thereto; and such master shall lift such anchor when required to do so by the Harbour Master.

No. 99.

Pipes shall not Discharge on to Wharves.—The master of any vessel shall not allow any water, refuse, filth, excreta or other matter to be discharged from any part of such vessel by any means whatsoever, on to any portion of a wharf or steps belonging thereto, and all pipes, including steam pipes, shall be effectively screened to the satisfaction of the Harbour Master.

No. 100.

Damage by Water from Vessels.—Masters of vessels lying alongside any wharf shall be responsible for all damage caused to goods lying on such wharf, or to electrical connections lying on or under such wharf, by water used for washing down decks, or for any other purpose, upon such vessels.

No. 101.

Fire.—In the event of fire occurring on board of any vessel in port the alarm must be at once given if possible by means of the nearest electric signal alarm, and the Harbour Master or his deputy and the Manager must be sent for immediately, and all persons in charge of or otherwise belonging to any such vessel shall afford such assistance towards extinguishing such fire, and towards the protection of neighbouring vessels, as the Harbour Master or Manager shall demand or direct.

No. 102.

Scuttling of Vessels.—The Harbour Master is hereby authorised and required whenever in his opinion it is essential to take emergency measures for the safety of the Port and of the vessels therein and for the preservation of life and property—

- (i) to order the Master of any vessel in the Port to scuttle such vessel forthwith; and
- (ii) to give all necessary directions in relation thereto.

If the master of any vessel neglects or refuses to obey any such order or direction the Harbour Master is hereby authorised and required to scuttle such vessel forthwith, and for that purpose the Harbour Master may call upon any officer or member of the crew of such vessel, any officer or other person employed by the Commissioners, any constable, peace officer, or other authority, or any other person to assist him in scuttling such vessel.

No. 103.

General Order.—The Master of every vessel shall obey all lawful orders of the Harbour Master, and generally follow such directions as the weather, the crowded conditions of the Port, or other circumstances may render necessary or expedient, in the judgment of the Harbour Master, for the safety and interest of the whole shipping.

No. 104.

Functions aboard Vessels.—(1) The Master, owner or agent of any vessel shall not without the written permission of the Commissioners, permit or cause to be permitted any social or other function to be held on such vessel which—

- (i) shall necessitate the provision of shore services more than ordinarily provided for the regulation of land traffic and parking of vehicles within the port;
- (ii) shall necessitate the provision of special water-craft services for the control and patrolling of waterways within the port;
- (iii) shall cause or is likely to cause interference with cargo handling or other operations within the port;
- (iv) shall necessitate special control at points of ingress and egress to and from the wharves, and to the roadways, waterways or other areas within the port; or
- (v) shall necessitate special policing or firewatching on land and waterways within the port.

(2) The master, owner or agent of any vessel shall, as the case may be, make application in writing to the Commissioners for permission to hold any such social or other function at least seven clear days before the date on which it is intended to hold the social or other function.

(3) The Commissioners may grant or refuse permission to hold any social or other function for which written permission is required under paragraph (1) of this regulation.

No. 105.

Hulks to be Surveyed Annually.—All hulks shall be subject to a hull survey during the month of January in each year, and at such other times as the Commissioners may demand. The fee for the survey of any hulk shall be £3 3s., and shall be paid in advance by the owner to the Commissioners. In no case shall any portion of such fee be returned in case of failure to pass such survey. The Commissioners shall appoint a surveyor for the purpose, and upon his recommendation, may continue to permit any hulk passing such survey to be used within the Port, subject to the conditions stated in writing from time to time, until the 31st day of December next ensuing, or may, at any time, suspend or cancel any permission already granted to such hulk to be used within the Harbour or any portion thereof. Owners and keepers of hulks shall immediately report to the Harbour Master any casualty or unusual occurrence such as collision, unusual leakage, loss of moorings, etc.

Section III.

Pilotage and Charges Therefor.

(See also Regulation No. 50 *re* War Surtax.)

No. 106.

Pilotage Compulsory.—(a) Pilotage shall be compulsory upon every vessel not specifically exempted therefrom by these regulations through all waters within the boundaries of the port, excepting between Gage Roads and the Pilot Boarding Ground appointed for the purpose of the non-compulsory pilotage services for which charges are prescribed in Regulation No. 109, paragraph (a).

(b) In those cases where arrangements have been made for vessels to proceed direct to their wharf berth instead of anchoring in Gage Roads as prescribed under Regulation No. 73, they will for the purpose of the compulsory pilotage service into the Inner Harbour, be boarded by pilots after they have passed the Fairway Buoy and before they have reached the locality of the Hall Bank Buoy. Masters of vessels shall, in such circumstances, have the pilot ladder ready at the time of passing the Fairway Buoy.

No. 107.

Conditions to be Observed by Masters of Vessels Requiring Pilotage.—Masters of vessels approaching the Port of Fremantle and requiring the services of a pilot shall—

- (a) lay to off the pilot boarding ground in such manner as to provide the best possible lee;
- (b) provide on the lee side 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, such ladder to be suitably lighted at night;
- (c) in ships of high structure in which gangway doors are fitted, one such door to be opened and the pilot ladder rigged thereat;
- (d) provide a suitable boat rope in such a manner that the forward end is fast well forward of the ladder and the after end held abaft the ladder in readiness to be released when the pilot vessel has secured the boat rope; and
- (e) arrange for all scuppers, sanitary and other refuse outlets in the vicinity of the pilot ladder to be closed.

Note.—Similar facilities shall be provided by departing vessels for the disembarkation of a pilot.

No. 108.

Exemptions.—(a) All vessels not exceeding one hundred and fifty tons gross register, and all coasting and interstate vessels the masters whereof hold operative Pilotage Exemption Certificates, shall be exempt from pilotage, and no charge shall be made for such service, excepting where the services of a pilot are utilised, in which case the usual charges for such services shall apply. Provided that Pilotage inwards shall be compulsory from Gage Roads to Inner Harbour upon any vessel the master whereof, though the holder of a Pilotage Exemption Certificate, has not during the preceding five years entered the port as master or mate of any vessel.

(b) Vessels of war of any nationality and vessels owned by the Government of any of Her Britannic Majesty's States or Dominions, provided such vessels are not engaged in trade, shall be exempt from the payment of pilotage charges.

Reg. 109
amended by
G.G. 8/6/56,
p. 1416.

No. 109.

Outer Harbour Pilotage.—The charges for pilotage in the Outer Harbour shall be as follows:—

- (a) From Sea Pilot Boarding Ground to Gage Roads, or vice versa (non-compulsory)—
- (i) all vessels 3d. per ton of gross tonnage, Minimum £3 10s., Maximum £20.
- (ii) [Deleted by G.G. 8/6/56, p. 1416.]
- (b) From Gage Roads to Owen Anchorage, or vice versa, all vessels—£10.
- (c) From Gage Roads or Owen Anchorage to Cockburn Sound, or vice versa, all vessels—3d. per ton of Gross Tonnage.

	Each Service.		
	£	s.	d.
Minimum Charge	6	10	0
Maximum Charge—			
Vessels up to 5,000 tons gross	20	0	0
Vessels over 5,000 tons and up to 10,000 tons gross	23	0	0
Vessels over 10,000 tons and up to 20,000 tons gross	25	0	0
Vessels over 20,000 tons gross	26	10	0

Reg. 110
substituted
by G.G.
8/6/56,
p. 1416.

No. 110.

(a) *Inner Harbour Pilotage.*—The charges for pilotage of vessels from Gage Roads to Inner Harbour, or vice versa, shall be as follows:—

3d. per ton of Gross Tonnage.

	Each Service.		
	£	s.	d.
Minimum Charge	6	10	0
Maximum Charges—			
Vessels up to 5,000 tons gross	20	0	0
Vessels over 5,000 tons and up to 10,000 tons gross	23	0	0
Vessels over 10,000 tons and up to 20,000 tons gross	25	0	0
Vessels over 20,000 tons gross	26	10	0

(b) *Inner Harbour Removals.*—The charges for pilotage upon and removal of vessels within the Inner Harbour shall be as follows:—

All vessels as under:—

	Each Service.		
	£	s.	d.
Under 500 tons gross	2	10	0
500 tons and under 1,000 tons gross	3	10	0
1,000 tons and under 2,000 tons gross	4	0	0
2,000 tons and under 3,000 tons gross	4	10	0
3,000 tons and under 5,000 tons gross	5	10	0
5,000 tons and under 7,500 tons gross	6	0	0
7,500 tons and under 10,000 tons gross	7	10	0
10,000 tons gross and over	9	0	0

Reg. 111
amended by
G.G. 8/6/56,
p. 1417.

No. 111.

Special Services.—The charge for special services such as swinging or manoeuvring a vessel for compass adjustment, conducting a vessel on a trial run after engine or other repairs, or for any other service not elsewhere provided for shall be at the rate of 15s. per hour, with a minimum charge of £6 10s. for a service within the Inner Harbour, or £13 10s. for a service within the Outer Harbour: provided in the latter case that, should the service involve removing the vessel from the Inner Harbour and/or vice versa, the charges prescribed in the preceding regulation shall be payable in addition to the charge for the special service.

No. 112.

Applications for Pilots.—The master or agent of any vessel requiring the services of a pilot outwards or for a removal within the Port, shall make application therefor in writing in the form provided, at least one hour before the time at which the pilot is required. Any alteration of the hour fixed in the application shall be made by lodging a fresh application or by notification to the Signal Station (if in hours other than ordinary working hours). Such alteration must be made at least one hour prior to the time the pilot is required if the vessel desires to leave the berth earlier, or one hour prior to the time fixed in the previous application should the vessel desire to leave the berth at a later hour.

No. 113.

Detention of Pilot.—(a) Where a pilot attends a vessel in accordance with an application as prescribed in the preceding Regulation and, his services not then being required, is ordered for a later hour, a special charge of 15s. shall be payable for each attendance.

(b) In the event of a pilot being detained at a vessel until such vessel is ready to leave the berth, a special charge of 15s. per hour or portion thereof after the first hour, shall be payable.

(c) Where a pilot attends a vessel in accordance with an application to conduct the vessel over the non-compulsory pilotage area between the sea pilot boarding ground and Gage Roads and such vessel does not arrive at the boarding ground at the time given, and the pilot is required to wait the arrival of the vessel, detention of the pilot and the pilot vessel shall be payable at the rate of £4 per hour after the first hour for the period of such detention.

Reg. 113
amended by
G.G. 8/6/56,
p. 1417.

No. 114.

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 such vessel.

No. 115.

Procedure of Pilots.—Every pilot shall offer his services to the inward bound vessel nearest to him having a pilot signal flying unless another vessel shall be observed running into danger, in which case every exertion shall be made to board and assist the latter vessel; and, except in cases of urgency as aforesaid, a preference shall be given to Her Majesty's ships and mail vessels regularly employed in postal service.

No. 116.

Pilot to Produce his License.—Every pilot shall carry his license with him, and shall produce it to the master of any vessel boarded by him on its being demanded.

No. 117.

Vessels in Distress.—Every pilot shall by every means in his power aid and assist any vessel in distress.

No. 118.

Complaints against Pilots.—The master of any vessel having any complaint against any pilot must report the same in writing to the Harbour Master, otherwise such complaint will not be recognised.

No. 119.

Penalty on Pilots.—A licensed pilot shall not demand or receive, and a master shall not offer to pay to any pilot, any sum of money in respect of pilotage services; and if a pilot or master acts in contravention of this Regulation, he or they shall, for each offence, be individually and severally liable to a fine not exceeding Ten Pounds (£10).

No. 120.

Pilot Leading a Vessel.—If any boat, vessel, or steamer, having on board a licensed pilot, leads any vessel which has not a licensed pilot on board, when the last-mentioned vessel cannot from particular circumstances be boarded, the last-mentioned vessel shall, unless otherwise provided, pay the full pilotage rate for the distance run as if the pilot had actually been on board and had charge of the said vessel.

No. 121.

Pilot Detained or Carried to Sea, or into Quarantine.—A pilot, except under circumstances of unavoidable necessity, 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, he shall be entitled to the sum of One pound (£1) per day, and 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.

No. 122.

Production of Register, Certificate of Pratique, and Declaration of Draught.—The master of such vessel on being requested by any licensed pilot having charge of such vessel shall produce the register of such vessel and the certificate of pratique, and declare her draught of water.

Pilotage Exemption Certificates.

No. 123.

Pilotage Exemption Certificates may be Granted.—A Pilotage Exemption Certificate for the Port may be granted to a master or mate of any coasting or interstate vessel, upon his passing the requisite examination therefor. The fee for every such examination shall be £5, no part of which shall be refunded in the case of failure to pass. 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 has been found to be deficient, as the case may be.

No. 124.

Procedure of Candidate.—A master of a vessel or other person holding a master's certificate of competency desiring to be examined for exemption from pilotage shall give at least twenty-four hours' notice thereof on the form provided to the Secretary.

No. 125.

Knowledge of Port.—Candidates for examination must, within the two years immediately preceding the date of application, have made "Three trips as Master or Chief Officer" into and out of the Port or the portion thereof for which exemption is desired.

Provided that Masters or Mates or Coastal and Interstate vessels, who, during the war period commencing 3rd September, 1939, served as officers in command of naval vessels of the size of corvette and upwards, shall for this period be regarded as having served on Coastal or Interstate vessels.

No. 126.

Sight Test.—Candidates for Pilotage Exemption Certificate shall pass the sight test for power of vision as prescribed by the Board of Trade.

No. 127.

Annual Sight Tests.—Every holder of a Pilotage Exemption Certificate shall, in addition to the examination made in regard to his sight at the time of the issue of such certificate, submit himself

annually to some competent authority approved by the Commissioners and have his sight each time properly tested; the result of such test and the date thereof to be endorsed on the said certificate, and the endorsement signed by the competent authority making such examination; and the holder of the certificate shall on his next return to the Port submit his certificate to the Harbour Master as evidence that this condition has been complied with. Any failure to comply with this condition as well as any failure to pass the requisite tests satisfactorily, shall invalidate the certificate.

No. 128.

Revocation, etc., of Exemption Certificates.—Should the holder of a Pilotage Exemption Certificate be convicted of incompetency to navigate a vessel into or out of the Port of Fremantle or fail to conform to any of these Regulations, the Commissioners may, in their discretion, revoke, suspend, or cancel such Certificate of Exemption.

No. 129.

Pilotage Exemption Certificates—to whom issued, and how operative.—Pilotage Exemption Certificates will be issued only to British or duly naturalised British subjects, are not transferable, and are only operative while the holder thereof is the master of an interstate or coasting vessel. Such certificate shall not be deemed to be operative from Gage Roads to Inner Harbour where the holder thereof has not entered the Port as master or mate for a period of five years. No holder of a Pilotage Exemption Certificate shall pilot, bring, take, or lead any such vessel into or out of the Port of Fremantle in so far as pilotage is by these regulations made compulsory, unless he is then the actual master thereof. No holder of such certificate shall be deemed to be the master unless, in the case of an inward bound vessel, he has been in charge of such vessel and his name inscribed as master on the vessel's register previously to its departure from the last port of call and until after its arrival at its berthing place at the Port of Fremantle; and in the case of an outward bound vessel, previously to departure from such berthing place and until arrival at its next port of call.

No. 130.—Special Exemption Certificates.

(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 under a contract made pursuant to the Agreement ratified by the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952, or to the Broken Hill Proprietary Steel Industry Agreement Act, 1952: Provided that the Master first satisfies the Harbour Master that the Master is a suitable person to whom the Certificate should be issued: Provided also that the Commissioners may revoke the Certificate at any time.

(2) The Commissioners may waive payment of the whole or part of the fees payable for or in connection with the issue of Pilotage Exemption Certificates.

Section IV.

Tonnage Rates.

(See also Regulation No. 50 *re* War Surtax.)

No. 131.

Payment of Tonnage Rates.—All vessels entering the Port shall, unless hereinafter exempted, pay the Tonnage Rates prescribed by these Regulations.

No. 132

Exemption from Payment.—Vessels of war of any nationality and vessels owned by the Government of any of Her Britannic Majesty's States or Dominions, provided such vessels are not engaged in trade, shall be exempt from the payment of Tonnage Rates.

No. 133.

Certificate of Registry.—The master of every vessel shall produce the Certificate of Registry of such vessel to the Harbour Master or other officer of the Trust upon demand.

No. 134.

Computing time in Berth.—For the purpose of assessing the Tonnage Rates payable, a vessel shall be deemed to occupy a berth as follows:—

- (a) Where such vessel uses a berth at a wharf or jetty or at a mooring buoy, from the time when the first line is made fast until the last line is let go.
- (b) Where such vessel anchors in the Outer Harbour, for the actual time occupied in shipping and/or discharging cargo, and/or embarking or disembarking passengers.
- (c) A vessel which remains at anchor in the Outer Harbour, having arrived solely for orders or supplies (including bunkers) for her own use, or to be refitted or repaired, or being in distress or under duress, shall be deemed to occupy a berth for a period of three hours, irrespective of the actual time the vessel is so occupied.

Reg. 135
amended by
G.G. 8/6/56,
p. 1417.

No. 135.

General Rate Payable.—(a) The Tonnage Rates payable shall be assessed at one twelfth of a penny for each ton of the gross registered tonnage of a vessel for each complete hour during which the vessel occupies a berth. The minimum charge for each entry into the Port shall be as for six hours, but in the case of a vessel occupying a berth in the Outer Harbour only, other than at a Jetty or as provided in Regulation No. 144, the minimum charge shall be as for three hours.

(b) Should a vessel occupy more than one berth, the Tonnage Rates shall be based on the aggregate of the periods during which berths have been occupied, and where such aggregate is less than six hours, a minimum charge as for six hours shall be payable.

Reg. 136
amended by
G.G. 8/6/56,
p. 1417.

No. 136.

Whale-chasers.—Whale-chasing vessels of less than 500 tons gross shall each pay as tonnage rate per entry into the port a fixed sum of £3 for any period or periods not exceeding four complete days, and £1 per day or portion thereof for any subsequent period, during which a berth has been occupied; provided that, where such vessel does not enter the Inner Harbour, the amount payable as tonnage rates shall be a fixed sum of 12s. irrespective of the period involved.

Reg. 137
amended by
G.G. 8/6/56,
p. 1417.

No. 137.

Rebates of Tonnage Rates.—Subject to the conditions and exceptions specified in this regulation, and provided that a minimum charge as for six hours at the maximum rate applicable to the vessel shall in all cases be payable, rebates of the Tonnage Rates assessed under Regulation No. 135 may be granted in accordance with the following provisions, namely:—

- (a) Where the vessel berths within the Inner Harbour under any of the following circumstances:—
 - (1) In distress or under duress;
 - (2) for fitting, refitting or repairs;
 - (3) being employed solely for mission work in connection with some religious body;
 - (4) being solely a pleasure yacht, not engaged in trade or plying for hire.

In any of which circumstances the rebate allowable shall be 75 per cent., or

- (5) for orders or supplies, including bunkers for own use and is berthed for that purpose for a period not exceeding seventy-two hours, in which case the rebate allowable shall be 50 per cent.
- (b) Should such distress, duress, fitting, refitting or repairs necessitate the replenishment of supplies which otherwise would not have been required, or the discharging temporarily or otherwise of any cargo not originally intended to be discharged at the Port, the rebate of 75 per cent., as aforesaid, shall apply throughout the period of such operations.
- (c) Should the loading of supplies referred to in subparagraph (5) of paragraph (a) hereof necessitate the discharging and re-shipping of cargo in order to comply with any regulation of the Trust, the rebate of 50 per cent., as aforesaid, shall apply throughout the period of such operations.
- (d) Where a vessel, occupying a wharf berth, requires, prior to the commencement or subsequent to the completion of the ordinary work for which the vessel entered the port, to effect repairs or replenish supplies, then the rebate shall be at the same rate as for similar circumstances prescribed in Clause (a) hereof, but only for the actual period so involved.
- (e) Where a vessel occupies a berth within the Inner Harbour for a period in excess of that taken for the handling of cargo and/or the replenishing of supplies, and such excess period is solely for the purpose of extending the tourist facilities for transit passengers, then the rebate allowable in respect of such excess period shall be 75 per cent.
- (f) Where a vessel ready to proceed to sea, is detained within the Inner Harbour through the operation of any precaution taken by the Military or Naval Authorities, such vessel may be granted a rebate of the whole of the Tonnage Rates for such period of detention.
- (g) The master or agent of any vessel which may, under the preceding clauses of this regulation, be qualified for a rebate of Tonnage Rates during the whole or any portion of the time in port shall, prior to or within one hour of the vessel's arrival in port, in the case of Clauses (a), (b) and (c), or within one hour of the commencement of the operations or delay referred to in Clauses (d), (e) and (f), make a declaration in writing to the Secretary setting forth the circumstances applicable, provided that where the circumstances arise during other than ordinary working hours the declaration shall be made within one hour of the commencement of business on the next working day. In the absence of such declaration full Tonnage Rates shall be payable.¹

¹ Regulation 137 was amended by G.G. 27/2/63 in the following manner:—

- (a) by substituting for the words, "one hour" appearing in line five and again in line ten of paragraph (g), the words, "twenty-four hours," in each case;
- (b) by inserting after the word, "declaration" in the last line of paragraph (g), the passage, ", and except as provided in paragraph (h) of this regulation,"; and
- (c) by adding after paragraph (g) the following paragraph:—
 - (h) The Commissioners may in their discretion, at any time and from time to time and according to the circumstances of each particular case, allow such rebates of tonnage rates as they consider reasonable.

Although this amendment took effect on the date of gazettal it was subject to disallowance under section 36 of the Interpretation Act, 1918-1957, at the date of this reprint being authorised.

No. 138.

Vessels free of Tonnage Rates in certain cases.—(a) When exceptional weather conditions render it unsafe for any vessel (being ready for sea) to leave the Inner Harbour, the Commissioners may allow such vessel to be free of Tonnage Rates during the period of delay, provided that written application is made forthwith by the master or agent of the vessel and such application is certified by the Harbour Master as to the adverse weather conditions.

(b) Where any vessel enters the Port solely for the purposes of landing a sick or injured person and remains for such time only as may be necessary for that purpose and provided that the master or agent of such vessel submits a written declaration as to the circumstances, the Commissioners may in their discretion allow such vessel to be free of Tonnage Rates.

Reg. 139
amended by
G.G. 8/6/56,
p. 1417.

No. 139.

Coasting Vessels.—Coasting vessels in commission not exceeding 750 tons gross register, shall pay half the amount of Tonnage Rates prescribed for other vessels in like circumstances or like positions. Vessels shall be deemed to be in commission until such time as the owners thereof notify the Trust in writing that they intend to lay their vessels up. Vessels so laid up shall pay to the Trust a special lay-up fee of 12s. per week.

Reg. 140
amended by
G.G. 8/6/56,
p. 1417.

No. 140.

Hulks, Tugs, Etc.—Hulks, tugs, passenger steamers, lighters and barges using the wharves or waters of the Port shall pay, as Tonnage Rates, an annual fee as follows:—

Tugs, lighters and barges (50 tons gross measurement and under)—each £3 per annum.

Tugs, passenger steamers, lighters, barges, coal and other hulks, and licensed launches (over 50 tons gross measurement)—each £12 per annum.

The above fees are payable half-yearly in advance to be calculated from the 1st day of January and July of each year.

PART IV.

GOODS AND CHARGES THEREON.

Section I.

Wharfage, Handling, etc.

No. 141.

Computation of Dues.—All dues and charges on cargo shall, except as otherwise provided, be computed on the weights and measurements shown in a vessel's manifest, bill of lading or other shipping document for such cargo, but it shall be competent for the Trust at its own option to proceed on a weight basis of 2,000 lb. or 2,240 lb. to the ton (according to trade usage), or on a measurement basis of 40 cubic feet to the ton. A fraction of a ton weight or measurement shall be charged on a *pro rata* basis, excepting in the case of storage. In all cases, dues and charges shall be calculated on the gross weight or measurement, and the Commissioners reserve the right at any time to demand that goods shall be reweighed or remeasured, in the presence of an officer of the Trust and at the expense of the owner of the cargo.

Charges on goods enumerated hereunder shall be computed on the basis shown:—

Beer, in kegs or casks—	
Reputed 5 gallon kegs	30 to the ton.
Reputed 10 gallon kegs or firkins	15 to the ton.
Reputed kilderkins	7 to the ton.
Reputed half-hogsheads	5 to the ton.
Reputed hogsheads	3 to the ton.
Boats, launches, etc.	Cubic measurement less $\frac{1}{4}$ ths.
Branbags, in bales	18 cubic feet each.
Bullion or coin	40 boxes to the ton.
Coir Matting	at 9 cubic feet per cwt..
Cornsacks and ore bags in bales	15 cubic feet each.
Cycles, not including motor cycles	10 cubic feet each.
Cylindrical cargo, except otherwise stated	Cubic measurement on external dimensions less $\frac{1}{4}$ th, unless weight is then great- er.
Oil and inflammable liquid in bulk (fuel, lighting and lubricat- ing)	at 250 gallons per ton.
Rattans	at 10 cubic feet per cwt.
Skins (excluding calf and year- ling skins)—	
In bundles or bags	8 to the ton.
In bales	3 to the ton.
Timber	per ton of 40 cubic feet.
Wool in bales	5 to the ton.
Wool in bags or pockets	10 to the ton.
Woolpacks in bales....	14 cubic feet each.

No. 142.

Inwards Manifests to be Supplied and Certified to.—The master of every vessel arriving at the Port of Fremantle shall deliver at the office of the Trust, prior to commencing to discharge cargo, two true, legible and complete copies in the English language of the manifest of the said vessel, certified to by himself as being true and complete, containing the particulars indicated in the form set forth in Schedule A, and shall also furnish within forty-eight (48) hours two certified statements of all amendments (if any) which may be made in such manifest by reason of re-measurement of goods included therein or otherwise. Such amendments to a manifest shall not be recognised unless supplied prior to the goods affected thereby being removed from the premises of the Trust. In the case of a vessel not discharging any cargo, a "Nil" manifest must be furnished.

No. 143.

Outwards Manifests.—The master of every vessel shall deliver to the office of the Trust, prior to the departure of the vessel in which outward cargo is shipped, a certified copy in the English language of the manifest in the form set out in Schedule A, giving true, legible and complete particulars of such goods to enable the amount of outward wharfage and handling charges payable thereon to be readily computed. In the case of a vessel not shipping any cargo, a "Nil" manifest shall be furnished. All manifests shall also show the tonnage of coal or fuel oil bunkered.

No. 144.

Payment of Wharfage, etc., on Inwards Cargo.—Wharfage, handling and all other charges incurred in respect of cargo discharged out of vessels shall become payable immediately the said cargo has been landed. The consignee or owner of cargo shall, when making payment of all charges due to the Trust, first present an order from the master or agent of the vessel discharging such cargo requesting the Trust to release all goods described therein. The charges in respect of each bill of lading as shown on the manifest must be cleared by one payment.

Cargo will not be delivered from any shed or wharf to any consignee or owner until the written receipt of the Commissioners for the payment of all charges due thereon (together with the order issued by the master or agent as aforesaid) be produced at the place of delivery. Cargo under Customs control is subject to a further release from that authority.

No. 145.

Payment of Wharfage, etc., on Outwards Cargo.—Wharfage, handling and all other charges in respect of cargo to be shipped shall be paid prior to the said cargo being received by the Trust. The consignor or owner of cargo shall hand to the Trust a cart-note or such other written document as may be required which shall contain therein a full and accurate description and the gross weights or measurements of all such cargo. The charges on all cargo described in each bill of lading shall be cleared by one payment, for which the official receipt of the Commissioners must be obtained.

Subject as provided elsewhere in these regulations, cargo will then be received at the shed or wharf wherever such is arranged to be taken into custody, and the Commissioners will give a receipt to the consignor or owner and subsequently deliver such cargo to the vessel in which it is intended to be shipped.

No. 146.

Goods to be Checked by Check Clerks.—No person shall remove any goods or luggage from any wharf or shed without first satisfying the check clerks of his right so to do; and shall for that purpose, when leaving the wharf, produce any cart-note, delivery receipt, or luggage pass that may have been entrusted to him at the time he received such goods. This provision, however, shall not apply to goods in railway wagons for which satisfactory receipts have already been given to the Trust. All goods on vehicles passing the check clerks must be stowed in such a manner that the said clerks can readily check the number of the packages; in cases where this is not done the person in charge of the said vehicles may be ordered to discharge and reload. Wherever the goods or luggage upon a vehicle do not agree with the cart-note or pass in the hands of the driver, the vehicle shall return whence it came, and shall not be allowed to pass out until the discrepancy has been satisfactorily righted.

No. 147.

Wharfage and Handling Charges on Cargo.—Subject to regulation No. 150A, all goods discharged from, to be shipped on, or transhipped out of any vessel within the Port shall pay the Wharfage and Handling Charges prescribed in Regulations Nos. 148, 149, 150 and 156 respectively, and the general provisions enumerated hereunder shall apply unless otherwise specified:

1. [Paragraph 1 deleted by G.G. 8/6/56, p. 1417.]

Reg. 147
amended by
G.G. 8/6/56,
p. 1417; G.G.
16/11/56,
p. 2721.

2. All rates of handling charges shall be increased or decreased as the case may require by one per centum—
- (a) for each complete penny variation in the ordinary hourly rate of pay of waterside workers as in operation from the 1st day of November, 1952; and
- (b) for each complete penny variation in the rate of charge levied as from 4th May, 1954, under the Stevedoring Industry Charge Assessment Act, 1947-1954¹ (Commonwealth) for every man hour of employment of waterside workers engaged in stevedoring operations and registered under the Stevedoring Industry Act, 1949-1955² (Commonwealth).
3. Cargo landed on wharves or jetties from a vessel in distress, or for the convenience of a vessel, and subsequently re-shipped, shall pay wharfage at the rate of 1s. 3d. per ton and handling charges in accordance with the inwards cargo schedule.
4. Cargo discharged out of railway waggons or other vehicles by Trust labour into sheds or stacks for shipment shall pay a charge of 3s. 6d. per ton additional to the scheduled handling charges.
5. [Paragraph 5 deleted by G.G. 8/6/56, p. 1417.]
6. [Paragraph 6 deleted by G.G. 8/6/56, p. 1417.]
7. Extra handling charges will be made in all cases where cargo is subject to more than the ordinary handling as described in Regulation No. 159.
8. Fresh fish will be charged wharfage on the weight of the fish, but handling charges will be made on the measurement of the container.
9. (a) Fuel oil upon which a full inward wharfage rate of 13s. 6d. per ton has been paid shall, upon being subsequently bunkered for a vessel's own use, be granted a rebate of 8s. 6d. of such wharfage.
- (b) [Paragraph 9 (b) deleted by G.G. 8/6/56, p. 1417.]
10. Live Stock.—The Trust 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 re-shipment, such receptacles shall be exempted from the payment of wharfage charges.
11. Passengers' luggage, when manifested, shall pay wharfage at the rate of 1s. 8d. per ton and handling charges as for ordinary cargo. The term "luggage" shall not include commercial travellers' sample packages, theatrical companies' scenery and properties, furniture or merchandise.
12. "Products of the soil of the State" means such goods as the Commissioners from time to time declare to be products of the soil of the State, such as grain, flour, agricultural, horticultural and farm produce, and coal (the product of the State).
13. Racing yachts and boats (the property of visiting clubs) for regatta purposes only—Wharfage—Nil, handling charges to be as arranged.
14. Ships' refuse (such as manure from cattle ships in cases where the Commissioners permit it to be landed)—Wharfage—Nil, handling charges to be as arranged.
15. [Paragraph 15 deleted by G.G. 8/6/56, p. 1418.]
16. The term "gross value" in respect of minerals, means the value F.O.B. Fremantle, as declared for export purposes, and such value must be certified in writing under the hand of the actual exporter at the time of shipment.
17. Wools, skins and hides, the product of the State, shall be exempted from the payment of inward wharfage charges.
18. [Paragraph 18 deleted by G.G. 8/6/56, p. 1418.]

[Para. 2 substituted by G.G. 16/11/56, p. 2721.]

[Para. 12 substituted by G.G. 8/6/56, p. 1417.]

¹ Now Stevedoring Industry Charge Assessment Act, 1947-1962.

² Now Stevedoring Industry Act, 1949-1961.

Reg. 148
substituted
by G. G.
8/6/56,
p. 1418.

No. 148.

Inward Cargo.

The rates of Wharfage and Handling Charges on Inward Cargo shall be as under:—

Description of Goods	Wharfage	Handling Charges	
		Delivered over wharves, Trust receiving and delivering	Discharged direct from ships' slings into Railway wagons or other vehicles for consignment off the wharves
	£ s. d.	£ s. d.	£ s. d.
All goods for which other specific rates are not provided—per ton	13 6	1 0 0	6 0
Bronze Coin (in boxes), Bullion Specie or Bank Notes—per box or bar	4 0	1 0	1 0
Chaff (in bags), Oats, Hay and Straw (in bales not compressed)—per ton	13 6	1 9 0	10 S
Coal (loose)—			
(a) If landed by tubs or baskets—per ton	10 0	—	3 8
(b) If landed by grabs—per ton	10 0	—	1 8
Coal landed for bunkering purposes—per ton. Handling Charges as for Coal (loose)	1 3	—	—
Coke (in bags)—per ton	4 6	1 9 0	10 8
Coke (loose)—			
(a) If landed by tubs or baskets—per ton	4 6	—	6 8
(b) If landed by grabs—per ton	4 6	—	3 8
Cycles, not including motor cycles (uncased and set up on own wheels and capable of being run on same)	each 4 0	each 2 0	per ton 6 0
Empty Returns—per ton	5 0	1 0 0	6 0
Empty Returns (not knocked down or nested)—per ton	5 0	10 0	6 0
Explosives—Minimum wharfage charge 8s. 6d. Consignee must find labour for handling—per ton	8 6	—	—
Fresh Fish—per ton	4 6	1 0 0	6 0
Furniture, second-hand (in transport boxes)—per ton	5 0	1 0 0	6 0
Hides—			
(a) Buffalo, loose, dry—each	3	1 0	8
(b) Other, loose, dry—each	2	6	4
(c) Other, loose, wet—each	2	9	6
(d) In bags, bundles or bales—per ton	13 6	1 0 0	6 0
Iron and Steel—			
(a) Angles, flats, rounds, etc., in pieces not exceeding 1 cwt.—per ton	13 6	1 4 0	10 8
(b) In bundles or pieces exceeding 1 cwt.—per ton	13 6	1 0 0	6 0
Livestock—			
Horses, cattle and other large stock—each	6 3	—	—
Calves, Foals and Dogs (not caged or crated)—each	5 0	—	—
Pigs, Sheep and Goats (not caged or crated)—each	5	—	—
Material (in crude form for the manufacture of artificial manure and acids such as Rock Phosphate, Phosphatic Guano, Sulphur and Sulphur Bearing Ores, etc.)—			
(a) In bulk cargoes and landed loose—			
(i) If landed by tubs or baskets—per ton	2 9	—	3 8
(ii) If landed by grab or skip—per ton	2 9	—	1 8
(b) In bags or mats—per ton	2 9	17 0	5 8
Minerals, metallic and earthy, and metallurgical products mined in the State—per ton	4 6	1 0 0	6 0
Motor Cars, Utilities, Trailers and Caravans for conveyance of passengers and/or personal effects only, used and uncased, and on own wheels—each	1 0 0	14 0	per ton 6 0
Motor Cars, Motor Vehicles, Vehicles, Agricultural, Horticultural and Industrial Machinery (uncased and set up on own wheels and capable of being run or towed on same)—per ton	1 0 0	—	6 0
Weighing up to 1 ton gross	—	each 15 0	—
Exceeding 1 ton and not exceeding 3 tons gross	—	1 5 0	—
Exceeding 3 tons and not exceeding 5 tons gross	—	1 16 0	—
Exceeding 5 tons gross	—	2 10 0	—
Motor Chassis, uncased and on own wheels—per ton	1 0 0	As for vehicles	6 0
Motor Vehicle Parts, including chassis unmounted, bodies, etc., representing complete units, landed for assembly locally, but excluding spare parts for replacement, and tyres, tubes, etc.—per ton	11 6	1 0 0	6 0

Description of Goods	Wharfage	Handling Charges	
		Delivered over wharves, Trust receiving and delivering	Discharged direct from ships' slings into Railway wagons or other vehicles for consignment off the wharves
	£ s. d.	£ s. d.	£ s. d.
Oils and Inflammable Liquids (fuel, lighting or lubricating)—			
(a) Other than as bunker supplies for vessels of war and either pumped ashore in bulk or transferred direct from a tanker to a commercial vessel by means of wharf pipe lines—per ton	13 6	—	—
(b) In containers—per ton	13 6	1 0 0	6 0
Pipes—4 in. in diameter or less, not cased, crated or in bundles—per ton	13 6	1 4 0	10 8
Skins—per single undumped bale or per two bundles	13 6	2 4	1 4
Timber—per ton	5 0	2 0 0	11 6
Timber, when landed in mark order and when unit size of pieces or bundles is in excess of 2 cubic feet—per ton	5 0	1 0 0	6 0
Wool per single bale or per two pockets, bundles or bags	2 9	2 4	1 4
Minimum Charges—per consignment	1 6	1 0	1 0

No. 149.

Outward Cargo.

The Rates of Wharfage and Handling Charges on Outward Cargo shall be as under, provided that—

- (a) goods manufactured within the State when delivered for shipment ex factory or ex wholesale store or ex retail store and being unused, as distinct from second hand and products of the soil of the State (except those which the Commissioners may by notice exclude from the application of this proviso) shall be free of wharfage on shipment to any port, if such goods or products are declared, in such manner as the Commissioners may from time to time require, to be goods or products of the kind mentioned in these provisos, and are so declared at the time of delivery for shipment;
- (b) the wharfage rate on cargo shipped to ports within the State shall unless otherwise stipulated, be 2s. 0d. per ton.

Reg. 149 substituted by G.G. 8/6/56, p. 1419; amended by G.G. 4/10/57, p. 2829.

Description of Goods	Wharfage	Handling Charges	
		Shipped over wharves, Trust receiving and delivering	Shipped direct ex Railway wagons or other vehicles to ships' slings
	£ s. d.	£ s. d.	£ s. d.
All other goods for which specific rates are not provided—per ton	10 0	14 0	6 0
Bronze Coin (in boxes), Bullion Specie and Bank Notes—per box or bar	4 0	1 0	1 0
Chaff (in bags), Hay and Straw (in bales not compressed)—per ton	10 0	1 0 0	10 8
Cycles, not including motor cycles (uncased and set up on own wheels and capable of being run on same)—each	4 0	2 0	6 0
Empty Returns—per ton	5 0	14 0	6 0
Empty Returns (not knocked down or nested)—per ton	5 0	10 6	6 0
Explosives—Minimum wharfage charge, 6s. 8d. Consignee must find labour for handling—per ton	6 8	—	—

Description of Goods	Wharfage	Handling Charges	
		Shipped over wharves, Trust receiving and delivering	Shipped direct ex Railway wagons or other vehicles to ships' slings
	£ s. d.	£ s. d.	£ s. d.
Flour, Bran and Pollard—per ton of 2,000 lb.	10 0	14 0	6 0
Flour, Bran and Pollard (in consignments of 50 tons or more)—per ton of 2,000 lb.	10 0	10 8	4 6
Fruit, fresh—per ton	10 0	14 0	9 0
Furniture, second-hand (in transport boxes)—per ton	5 0	14 0	6 0
Hides—			
(a) Buffalo, loose, dry—each	3	9	6
(b) Other, loose, dry—each	2	6	4
(c) Other, loose, wet—each	2	9	6
(d) In bags, bundles or bales (including hide pieces)—per ton	10 0	14 0	6 0
Livestock—			
Horses, Cattle and other Large Stock—each	5 0	—	—
Calves, Foals and Dogs (not caged or crated)—each	4 0	—	—
Pigs, Sheep and Goats (not caged or crated)—each	4	—	—
Meat, frozen or chilled (in carcase form)—per ton	10 0	1 0 6	14 0
Metal Scrap—			
(a) Loose in pieces of 1 cwt. or more—per ton	3 6	—	9 0
(b) Loose, small—per ton	3 6	—	14 0
(c) In containers—per ton	3 6	14 0	6 0
Minerals, Metallic and Earthy, and Metallurgical Products, mined in the State—			
(a) In containers—per ton	3 6	14 0	6 0
(b) Loose—per ton	3 6	—	9 0
Motor Cars, Utilities, Trailers or Caravans for conveyance of passengers and/or personal effects only, used and uncased, and on own wheels—each	1 0 0	14 0	per ton 6 0
Motor Cars, Motor Vehicles, Vehicles, Agricultural Horticultural and Industrial Machinery (uncased and set up on own wheels and capable of being run or towed on same)—per ton	1 0 0	—	6 0
Weighing up to 1 ton gross	—	10 0	—
Exceeding 1 ton and not exceeding 3 tons gross	—	17 0	—
Exceeding 3 tons and not exceeding 5 tons gross	—	1 5 0	—
Exceeding 5 tons gross	—	1 15 0	—
Oats—per ton	10 0	16 0	7 6
Petrol, Kerosene, Fuel Oil and other Petroleum Products and By-products refined or manufactured locally from crude oil (notwithstanding proviso (a) of this regulation)—			
(a) To ports within the State—			
In bulk	Nil	—	—
In containers	Nil	14 0	6 0
(b) To other ports—			
In bulk	5 0	—	—
In containers	5 0	14 0	6 0
(c) As bunkers (see regulation No. 160)	5 0	—	—
Sandalwood—			
(a) Loose—per ton (weight)	5 0	—	14 0
(b) Crated, cased, bagged or bundled—per ton (weight)	5 0	14 0	6 0
Skins (in bales or bundles)—per ton	10 0	14 0	6 0
Timber—			
(a) Railway sleepers—per ton	2 0	—	7 0
(b) Other—per ton	2 0	1 8 0	14 0
Wheat—per ton	10 0	14 0	6 0
Wheat (in consignments of 50 tons or more)—per ton	10 0	12 6	5 4
Wool—per single bale, or per two pockets, bundles or bags—each	1 6	2 4	1 4
Minimum charges—per consignment	1 6	1 0	1 0

Reg. 150
amended by
G.G. 8/6/56,
p. 1419.

No. 150.

Transhipment Cargo.

(a) Transhipment cargo means cargo appearing as such upon a vessel's manifest, or of which notice of intention to tranship has been given in writing prior to its being landed, provided that such cargo is not removed from the premises of the Trust whilst awaiting reshipment, except with the consent of the Manager and to

such place or places and for such period or extended period as the Manager shall approve. Cargo consigned to another port and conveyed by land transport shall not be deemed to be transshipment cargo.

(b) Wharfage Rates on transshipment cargo shall be:—

Empty Returns, per ton—1s.
Wool, per ton of 5 bales—1s. 9d.
All other cargo, per ton—1s. 3d.

(c) Handling charges on transshipment cargo shall be at the same rates as for inwards cargo of like nature, according to the service rendered in each case. Should the discharge and reshipping of such cargo take place at two different sheds or berths, two full handling services will be charged.

No. 150A.

Rebates of Wharfage Charges.—The Commissioners may, in their discretion, and according to the circumstances of each case, allow such rebates as they consider 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 their opinion, a rebate is justified.

Reg. 150A
inserted by
G.G. 8/6/56,
p. 1420.

No. 151.

[Regulation 151 revoked by G.G. 8/6/56, p. 1421.]

No. 152.

Truck Weighing Charges on Wheat for Export.

(a) The charge for weighing any class of railway wagon shall be 1s. 6d. per wagon.

(b) All wagons shall, in the absence of instructions to the contrary, be weighed over the Trust weighbridge. All weighing shall be for the gross weight only.

(c) Where requested, the Trust will supply a list or note of the weights arrived at, for record purposes only; but this list or note of weights will in no sense constitute a receipt for weights, nor be deemed as qualifying or embodying any condition of any receipt.

No. 153.

[Regulation 153 revoked by G.G. 8/6/56, p. 1421.]

No. 154.

General Provisions Relating to the Handling and Storing of Wheat

(a) No receipts will be given for bags loaded direct from railway wagons to vessels, but receipts will be given by the Trust for all bags received for storage purposes only.

(b) When wheat is delivered from stacks or discharged direct from railway wagons to vessels, the owner of the wheat shall supply to the Trust complete records of all such transactions. These records shall be in agreement with the receipt obtained by the owner from the vessel.

(c) All wheat rejected at any vessel, or any shed, or any other place where handling is performed, shall be allowed to remain on the premises of the Trust for a period of 48 hours after being unloaded, at the termination of which period such must be removed at the entire risk and expense of the owners

(d) (i) The Commissioners will in no circumstances accept responsibility for weight, condition or character of the bags or contents, nor for any loss or damage to bags or contents by reason of vermin, dirt, fire or the character or natural deterioration of bags, nor in respect of open-air stacks, for any loss or damage occasioned by weather, but the Trust may, at the expense of the owner and without accepting responsibility thereby, place over wheat stacked in the open air such covers as the owner may provide.

(ii) The Commissioners will accept no responsibility whatever for any demurrage charges made by the Railway Department or ship-owners in respect of any delay in the work from any cause whatsoever.

(iii) The Commissioners will not accept any responsibility for any number of bags beyond the number for which they have given receipts. Should, however, any surplus bags be found in the stacks, these will become the property of the owner in whose stacks they are found, up to the total of all shortages notified during the course of the work. All charges upon them must, however, be first paid.

(e) Should any wheat on the premises of the Commissioners be discovered to be affected with weevil or other insect pests or to have deteriorated or become in such a condition as in the opinion of the Commissioners to involve risk of detrimentally affecting other stacks of grain or any other cargo in the hands of the Commissioners, or any of the premises or property of the Commissioners, the Commissioners may order its removal off their premises, or to some other position on their premises as may be decided by them. In the event of such removal not having been effected to the satisfaction of the Commissioners in the time and in the manner stipulated in each case, the Commissioners may remove such grain at the entire risk and expense of the owner. The cost of such removing and keeping and storing shall be paid by the owner of the grain from which such loss or damage arose.

(f) Where the performance of any service causes the work to be done in, or to extend into hours other than the regular working hours of the Port, the particular charge laid down for such service will in every instance be increased by the additional amount payable for overtime rates of pay. The Trust reserves to itself the right, at all time, to continue the work beyond the regular working hours of the Port, if same be necessary in the opinion of the Manager, whether from any shortness of labour, or from any other reason whatsoever, and in such cases the additional charges referred to in this paragraph will become due and payable.

No. 155.

Gantry Loaders or Extra Portable Conveyors.

(A) *Charges Payable*.—The charges for the hire of gantry loaders or extra portable conveyors shall be as follows:—

	Per Hour or Portion thereof.
(1) Where only one gantry loader is in use at any time	15s.
(2) Where more than one gantry loader is in use simultaneously—	
One gantry loader, for the whole period such appliances are being used	15s.
All other gantry loaders in use, each	12s.
(3) When hatches remain rigged and appliances not used by vessel, for each machine	7s. 6d.
(4) Extra portable conveyors, each	5s.
(5) The cost of all services performed by riggers in the hire of gantry loaders shall be payable in addition to the hire charges.	

(B) *General Provisions*.—(1) The vessel that is first ready to use such appliances as are available shall be deemed to have priority of claim to same. The right is reserved to the manager to remove any appliance from any vessel at any time he may consider desirable.

(2) In the event of any alteration in the method of loading a vessel whereby any such appliance is thrown idle, the hirers shall be charged the rate specified in (A) (3) hereof, unless they shall give notice of the discontinuance of the use of the said appliances, thus enabling the hatches to be unrigged.

(3) Extra portable conveyors when used for moving wheat from stacks to gantry loaders or ship's gear or from place to place will be charged for at the discretion of the manager.

(4) The extra cost involved for these appliances during the hours other than the ordinary working hours of the port, shall be paid by the hirer in addition to the charges herein specified.

No. 156.

Handling Charges on Bunker Coal.

The handling charges on coal loaded into vessels' bunkers, shall except as provided in paragraph (f) hereof, be as follows:—

	s.	d.
(a) Coal loaded into boxes or other similar receptacles prior to being brought on to the premises of the Trust for tipping into vessel's bunkers, and arriving alongside a vessel in railway wagons, being tipped by vessel's labour, per ton	2	0
(b) Where the abovementioned boxes or receptacles are tipped by the Trust labour, per ton	3	8
(c) The rates charged under (a) and (b) include the shovelling of a reasonable quantity of loose coal which may be in the wagons containing the boxes or other receptacles.		
(d) Coal arriving alongside a vessel loose in railway wagons requiring to be shovelled into chutes leading direct from wagons into vessel's bunkers, or into baskets or other receptacles on the wharf, per ton	11	6
(e) Coal arriving alongside a vessel loose in railway wagons and loaded to the vessel by grabs, per ton	4	0
(f) The foregoing rates shall be increased by 50 per cent. in all cases where the quantity being worked into any one vessel does not exceed 100 tons, provided that in the case of harbour tugs bunkering such quantities, the handling charges shall be assessed on the basis of actual cost plus twenty (20) per cent.		

No. 157.

Rebates in Charges for Hire of Machinery and Handling of Cargo.—Notwithstanding anything to the contrary contained in the Regulations, the Commissioners may, in their discretion, at any time and from time to time, make rebates in respect of the charges in regard to the hire of machinery and the handling of cargo prescribed in any of the said Regulations, and accept payment for such services at rates, being the rates prescribed as aforesaid, less the amount of rebates made by the Commissioners under the authority of this Regulation.

No. 158.

Handling Charges in Special Cases.—When 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 Trust, or when any handling service not defined by Regulation is required, the Manager shall determine the appropriate rate or amount of handling charges payable in each case.

No. 159.

Extra Handling Charges and Extra Charges on Special Cargo—

(a) The rates of handling charges prescribed in Regulations Nos. 148 and 149 shall include only the normal receiving, sorting, stacking and delivery of cargo, and the Manager may make extra charges for handling packages over one ton in weight, or of an awkward shape, or where extra labour is required or unusual risk is involved.

(b) In all cases where extra wages are payable by the Trust under an order or award of the Court of Conciliation and Arbitration, a Board of Reference, or any other competent authority, for the handling of any special cargo, the extra cost of such shall be payable by the consignee or the consignor of such cargo.

Reg 160
amended by
G.G. 8/6/56,
p. 1421.

No. 160.

Charges on Vessel's Stores, etc.—

(a) Materials and equipment passing over the wharves and to be used for the repair or re-fitting of a vessel, its machinery or equipment whilst it is in the port, and all consumable stores loaded into a vessel for the vessel's own use, excepting fuel oil upon which an inward wharfage rate under Regulation No. 148 of these Regulations has not been paid at the port, shall be exempt from the payment of outward wharfage rates.

(b) 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, shall be 5s. per ton, payable by the suppliers of the oil.

(c) Where the materials, equipment or stores are handled by the Trust, the owners of the vessel shall pay to the Commissioners handling charges as though upon cargo of like nature.

No. 161.

Unpacking Cases on Wharves.—Permission may be granted, at the discretion of the manager, for the opening of cases and assembling of motor vehicles upon wharves or in sheds. A charge of 10s. per case shall be payable for the use of the Trust premises for this purpose.

Section II.**Handling and Custody of Cargo.**

No. 162.

Reg 162
amended by
G.G. 29/12/61,
p. 3939.

Services Covered by "Handling Charges."—Handling charges on inwards cargo coming into the custody of the Commissioners as wharfingers shall (except where otherwise specifically provided) include receiving from ship's slings, tallying (which shall be done in conjunction with and in the presence of any shore tallying which may be done by the ship), sorting to marks, stacking and subsequently delivering to tail of consignee's vehicle and there obtaining a receipt.

Inwards cargo shall not, for any purpose whatever, be deemed to be in the custody of the Trust until such cargo is deposited on the wharf or conveyance provided by the Trust to receive same, and the sling is released, from the ship's tackle.

Handling charges on outwards cargo coming into the custody of the Commissioners for shipment shall include the checking in, the stowage in port order, and subsequent delivery in sling-loads to ship's side and there obtaining a receipt.

Outwards cargo shall be deemed to be in the custody of the ship when the ship's tackle is inserted in the sling.

Handling charges, whether inward or outward, in respect of cargo consigned directly to or from the ship's side (and not coming into the custody of the Commissioners as wharfingers) shall include the ship's side truck movements, sheeting, chaining, etc., as

well as the labour of making up into sling-loads in the case of a ship loading, and the receiving of sling-loads and the stowage of trucks in respect of ship discharging.

No. 163.

Handling Services at Option of Trust.—The providing of labour for the performance of handling services shall at all times be at the option of the Trust.

No. 164.

Cargo Handled by Master of Vessel.—In those cases where the permission of the Manager has been obtained by the master or owners of a vessel to handle cargo from or to the said vessel across the wharf, the said master or owner shall be entitled to recover from the owner of the cargo handling charges thereon at rates not exceeding those prescribed in these Regulations.

No. 165.

Cargo Landed into or Shipped from Railway Wagons.—Consignees or shippers desiring their cargo landed into or shipped from railway wagons or other vehicles alongside vessel shall give reasonable notice to the Manager of such desire and at the same time satisfy the Manager that arrangements for the handling of cargo in this manner have been completed with the vessel, Railway Department, Her Majesty's Customs and other interests. The Commissioners shall reserve the right of refusing to handle cargo direct from or to ship's slings into or out of railway wagons or other vehicles where owing to the character of the ship's gear or any other reason the work is, in the opinion of the Manager, dangerous or likely to prejudice the expeditious handling of the ship's cargo as a whole. In all cases, however, where the cargo is for any reason handled into shed or on to the wharf, the handling charges properly applying to that method shall be paid. A condition precedent to the handling of cargo direct from ship's slings to railway wagons is the surrender to the Trust of the ship's release and the payment of the Trust charges.

No. 166.

Receipts for Cargo Landed into Railway Wagons.—In the case of cargo landed direct into railway wagons or delivered to railway wagons on the wharf or at the wharf sheds, where such cargo has passed into the custody of the Trust owing to the Trust having given receipts to the ship for same, the consignee of such cargo must give receipts to the Trust for such cargo before the wagon or wagons containing such cargo is or are permitted to be removed, and the Trust shall not be held responsible for the safe custody of such cargo after the said wagon or wagons have been loaded ready for removal.

No. 167.

Haulage of Railway Wagons.—The rates of handling charges set down for cargo landed direct into or shipped out of railway wagons do not include the haulage or other charges imposed by the Railway Department, which must be paid by the person ordering the wagons to the Railway Department direct. The onus of requisitioning the Railway Department for supply of wagons shall rest with the consignee or shipper respectively.

No. 168.

Receipts, etc., for Inwards Cargo.—The receipts of the Commissioners to a vessel for cargo landed (in cases where under these Regulations cargo passes into the custody of the Commissioners as wharfingers) shall be based upon the outward appearance of the packages only and shall bear the following endorsement: "Received in apparent good order and condition; weight, contents and value unknown, except where otherwise stated." During the

progress of discharge, cargo landed in manifestly bad condition will be placed in an enclosed position apart from other cargo, pending examination by the interests concerned.

The Trust will under no pretence whatsoever be held responsible for the safe custody or the condition of such package or packages or of its or their contents unless a Trust officer has been a party to the examination and has agreed as to condition in respect of damage, or quantity of remaining contents in respect of abstraction. In the event of the vessel, or its agent, refusing to accept this condition for such cargo, the package or packages must be immediately returned aboard by the vessel and shall not be again landed until it has been examined by the consignee, who shall take delivery direct from the vessel.

Satisfactory receipts must be given to the Trust for packages of goods which are in the custody of the Trust before they are opened for Customs examination. The Trust shall not, under any pretence whatsoever, be held responsible for the safe custody of the contents of packages of goods so opened or repacked. In case satisfactory receipts as aforesaid are refused, the Manager shall at once remove the whole consignment of which such package or packages are a portion, to the Queen's warehouse.

No. 169.

General Responsibility of Commissioners.—No goods, for which receipts have not been given by the Commissioners, shall be deemed for any purpose to be in the custody of the Commissioners as wharfingers, nor shall the Commissioners be responsible for their safe custody, or for any loss or damage that may accrue to the same in any manner whatsoever. In no case shall the Commissioners be responsible for the weight, size, character, or condition of the contents of packages and generally the Commissioners shall in no case whatsoever be liable for a greater value in regard to any goods, or better condition of any package, than is stated upon the ship's receipts, bills of lading, manifest, or other documents as regards declarations of values or conditions, and for this purpose the Commissioners may rely upon, and the owners of the goods shall be bound by all statements, exceptions, and conditions endorsed upon such ship's documents as aforesaid.

No. 170.

Delay in Delivery of Goods.—The Commissioners will not be responsible for any claim arising from delay in the delivery of goods from any cause whatever.

No. 171.

Wrong Delivery.—The Commissioners will not be responsible for the wrong or non-delivery of goods to persons other than the consignee, or of goods which are not marked or are erroneously or deficiently marked, or which have numerous old or imperfectly erased marks thereon, nor in cases where more than one consignment of goods of apparently similar character or appearance, in the same vessel, bear the same or similar marks.

No. 172.

Goods not to be Moved.—No person shall remove from one vessel to another, or transfer from one hatch to another hatch of a vessel either along the wharf or by means of a lighter, or remove from any part of the wharf to any other part thereof, any goods or luggage without the authority of the Manager first had and obtained.

No. 173.

Goods not to be Handled in Wet Weather.—No goods shall be landed or shipped in wet weather without the permission, in writing, of the Manager, at the request of the master or agent of the

discharging or loading vessel; but the giving of such permission shall not throw upon the Trust any liability for damage to such goods caused by being so landed or shipped or handled in wet weather. The determination of the Manager that the weather is wet shall be conclusive.

No. 174.

Goods Specially Treated by Government or other Authorities.—The Commissioners shall not be liable for goods which are required by Government or other recognised authorities to undergo special treatment, such as fumigation, dipping, steaming, opening, destroying or otherwise.

No. 175.

Responsibility in Case of Fire, etc.—The Trust shall not be responsible for loss or damage to goods, while in their custody, by fire, water used in extinguishing fire, or vermin, nor for loss or damage to ironwork or such character of goods in an unprotected state which may be stacked on the wharves, and any action of the Commissioners in endeavouring to temporarily cover or protect such goods shall not be held to cast upon them any liability for loss or damage as aforesaid.

No. 176.

Mode of Discharging or Loading.—The master of every vessel shall give notice to the Manager of his intention to discharge or load before such work is commenced. Such notice in respect to labour or the hire of mechanical appliances must be handed to the Manager at least one clear half-hour before the commencement of the nearest "pick-up" period of watersiders, having regard for the time of commencement of such work.

No goods, live stock, or other material of any sort whatsoever shall be discharged or shipped, except at such times and places and in such order and mode as may be directed and deemed expedient by the Manager for the proper working of any wharf or jetty.

Cargo discharged without permission of the Manager being first obtained shall not be deemed to be in the custody of the Trust, nor shall the Trust be held responsible for any loss or damage that may accrue to such cargo from any cause whatever.

No. 177.

Contents of Packages.—Notwithstanding the nature of the receipt given by the Manager for any goods passing into the custody of the Commissioners, the Commissioners shall in no way be liable for the contents of packages which are so packed or secured that the contents are not plainly visible or the character thereof not plainly discernible at the time of receiving without the packages being unpacked or opened.

No. 178.

Goods Handled out of the Ordinary Working Hours of the Port.—Notwithstanding the nature of any receipt given by the Manager for goods passing into the custody of the Commissioners at times other than within the hours which are fixed in these Regulations as the working hours of the Port, the Commissioners shall not be liable for the condition of goods so handled.

No. 179.

Goods Insufficiently Packed.—Whenever in the opinion of the Manager goods are wholly unprotected, or insufficiently protected or packed, so as, in his opinion, to require additional labour in handling, or to involve the Trust in additional risk in handling, an additional charge for labour shall be imposed on such goods, and the Commissioners shall in no case be liable for damage to goods caused by or contributed to by insufficient packing or protection. The additional charge shall in each case be determined by the Manager.

No. 180.

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 may have been received from the ship, and where, in the opinion of the Manager, such delivery involves special sorting or handling, the consignee shall pay to the Trust an extra charge per ton on the goods so actually sorted or handled to cover any extra labour involved in such sorting or handling; such charge shall be determined by the Manager in each instance.

No. 181.

Goods Requiring to be Moved.—Where a vessel is not ready to receive goods which have been brought down for direct shipment, and such goods have consequently to be stored on the wharf or in a shed at the berth where the vessel is lying, or if, for the convenience of the vessel, or on account of doubtful weather or other cause, such goods are placed in such shed, a charge shall be made to the vessel or owner of the goods to cover the cost of additional labour involved. Where any goods have to be conveyed by the Trust to a vessel, shed or berth beyond the shed or berth where such goods have been deposited or stored, the cost of so conveying such goods shall be paid by the vessel or owner of the goods, depending upon which the work is done for. The amount of the charge shall in each case be determined by the Manager, who shall also have the option of refusing to do the work.

No. 182.

Discharge or Loading to be Continuous, or as Directed.—The master of any vessel berthed at any wharf or jetty shall cause the discharge or loading of such vessel to be commenced and continued till completed, by working at such hours as the Manager shall direct, provided that such direction shall not be in contravention of any Customs law or regulation.

No. 183.

Weight of Package or Article to be Marked Thereon.—The Master of any vessel shall not discharge, nor shall any consignor deliver for shipment, a package or article of a gross weight of one ton (2,240 lb.) or over unless such package or article shall have the exact weight marked thereon in legible characters not less than one inch in size; provided that where it is not practicable to weigh any package or article the weight of which is more than one ton (2,240 lb.) the gross weight of such package or article may be stated approximately within a limit of one ton, that is to say "over one but under two tons" or as the case may be.

No. 184.

Cargo Deposited on Wharf.—No ballast, stone, coal, coke, timber, sand, or other goods or other materials in bulk shall be deposited on any wharf or jetty without special permission of the Manager.

No. 185.

Working Hours.—The working hours of the Port shall be and include the hours from 8 a.m. till 12 noon and from 1 p.m. to 5 p.m. Mondays to Fridays, except upon such days as may be appointed holidays under Regulation No. 342.

No. 186.

Vessels Working Overtime.—The master of a vessel requiring to work any hours, not being working hours as defined in the preceding regulation, shall give the Manager at least one hour's notice thereof, unless such work requires the engagement of fresh labour by the Trust, when notice must be given in accordance with Regulation No. 176.

The cost over and above the ordinary cost of day work of all labour and supervision, etc., employed by the Trust during any hours not being working hours as defined in the preceding

Regulation, shall be paid for by the master or owners of the vessel or the agent therefor, in addition to the usual charges. The extra cost of lighting any shed or berth to enable a vessel to work during other than daylight hours shall also be paid by the said master, owners, or agent.

No. 187.

Undue Delays in the Course of Working Vessels to be Paid for.—The loss in wages paid by the Trust, due to delays during the course of working any vessel and not the fault of the Trust, shall be paid to the Trust by the master or owner of such vessel.

No. 188.

Heavy Goods not to be Tilted or Thrown on the Wharves.—Girders, rails, plates, pig-iron, timber, stone, machinery, or heavy merchandise, or commodity of any kind shall not be tilted or thrown out of any cart or lorry, or from any vessel, on to any wharf or jetty, but the same shall be laid down by hand.

No. 189.

Master Responsible for Proper Slinging of Goods.—The master of every vessel shall be responsible for the proper slinging of all goods discharged on to any wharf from such vessel, and for any damage that may occur either from the breakage of slings or from the goods being imperfectly slung.

No. 190.

Sorting or Packing on Wharves.—No person shall sort any timber, or pack or re-pack or repair any goods, or screen any coal or other bulk goods on any wharf or in any store without permission from the Manager, except as is provided for in the statutes relating to Her Majesty's Customs.

No. 191.

Goods Falling Overboard.—If any cargo or other material is by accident or otherwise dropped or let fall overboard, the master or agent present at the time shall forthwith report the same to the Manager, and the Manager shall be at liberty to take such steps as may seem to him advisable to recover and land such cargo or other material; and all expenses of such recovery and landing shall be a debt due to the Trust from the owner, agent, or master of the vessel out of which such goods were being landed or into which they were being shipped, or from any person responsible for letting such goods drop or fall overboard.

No. 192.

Limitation of Value of Goods Lost or Damaged.—All claims for goods lost, damaged, or destroyed shall be restricted to the cash value of the same at Fremantle, provided such value does 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.

No. 193.

Limitation of the Amount of Liability for Goods.—The Commissioners shall not be 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, sculpturing or other works of art beyond the sum of £10 nor beyond the sum of £100 for each package or parcel of any other kind of property, no matter what may be the nature or value of the contents thereof.

No. 194.

Limitation of value of Goods.—Without affecting, restricting, or limiting any other of these Regulations, the Commissioners' liability for each package of goods coming into their custody shall

be limited to the amount of any declaration of value made by a consignor or consignee of such goods, and the Commissioners may rely upon and the owner of such goods shall be bound by all statements, exceptions, and conditions endorsed on ship's receipts, bills of lading, and ship's manifest as to the value of such goods.

No. 195.

Passenger's Luggage.—The same limitations in regard to value of ordinary cargo as set out in these Regulations shall apply to packages of passengers' luggage or effects passing into the custody of the Commissioners.

No. 196.

Persons Receiving or Retaining Goods not their own Property.—No person shall take delivery from the Trust, or retain possession after delivery, of any packages or goods of any description, not his own property.

No. 197.

Claims in Respect of Cargo.—No claim will be entertained by the Trust in respect of goods landed, or alleged to be landed, unless such claim has been received by the Secretary in writing before the vessels (in the case of sailing vessels) leave the harbour, or in the case of steamers within four days of the steamer leaving the Port, nor in respect of outwards goods unless received by the Secretary within twenty-four (24) hours after the vessel in which it was intended to ship such goods leaves the Port. Each claim must be rendered on the form recognised by the Trust, which form will be supplied on application.

Section III.

Storage of Cargo.

No. 198.

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

No. 199.

Storage, Period of.—Except where otherwise provided, all goods landed from any vessel or received for shipment by any vessel, and placed on any wharf or in any shed, shall be removed therefrom within sixteen (16) working hours after having been so placed. Transshipment cargo, or cargo landed from a vessel in distress, or for the convenience of a vessel, and subsequently reshipped, shall be allowed a free storage period of twenty-four (24) working hours.

Goods on Prime Entry, which are detained for examination by customs officials, will be stored free from the time of passing of entry until examination is completed, but such free storage shall not exceed four days in all. Goods on Warehousing Entry, requiring examination and making up for Customs purposes, shall have free storage in the sheds during the time this is done, but not exceeding four days in all. After the expiration of the free storage time they shall be chargeable with storage at the general rate of storage.

No. 200.

Goods may be Removed or Sold.—The Manager is empowered to take charge of and store cargo and goods if not removed from any wharf or shed by the consignee within the time of respective times limited for that purpose, or to cause the same to be conveyed to Queen's warehouse or delivered to the consignee at his expense

and risk, or to remove the same to any of the premises of the Trust or other convenient place, and to keep the same until payment to the Trust of the expense of such removal and of keeping of the goods, and of all other charges due to the Trust thereupon; and, in default of payment, on behalf of the Trust to sell the same in the manner and at the time and in accordance with the powers provided by Section 29 of the Act.

No. 201.

Storage Rates for Goods.—Should any goods be not removed from any wharf or jetty or sheds thereon within the time specified in these regulations, there shall (subject to and as hereunder mentioned) be payable to the Commissioners as and by way of storage rent in respect of such goods, charges at the following rates:—

- (a) Transit Cargo (Transit Cargo includes all cargo other than transshipment cargo and cargo landed and re-shipped).—Per ton or part thereof per day:

First three days—Sixpence (6d.) per day.

Second three days—One Shilling (1s.) per day.

Succeeding six days—Two Shillings (2s.) per day.

Thereafter—Three Shillings (3s.) per day.

- (b) Transshipment Cargo.—The storage rate on transshipment cargo and on cargo landed and reshipped shall be one shilling (1s.) per ton or part thereof per week, for a maximum period of two weeks, when the rates prescribed above for transit cargo shall become payable except where such goods are actually reshipped during the third week of storage, in which case the rate of one shilling (1s.) per ton shall continue to apply for the third week.

- (c) [Paragraph (c) deleted by G.G. 8/6/56, p. 1421.]

- (d) Nothing herein contained shall prevent the manager from removing or ordering the removal, as provided for in these regulations, of any such goods at any time after the time hereinbefore appointed for their removal.

No. 202.

Notwithstanding anything contained in this section of these Regulations, the Manager may—

- (1) where handling services may be advantaged generally upon the wharves by the non-removal of any particular goods within the prescribed period before storage charges become payable, or
- (2) where such non-removal is conducive to the free flow of other goods, or
- (3) where excessive overtime is worked by vessels, including Sundays and public holidays, to the detriment of the ordinary delivery of cargo, or
- (4) in the case of goods permitted to be placed on wharves or in sheds to await shipment,

grant such an extension of the period prescribed for the removal of goods, either generally or in particular, by such length of time as, in his opinion, is justifiable and reasonable in the circumstances, or he may, in his discretion, determine that some lesser rate or rates of storage charges than those prescribed in these Regulations, shall be payable in respect of any particular goods, whether awaiting shipment or delivery elsewhere.

No. 203.

Limit of Storage.—No goods shall be allowed to remain in any shed or upon any wharf for a longer period than four weeks. If any goods so remain without the consent of the Trust, the Manager may remove the same to Queen's warehouse (in the case of goods liable to customs duty), or to any of the premises of the Trust, or other convenient place, and retain the same under the provisions of Section 29 of the Act and for the purposes enumerated in the said section.

Reg. 201
amended by
G.G. 8/6/56,
p. 1421.

No. 204.

Goods left on Wharf may be opened, etc.—If any free goods shall, without permission from the Manager, remain upon any wharf, or on the approaches thereto, or in any shed in which goods may be placed, for a longer time than shall be allowed by these Regulations, it shall be lawful for the Manager to open and examine the same, before the goods are dealt with under the provisions of Section 29 of the Act, or otherwise according to law.

No. 205.

Special Charge to Clear Sheds or Wharves.—When notice is sent to the owner, shipper, consignee, or ship's agent of any goods that no storage room is available after the date of notice, such goods shall be immediately removed; and if the goods remain 24 hours after such notification, they shall be chargeable at the rate of 2s. per ton or fraction of a ton per day or part of a day.

Section IV.

Inflammable Liquids and Oils.

No. 206.

The Regulations in this section shall apply to inflammable liquids and oils, but notwithstanding anything contained therein the Commissioners, in any case in which, in their opinion, the public safety will not be prejudiced, may, by notice in writing under their hand, grant exemption to any person from compliance with any of the requirements thereof, and such exemption may be for such term, to such extent, and subject to such restrictions, limitations, and conditions, as the Commissioners think fit, but this section of these Regulations does not apply to vessels loading or unloading inflammable liquids and oils at the Oil Refinery jetty within the Outer Harbour.

No. 207.

INTERPRETATIONS.

For the purpose of this section of these Regulations, the following additional expressions shall have the meanings hereby assigned to them:—

“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.

“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.

“Battened down” means and includes all methods of securely closing, to make gas-tight as far as practicable, any hatchway.

“Cargo” includes, *inter alia*, 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 which has been carrying oil or inflammable liquids that he has carried out a test in an adequate and suitable manner for the presence of inflammable vapour and found the spaces to be free therefrom.

“Competent analyst,” for the purpose of these Regulations, 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 Commissioners.

“Fire” means every description of fire and 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 which has been established by Act of Parliament for the purpose of determining the true flashing point of inflammable liquid.
- “Hatchway” means any hatchway or other opening into a hold not protected to prevent communication of fire.
- “Hold” means, when applied to a vessel, any hold between deck, shelter deck, tank or other covered place where cargo or fuel may be stowed.
- “In Bulk” means with respect to oil and inflammable liquids such as are conveyed in quantities, exceeding ninety gallons in any one container, and are intended to be transferred by pipe line or hose.
- “Inflammable Liquid” means and includes any oil, liquid or spirit having a true flashing point of less than one hundred and fifty degrees Fahrenheit (150° F.), and also any substance which the Governor, by Proclamation in the *Government Gazette*, declares to be inflammable liquid.
- “Inflammable Liquid ‘Group A’” means any inflammable liquid which has a true flashing point of less than seventy-three degrees Fahrenheit (73° F.).
- “Inflammable Liquid ‘Group B’” means any inflammable liquid which has a true flashing point of not less than seventy-three degrees Fahrenheit (73° F.).
- “Oil” means oil of any description having a true flashing point of not less than one hundred and fifty degrees Fahrenheit (150° F.).
- “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 0.014 inch diameter (28 Birmingham Wire Gauge) and having not less than 28 meshes to the lineal inch.

No. 208.

General Requirements for all Vessels.

The following provisions shall be observed upon or in respect to all vessels:—

- (1) *Observance of Regulations.*—The master, owner and agent of a vessel shall each be responsible for the due performance and observance of all Regulations applying to such vessel, and in no case shall the responsibility of either relieve the other or others of his or their responsibility.
- (2) *General Precautions.*—All due precautions whether prescribed or not for the prevention of accidents by fire or explosion shall be taken, and no act shall be performed or permitted which tends to cause fire or explosion and is not reasonably necessary.
- (3) *Inspection.*—Inspection of the vessel by the Harbour Master shall be facilitated and all enquiries respecting the observance of these Regulations shall be answered correctly. No person shall obstruct or interfere with the Harbour Master in the performance of his duty, who is hereby authorised to inspect and examine at any time, any vessel which he has reasonable cause to believe to have inflammable liquid or oil on board or having lately had on board any such liquid or oil.

- (4) *Escape of Oil.*—No inflammable liquid or oil or ballast water, or water mixed with any oil or inflammable liquid, shall be permitted to escape from or be discharged from a vessel into any inland or tidal water, and no liquid of any kind shall be discharged into any inland or tidal water from bilges, tanks, or other spaces which have contained any oil or any inflammable liquid unless it is proved that the tanks or spaces have been cleaned of oil and inflammable liquid, or that the liquid has been freed from oil or inflammable liquid by means of a separating apparatus.
- (5) *Notice of Loading or Unloading Oil in Bulk or Inflammable Liquid.*—No oil in bulk or inflammable liquid of any kind shall be loaded or unloaded at any time unless notice on the form provided has been given to the Harbour Master and a permit in writing from the Harbour Master has been obtained. Provided that in lieu of such notice and permit the Harbour Master may issue a permit in writing for a fixed period in respect of intra-harbour traffic.
- (6) *Burning Oil or Inflammable Liquid or Refuse on Board.*—Heating, boiling, or burning of any pitch, tar, resin, turpentine, spirits, inflammable liquid, oil, refuse, rubbish, or other combustible matter in or on the vessel is prohibited, and the heating, boiling or burning of any such substance removed from such vessel on any wharf or on any place within 50 ft. of any wharf is prohibited, except in such place and in such manner as may be approved of by the Harbour Master.
- (7) *Strong Containers Required.*—No inflammable liquid shall be conveyed, loaded or unloaded on, into or from the vessel unless such 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.
- (8) *Motor Cars, Motor Boats, etc.*
- (a) No person shall ship or send in any vessel any motor-driven vehicle machine or boat using inflammable liquid unless the tanks thereof and all engine connections are empty and free from such liquid and/or vapour.
 - (b) No such vehicle, machine or boat shall have stored, placed or packed therein any inflammable liquid whether enclosed in a separate container or otherwise.
 - (c) No master shall knowingly receive or carry on board his vessel any motor-driven vehicle, machine or boat in respect of which the requirements of this Regulation have not been complied with.
- Provided, however, that this provision shall not apply to vehicular ferries.
- (9) *Powers of the Harbour Master with Respect to Vessels not Carrying Inflammable Liquid.*—In the event of any vessel being anchored, moored or berthed within one hundred feet of a vessel loading, unloading or carrying inflammable liquid, such of the requirements of these Regulations relating to vessels carrying inflammable liquid as the Harbour Master deems necessary in the interests of safety in the loading or unloading of such inflammable liquid shall be complied with.
- (10) *Precautions against Injurious Fumes and Explosion in Tanks on Vessels:*—
- (a) Until a certificate of test has been obtained, no person shall bring near or take into any tank, any naked light, fire, or lamp (other

- than an approved electric lamp) or apparatus of any kind for producing a light or spark, nor enter it, except for the purpose of testing the atmosphere or for the necessary preliminary cleaning.
- (b) If the cargo last contained in the tank was Inflammable Liquid "Group A" a fresh certificate of test shall be obtained daily before work is commenced or continued therein, and if during the course of the work any pipe or joint in the tank is broken, or any other risk arises of inflammable liquid or vapour therefrom entering the tank, work therein shall be suspended until a further certificate of test shall have been obtained.
 - (c) No naked lights, fires, or lamps other than approved electric lamps, and no apparatus of any kind for producing a light or spark shall be permitted in any part of a vessel where oil or inflammable liquid has been carried, until a certificate of test shall have been obtained in respect of that part.
 - (d) Every certificate of test, or a copy thereof, shall, immediately upon receipt, be posted in a conspicuous place, where it can be easily read by all persons concerned.
 - (e) The following provisions shall apply in connection with the preliminary cleaning of tanks:—
 - (i) All sludge deposit or residue therein shall first be removed; 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 necessary connections by means of which he can breathe outside air.
 - (ii) The 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 the tank has been steamed, all covers of manholes 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; the interior surfaces including covers shall, if any deposit remains thereon, be washed or scraped down with a wooden or other suitable tool.
 - (iv) The person in charge shall take precautions that no matches or other means of producing fire or sparks are carried by the men who are employed in the cleaning of a tank.
 - (v) No person employed in the cleaning of a tank shall smoke in or take matches or other means of producing fire or sparks into such tank.
 - (f) Such further precautions shall be taken as may be required by the Harbour Master.

- (11) *Repairs in Tank of Vessels.*—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) no lamps other than approved electric lamps or approved safety lamps shall be used;
- (b) no fire, naked light, or heated rivet shall 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.

No. 209.

Vessels with Oil in Bulk.

The following provisions shall be observed in respect to any vessel conveying, loading or unloading oil in bulk:—

- (1) *Previous Regulations to be Complied with.*—The provisions of Regulation No. 208 (General Requirements for all vessels) shall be complied with.
- (2) *Pipes, Hoses, etc., to be Free from Leakage.*—Pipes, valves, hoses and other appliances used for transferring oil shall be suitable for the work, kept in good condition and free from leakage, and due precautions shall be taken to prevent any oil escaping into inland or tidal water.

No. 210.

Vessels with Inflammable Liquid.

The following provisions shall be observed in respect to any vessel upon which inflammable liquid in quantity exceeding four hundred gallons (400 gallons) is conveyed, loaded or unloaded:—

(A) GENERAL PROVISIONS:

- (1) *Previous Regulations to be Complied with.*—The provisions of Regulation No. 208 (General Requirements for all vessels) and of Regulation No. 209 (Vessels with Oil in Bulk) shall be complied with.
- (2) *Notice of Intention to Convey, Load or Unload Inflammable Liquid.*—The Master, Owner or Agent of the vessel shall give at least twenty-four hours' notice on the form provided to the Harbour Master of the intention to convey, load or unload inflammable liquid, and of the quantity of inflammable liquid to be conveyed, loaded or unloaded.
- (3) *Red Flag and Red Light.*—While within the port there shall be displayed on the vessel, by day, a red flag not less than three feet square, with a white circular centre six inches in diameter, and by night, a red light of approved design at the mast-head or other conspicuous place, but not less than twenty feet above the deck, so that the flag or light is clear of all obstructions and clearly visible in all directions, provided that, if such vessel is a barge which cannot normally comply with this provision, the master or owner of such barge shall display by day in a conspicuous position above the deck a red flag of metal, not less than eighteen inches square, with a white circular centre six inches in diameter, and by night an all round red light of approved design.
- (4) *Copy of Regulations to be Displayed.*—A copy of these Regulations shall be obtained and placed in a prominent part of the vessel where they can be readily seen by officers and crew.

- (5) *Permit Required to Enter Vessel.*—No person other than those actually engaged in the work of loading or unloading inflammable liquid shall be allowed on the vessel without the permission of the Master of such vessel.
- (6) *Smoking Prohibited.*—No person shall smoke in or on the vessel during the loading or unloading of inflammable liquid.
- (7) *Locomotives not Permitted within Fifty Feet.*—No locomotive on which steam is generated by combustion in open fires shall enter or be permitted to enter on railway tracks within fifty feet of any vessel carrying inflammable liquid.
- (8) *Steel Hawsers to be placed over side of Vessel.*—Immediately a vessel carrying inflammable liquid has been berthed a steel wire hawser sufficiently strong to enable the vessel to be hauled away from the wharf thereby shall be placed over both the fore and aft ends of such vessel, and such hawsers shall so remain during the whole of the time the vessel remains alongside the wharf.
- (9) *Prompt Discharge.*—Except with the permission of the Harbour Master no vessel shall be berthed alongside any wharf unless such vessel is ready to discharge and to continue to discharge and arrangements have been made by the consignee to immediately receive the inflammable liquid.
- (10) *Officer to be in Charge.*—A responsible officer of the vessel shall be on duty day and night to give effect to these Regulations.
- (11) *Inspections at other than Ordinary Hours.*—All inspections necessitated by the requirements of these Regulations during other than the ordinary working hours of the Port, whether carried out aboard the vessel or ashore, shall be payable by the Master or Agent of the vessel.
- (12) *Inflammable Liquid not to be Loaded or Unloaded between Sunset and Sunrise without Permit.*—No inflammable liquid shall be loaded or unloaded on or from the vessel at any time between sunset and sunrise unless a permit in writing has been obtained in each instance from the Harbour Master to allow such inflammable liquid to be loaded or unloaded on or from such vessel and the conditions of such permission are duly observed.
- (13) *Supply of Fire Extinguishers, etc.*—Approved fire extinguishers and other approved material shall be provided and so distributed about the vessel as to be available for throwing on any inflammable liquid which may be spilled or ignited.
- (14) *Chipping, Scraping, Hammering Prohibited.*—Iron or steel hammers or other instruments capable of causing a spark shall not be used for the purpose of opening or closing hatches or tank lids of a vessel.

Except with the written approval of the Harbour Master, chipping, scraping or hammering of iron or steel on the vessel is prohibited when any hold which contains, or has recently contained, inflammable liquid is open, or while there is any inflammable liquid on deck.
- (15) *Towing Vessels.*—No vessel (other than a self-propelled vessel) carrying inflammable liquid shall be navigated except in tow of or attended by an efficient tug propelled by steam, electricity or other mechanical power, and not more than two such vessels shall be towed together at one time, either abreast or in train. No

vessel (other than a self-propelled vessel) carrying inflammable liquid shall be towed alongside a tug unless with the permission in writing of, and upon such conditions as shall have been imposed by, the Harbour Master.

- (16) *Tanks*.—A tank used for conveyance of inflammable liquid on a vessel shall, as far as practicable and applicable, comply with the following:—
- (a) The tank shall be solidly constructed of steel and shall not exceed a capacity approved by the Harbour Master.
 - (b) The tank shall be firmly attached to strongly constructed supports.
 - (c) The tank shall be efficiently screened from any engine on the vessel by a fire-resisting shield placed at least six inches from the tank and carried up above the tank and down below it, and the exhaust of the engine shall be wholly in front of this shield if the engine is in front of such tank, or wholly behind this shield if the engine is behind such tank.
 - (d) All vent pipes and vacuum relief valves shall be effectively protected by wire gauze as defined.
 - (e) Effective earthing shall be provided to prevent accumulation of static electricity.
 - (f) The bottom end of each fill pipe shall be carried down to near the bottom of the tank to form a liquid seal.
 - (g) All fill pipes and dip pipes and other openings of a tank shall be fitted with screw caps, bolted covers, or other means of closing gastight at all times when such fill pipes or dip pipes are not in use for filling or dipping.
 - (h) Vent pipes on all tanks shall be properly protected at the outlets by wire gauze as defined and these outlets shall not be less than twelve feet above deck and made weatherproof.
 - (i) No tank shall be filled with inflammable liquid more than 95 per cent. of its capacity, and a mark indicating the level at which 95 per cent. of its capacity will be so occupied shall be permanently fixed in the tank.
- (17) *Watchmen*.—(a) The Commissioners will supply watchmen, whose duty it shall be to assist in the enforcement of these Regulations, and they shall be empowered to enforce the strict observance of these regulations and all other applicable regulations of the Port, and all other instructions received from the Harbour Master to ensure general safety and immunity from danger of accident.
- (b) Watchmen shall guard the vessel and the wharf at which she may be moored during the whole time any inflammable liquid shall remain on or at such vessel.
 - (c) The Master shall pay, or arrange to pay, to the Commissioners the full cost of such watching before such vessel leaves the Port.
 - (d) The provisions of this clause shall in no way lessen the responsibilities of the Master, Owner or Agents, as provided for in paragraph 1 of Regulation No. 208.

- (B) SPECIAL PROVISIONS WITH RESPECT TO VESSELS WITH INFLAMMABLE LIQUID OTHERWISE THAN IN BULK.
- (1) *Display of Notices.*—Notices, warning the crew and all persons 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 the gangways of such vessel.
 - (2) *Ventilation of Holds Before Unloading.*—All holds containing inflammable liquid in drums, tins or other packages, shall be thoroughly ventilated before and during the time such inflammable liquid is being unloaded.
 - (3) *Ventilation of Holds after Unloading.*—All holds from which inflammable liquids in drums, tins, or other packages have been unloaded shall be thoroughly ventilated. The bilges shall be carefully cleaned by removing any liquids by hand pumps, suitable wooden bailers, and by swabbing, and afterwards suitably ventilated. Fire or unauthorised light shall not be permitted at or near such hold until a certificate of test shall have been obtained.
 - (4) *Stowage.*—All inflammable liquid loaded on the vessel shall be properly and securely stowed to the satisfaction of the Harbour Master.
 - (5) *Ventilation of Stowage Spaces.*—Proper and efficient ventilation for the place of stowage shall be provided, and when required outlet ventilators passing through the deck and terminating just below such deck, and inlet ventilators extending to the bottom of the holds from above the upper deck shall be fixed. All outlet and inlet ventilators shall be covered with wire gauze as defined.
 - (6) *Battening Down Holds.*—Holds after inflammable liquid has been stowed in them shall be securely battened down.
 - (7) *Marking of Packages.*—All inflammable liquid in packages 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."
 - (8) *Hatch Coverings.*—Sufficient hatch coverings, and other coverings as may be required by the Harbour Master shall be provided.
 - (9) *Holds to be Closed.*—All holds which contain or have recently contained, inflammable liquid, when inflammable liquid or other article is not being loaded into or unloaded from such holds, or such holds are not being cleansed and ventilated, shall be closed gastight as far as practicable.
 - (10) *Loading or Unloading General Cargo at Night.*—A permit in writing shall be obtained from the Harbour Master to load or unload general cargo after sunset into or from a vessel carrying inflammable liquid, and the following precautions shall be taken:—
 - (a) Every hold containing inflammable liquid shall be securely battened down.
 - (b) No cargo shall be loaded into or unloaded from any hold unless such hold is separated by watertight and gastight bulkheads, decks, battened down hatchways, or other means from all places on such vessel where vapour from inflammable liquid is likely to be.

- (11) *Stowing Inflammable Liquid in Wooden Vessels.*—Stowing inflammable liquid below deck in a wooden vessel is prohibited. A limited quantity however, may be carried as deck cargo on the weather deck of such a vessel provided the inflammable liquid is stowed at a safe distance from the galley, crew's quarters and openings leading into machinery or boiler spaces.
- (C) SPECIAL PROVISIONS WITH RESPECT TO TANK SHIPS.
- (1) The master of a tank ship carrying inflammable liquid shall not permit the vessel to enter the inner harbour until specially authorised in writing by the Harbour Master and not then until the master of the vessel is in possession of a copy of these Regulations, nor shall such master, except with the written permission of the Harbour Master, permit wire ropes to be used in the mooring of the vessel.
- (2) *Access to Tank Ships.*—(a) Prior to the berthing of a tank ship that portion of the wharf to be occupied by the vessel shall be closed to all traffic and shall remain closed during the whole period the vessel occupies that berth, and no person shall enter or remain within the enclosure or climb about the wharf structure beneath or in the vicinity of such enclosure during such period, unless he is in possession of a permit issued under the authority of the manager, or has been vouched for within the limits of the special permit issued for that purpose under the same authority in order to facilitate access for artisans or other workers connected with the handling of the vessel's cargo. Persons entering the enclosure shall deposit with the watchman at the point of entry thereto all matches or other means of making a fire or light. Unauthorised persons entering or remaining within such enclosure or upon any tank ship berthed thereat, or any person taking into such enclosure or aboard such vessel matches or other means of making a fire or light shall be guilty of an offence. The loading or unloading of inflammable liquid into or out of a tank ship shall not commence until the necessary barricades to complete the enclosure have been erected, and manned to the satisfaction of the Harbour Master.
- (b) During the period the tank ship is berthed at the wharf the master shall not permit admission to the vessel by any other means than the recognised gangway connecting the vessel with the wharf, nor shall the person in charge of any other vessel permit such vessel to approach within one hundred feet of such berth or the tank ship itself, the prohibited area for this purpose being usually marked by red buoys, which each exhibit a fixed red light at night, and a red flag by day at about six feet above water level.
- (3) *Matches, Smoking, etc., Prohibited.*—Before entering the Inner Harbour all matches shall be collected from members of the crew and other persons on the vessel, and no person shall smoke or bring matches or other means of making a fire or light on the vessel while such vessel is within the Inner Harbour.
- (4) *Engineer to be in Charge.*—In addition to having a responsible officer on duty as required by these Regulations, a crew to assist such officer and a competent member of the engine room staff shall be on duty at all times when inflammable liquid is on board to be available in case of emergency to operate the fire pumps or other fire extinguishing appliances.
- (5) *Fires and Lights on Tank Ships.*—(a) From the time when the tanks or holds of tank ships carrying inflammable liquid are first unsealed or opened for the purpose

- of loading or unloading inflammable liquid until such tanks or holds have been closed and sealed down, no fires or lights other than of approved ship's boilers, approved electric lamps or approved safety lamps shall be lit or used either on board the vessel or on shore within 100 ft. of any place at which inflammable liquid is being loaded or unloaded.
- (b) The master shall not allow any furnace, galley or other fires to be re-lighted until he is permitted to do so in writing by the Harbour Master.
- (c) The master shall not allow any furnace, (other than that required to produce steam for pumping), galley or other fires to be alight on board his tank ship while running water for ballast or other purposes into any tank, receptacle, or enclosure on board which has contained inflammable liquid. No ballasting shall be permitted unless all tanks are sealed down as required by the Harbour Master. The rate of ballasting any tank ship shall be so reduced as required by the Harbour Master, and any directions given by him for other safety measures to be taken in such ballasting shall be strictly observed. No ballasting shall be allowed by the master until he is so permitted in writing by the Harbour Master, who shall lay down such further conditions under which this work shall be carried out as he may in the circumstances deem necessary.
- (d) The master of a motor-driven tank ship shall cause all internal combustion engines on board his ship to be shut down to the satisfaction of the Harbour Master **before any connection** is made to the shore pipe line, or any preparation made to pump inflammable liquid, and such engines shall be kept shut down by the master until he is permitted in writing by the Harbour Master to put them or any of them in operation.
- (6) *Safety Gauzes on Openings to Tanks.*—Except during inspection or when samples or ullage measurements are being taken, wire gauze as defined shall be fitted over all openings of tanks that contain or have recently contained, inflammable liquid in bulk; provided always that the lids, screw caps or other coverings are not removed from tanks or other receptacles containing, or having recently contained, inflammable liquid, in respect of which pumping operations are not in progress.
- (7) *Pipes, Hoses, etc., to be Free from Leakage.*—Pipes, hoses, pumps, and other appliances used for the transferring of inflammable liquid shall be maintained free from leakage and gastight to the satisfaction of the Harbour Master, and unless it is otherwise authorised on the completion of loading or unloading all gear shall be thoroughly freed from inflammable liquid and the hoses disconnected from the shore pipe lines.
- (8) *Loading or Unloading in Bulk.*—The following precautions in the loading or unloading of inflammable liquid in bulk shall be taken:—
- (a) Hoses, constructed to be resistant to inflammable liquid and maintained in good order, 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. Pumping operations shall not be commenced before the correct position of all valves has been verified by the Harbour Master.

- (c) When pumping ceases temporarily, valves on ship and shore pipe line shall be closed. All pipe lines under any wharf shall be thoroughly cleared of inflammable liquid by flushing with water and shall be kept full of water.
- (d) On completion of loading or unloading the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid. The satisfactory condition of the pipe line in this respect shall be verified by the Harbor Master.
- (e) All openings in the tanks shall be closed gas-tight 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 the same points is established.
- (g) Pipelines and hoses shall not be coupled or uncoupled or otherwise interfered with until—
 - (i) permission so to do has been given by the Harbour Trust;
 - (ii) a representative of the Harbour Trust 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, which connection shall remain intact until all hoses have been disconnected from the tank ship at the completion of discharging or loading. The shipboard connection always to be made first and disconnected last;
 - (iv) approved equipment and tools for the purpose are available;
 - (v) a drain cock as well as a test cock has been fitted in the pipelines where required by the Harbour Master so as to enable controlled draining of hoses and pipes before they are disconnected, and to ensure that only water is in the hoses and pipes prior to such disconnection;
 - (vi) all inflammable liquid therein is cleared by pumping water as provided in subparagraph (c) of paragraph (8).

All coupling and uncoupling or other work on hoses, pipes and fittings shall be carried out under approved supervision as required by the Harbour Trust representative.

- (h) The rate of loading inflammable liquid shall be so reduced as required by the Harbour Master, and any directions given by him for other safety measures to be taken for such loading shall be strictly observed.
- (i) Arrangements shall be made by the Master of the Tank ship to ensure that there shall be a sufficient staff of officers and men available at all times, day and night, to ensure the efficient carrying on of the work, or to remove the vessel if so required.

- (9) *Loading or Unloading of Inflammable Liquid in Bulk at Night.*—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, provided that the following conditions and such other conditions as may be prescribed by the Harbour Master in special cases, are complied with—
- (a) unless circumstances render it unavoidable pipelines and hoses shall not be coupled, uncoupled or otherwise interfered with except in daylight;
 - (b) sufficient electric floodlighting of approved type shall be provided to give ample light for all operations.
- (10) *Repairs or Alterations to Tanks.*—Immediately it becomes known that repairs or alterations are necessary to tanks in which oil or inflammable liquid has been conveyed, application shall be made to the Harbour Master for permission to undertake such work. Repairs or alterations involving operations such as welding, cutting, boring, soldering, or hammering, which may produce heat or be liable to cause ignition of inflammable vapours, shall not be commenced until the said permission, in writing, has been obtained, and then not until the measures prescribed in Regulation 208 (10) and (11) shall have been taken.
- (11) *Prompt Departure of Inflammable Liquid Tank Ships after Completion of Loading or Discharging.*—So soon as possible following completion of loading or discharging the inflammable liquid tank ship shall leave the harbour.
- (12) *Bunkering of Inflammable Liquid Tank Ships.*—Should it be necessary for an inflammable liquid tank ship to replenish bunker supplies, such operation shall only be allowed within the Inner Harbour upon permission in writing so to do being obtained from the Harbour Master.

No. 211.

Inflammable Liquid on Wharves or in Sheds.

The following provisions shall be observed in respect to the handling of inflammable liquids in containers on wharves or in sheds:—

- (a) The master of every vessel intending to load from or to discharge on to any wharf any quantity of inflammable liquid shall give at least twenty-four hours' notice of such intention on the form provided to the Manager.
- (b) In no case shall any inflammable liquid be placed on any wharf or in any shed or other part of the premises of the Commissioners without the written permission of the Manager.
- (c) Inflammable liquid in containers shall not be discharged from any vessel direct into railway wagons or other vehicles, nor on to any wharf for the subsequent loading up into vehicles, without the permission of the Manager. In the former case, discharging shall not be commenced until the said wagons or other vehicles are alongside the vessel ready to receive such cargo. In the latter case, the discharge of such cargo shall be so regulated that at no time shall a greater quantity be on any wharf than can be removed within one hour with the means of transport available.
- (d) No inflammable liquid shall be discharged from any vessel on to any wharf in hours other than the ordinary working hours, except where such vessel is discharging inflammable liquid directly into railway

wagons or other vehicle and the written permission of the Manager has been obtained extending the hours of work and the time for delivery of such inflammable liquid off the premises of the Commissioners to full daylight hours.

- (e) No inflammable liquid shall be received upon any wharf for shipment except during working hours and then only if the vessel about to take the same is prepared to receive it.
- (f) No inflammable liquid shall be handled or deposited upon any wharf or other part of the premises of the Commissioners until notice boards not less than five feet by three feet in size and bearing the words:—

"NO SMOKING"—THIS VESSEL HANDLING
"INFLAMMABLE LIQUID"

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

- (g) When inflammable liquid is upon any wharf or other part of the premises of the Commissioners, no person shall have in his possession or under his control any fire or means of ignition or light, other than an approved safety lamp, within fifty feet of such inflammable liquid.
- (h) The Commissioners will employ such watchmen as may be necessary in the following circumstances to supervise the handling of any inflammable liquid during the whole of the time the same is being handled or remains on any wharf or other part of the premises of the Commissioners, viz:—
 - (i) In the case of a vessel discharging inflammable liquid, when the cost of such watchmen shall be a charge against the Master of such vessel or the consignee as the case may be.
 - (ii) Where the quantity of inflammable liquid to be loaded into any vessel exceeds 400 gallons, and also where the quantity does not exceed 400 gallons, unless such latter quantity upon being brought down for shipment is immediately placed aboard such vessel.
 - (iii) Where any quantity of inflammable liquid in excess of 40 gallons is permitted by the Manager to accumulate on any wharf for shipment.

The cost of watchmen employed in the circumstances (ii) and (iii) above shall be a charge against the Master of the vessel loading such inflammable liquid.

Section V.

Vessels at Oil Refinery Jetty.

No. 212.

Interpretations.

For the purpose of this section of these Regulations the following expressions have the meanings assigned to them:—

"Refinery" means the Oil Refinery established pursuant to the provisions of the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952.

"Restricted Area" means all areas of water extending to 300 feet from the Refinery jetty in all directions.

"Oil" means oil of such description as is immediately referred to hereunder:—

Group "A."—Oil having a closed flash point below 73°F., and includes motor spirit, aviation spirit, benzine, benzol, low flash distillate and crude oils having a closed flash point below 73°F.

Group "B."—Oil having a closed flash point of 73°F., and above, but below 150°F., and includes kerosene, burning oil, white spirit and crude oils having a closed flash point of 73°F., and above, but below 150°F.

Group "C."—Oil having a closed flash point of 150°F., and over, and includes gas oil, diesel oil, furnace oil and lubricating oil.

No. 213.

General Requirements for all Vessels.

The following provisions shall be observed by the master of a vessel which is berthed or which it is intended shall be berthed at the Refinery jetty in the Outer Harbour:—

Entering, Remaining Within and Leaving the Restricted Area.

- (1) A vessel of any description whatsoever shall not enter within, depart from, or move in the Restricted Area, unless the vessel is authorised by the Harbour Master to do so.
- (2) The Harbour Master shall be advised beforehand of any special damage to or disability with any vessel which it is intended shall be berthed at the Refinery jetty.
- (3) Upon berthing at the Refinery jetty, the main engines of the vessel shall always be kept ready for immediate use and, in the case of steam vessels, the steam pressure shall be so maintained as to enable the vessel to execute any manoeuvre necessitated by any particular circumstances.
- (4) Except with the written permission of the Harbour Master, repairs to the main engines of the vessel shall not be undertaken.
- (5) (a) Sufficient members of the crew to work the vessel shall be retained on board at all times.
(b) Prior to the transference of any oil between the vessel and the Refinery, action shall be taken to ensure that all provisions of this Regulation are duly observed.

Loading and Unloading.

- (6) Appropriate supervision and control prior to, throughout and after the transference of oil between the vessel and the Refinery shall be exercised as follows:—
 - (a) A responsible officer of the vessel having full knowledge of all operations and being thoroughly familiar with the arrangement of oil cargo lines, valves, pumps and oil cargo venting systems of the vessel shall be in attendance at all times, and the officer shall ensure that a responsible member of the crew is stationed near the main oil cargo control valves of the vessel.
 - (b) The officer shall confirm with the appropriate officer of the Refinery that all operational signals for the proper loading and unloading of oil are understood and agreed before any such work is commenced.

- (7) A vessel having on board any oil classified as of Group "A" or of Group "B," or not having rendered gas-free any holds or tanks following unloading of the oil, shall display the following signals apart from any navigational lighting which the vessel may otherwise be required to exhibit:—
- (a) When actually loading, unloading, or ballasting—
 - (i) by day, a red flag not less than three feet square with white circular centre six inches in diameter, or a Red Burgee, to be flown at the foremast yard-arm or masthead;
 - (ii) by night, a red light at the masthead or where it can best be seen but not less than twenty feet above the deck and of such a character as to be visible all around the horizon for a distance of at least two miles;
 - (b) When loading, unloading or ballasting has been completed and tank lids have been closed, and lines disconnected and blanked off—
 - (i) By day, the red flag with white circular centre or a Red Burgee, to be flown from the triatic stay amidships.
 - (ii) By night, a white light suspended six feet below the red light referred to in subparagraph (a) (ii) hereof, and similarly visible.
- (8) During the transference of oil between the vessel and the Refinery, flexible hose of adequate length shall be provided to guard against any surge or other movement of vessels, and where bolted flanged joints are used, a sufficient number of bolts shall be provided to guard against any leakage of oil. Not less than three bolts shall be regarded as sufficient in the case of a bolted flanged coupling.
- (9) (a) Prior to the transference of oil between the vessel and the Refinery, all sea suction and discharge valves of the vessel shall be securely closed and all stern discharge and other lines not then in use, shall be effectively blanked.
- (b) The responsible officer of the vessel, as referred to in paragraph (6) of this Regulation, shall, immediately after transference of oil is commenced, make an overside inspection in the vicinity of the stern discharge line of the vessel and shall check all sea valves to ensure against any leakage of oil and the inspection shall be periodically made during the course of the operations.
- (10) (a) During the transference of oil classified as Group "A" and of Group "B" and also whilst ballasting of the vessel is being undertaken after the unloading of oil, tank lids and other openings from oil tanks, excluding gas escape lines shall be kept closed, but ullage plugs or sighting ports may be removed for taking dips or samples.
- (b) The ullage plugs or sighting ports shall be closed immediately this work has been completed, but when frequent operations of this nature are in progress on particular tanks, the openings may be left open so long as they are adequately protected by sand bags or by strong non-corroding wire gauze or by other flame proof devise approved by Lloyds Register of Shipping or other approved

Classification Society, while the dipping or sampling operations are not actually being undertaken. The wire gauze shall be kept clean and free from obstruction and shall be of mesh not less than 28 to the linear inch and of gauze not less than 28 S.W.G.

- (11) Whilst any oil classified as of Group "A" or of Group "B" is being transferred between the vessel and the Refinery, or whilst ballasting, gas-freeing or tank cleaning of the vessel is being undertaken, all doors and port-holes of the vessel's after-house facing on to the oil tank deck and the door leading to the centre-castle accommodation shall be kept securely closed and all after-house ventilators shall be turned to face aft during these operations.
- (12) Prior to commencing the transference of oil between the vessel and the Refinery, the maximum pressure and rate of transference shall be agreed with the appropriate Refinery representative, having regard to the grade of oil to be transferred and the size and capacity of the vessel's oil lines and gas venting system.
- (13) (a) Under no circumstances shall any person attempt to reduce the rate of loading from the Refinery by closing any vessel's valves and where tanks are being topped off, loading rates may be reduced only by means of pumps or control valves at the Refinery installation.
(b) Particular care shall be taken that during a change-over from one tank to another, the valves to an empty tank are opened well before the valves of the tank being finished are shut down.
- (14) Where air or water is used to clear any pipeline on completion of unloading of oil from the vessel, a low pumping speed shall be maintained to eliminate danger from static electricity.
- (15) During severe electrical storms, transference of oil classified as of Group "A" shall be suspended by the responsible officer of the vessel, or by the appropriate Refinery representative, and all valve and tank openings shall be closed until the storm has passed.
- (16) Before any oil classified as of Group "A" or of Group "B" is transferred all awnings and sun-screens extending over and on to the cargo deck of the vessel shall be furled and shall remain furled until all operations including loading, unloading, or ballasting have been completed.
- (17) (a) Under no circumstances shall any oil classified as of Group "A" or of Group "B" be loaded or transferred overall, i.e., loaded direct into a tank of the vessel through a hose with the tank lid open.
(b) Under special circumstances and with the written approval of the Harbour Master, oil classified as of Group "C" may be loaded or transferred overall, in which case the following special safety precautions shall be observed:—
 - (i) the hose shall be lashed inside the tank coaming and a bond wire shall be connected between the vessel and the jetty pipelines.
 - (ii) In addition to the bond wire above referred to, a further earthing wire with a metal disc at its end shall be connected to the flange of the hose inserted in the tank and lowered to the tank bottom.

- (18) All precautions laid down in this Regulation relating to the transference of oil classified as of Group "A" or of Group "B" shall equally apply to a vessel loading oil classified as of Group "C" if any tank of the vessel has previously contained oil classified as of Group "A" or of Group "B" and has not been rendered gas-free.
- (19) (a) No craft other than tugs assisting in an emergency shall proceed alongside or remain alongside the vessel while engaging in transference of oil classified as of Group "A" or whilst ballasting or gas-freeing of tanks is in progress.
- (b) Under all other circumstances, tugs, barges, water lighters, oil bunker lighters and other craft shall obtain the permission of the Harbour Master to lie alongside the vessel whilst it is transferring oil, which craft shall be fully manned whilst alongside and fully equipped with efficient fire fighting appliances.

Oil Spillage and Leakage.

- (20) Before transference of any oil from the Refinery to the vessel is commenced, all scupper holes on the vessel shall be blocked and sealed in such a manner as shall make them oil tight. If a spillage of oil should occur, the oil shall be disposed of by mopping up or by some other method approved of by the Harbour Master. Under no circumstances shall oil be washed or swept overboard.
- (21) All pipes, valves, connections and fittings of whatever kind used for the transference of oil shall be kept free from leakages and drip trays shall always be used where pipeline connections are broken.

General Fire and Safety Regulations.

- (22) Upon an outbreak of fire in the vessel an immediate signal shall be made by all or any of the following means available in the vessel—a rapid and continuous ringing of the firebell, pressing of electric alarm bells, or prolonged sounding of the whistle or siren.
- (23) (a) Except as is hereinafter provided the use of naked lights is prohibited on board the vessel at all times. The term "naked light" includes all open flames, fires, exposed incandescent material, lamps of unapproved pattern, electric welding arcs, welding and cutting torches, rivet fires, blow lamps, primus stoves, portable electrically operated tools and hand tools liable to cause sparking.
- (b) Lamps, electric or otherwise, not being of a standard approved by a recognised Vessel's Classification Society or by the Harbour Master as the case may be, shall not be used and under no circumstances shall wandering leads be permitted.
- (24) Boiler cleaning, chipping, scaling or scraping of steel-work or other work likely to cause sparks shall not be undertaken on the vessel and iron or steel hammers or other instruments capable of causing sparks shall not be used for the opening of hatches. Where any urgent repair work is required to be carried out on the vessel before it can depart, the work being additional to that referred to in paragraph (4) of this Regulation, the written permission of the Harbour Master shall be obtained before the additional work is commenced.
- (25) Prior to the transference of oil all fire fighting appliances aboard the vessel shall be examined by a responsible officer of the vessel to ensure that they are ready for immediate use. Fire hoses with nozzles attached shall be uncoiled and connected to the deck

service line on the fore and aft cargo deck of the vessel and at least one fire pump capable of a high water pressure supply shall be readily available.

- (26) In addition to the supervision and control which shall be exercised on the vessel, as specified in paragraph (6) of this Regulation, an engineer of the vessel shall be on duty in the engine room or boiler room or both at all times whilst the vessel is in the restricted area.
- (27) At all times whilst the vessel is in the restricted area emergency towing wires shall be provided and shall be of sufficient length to reach the water's edge, with an eye being provided at the outboard end and with the inboard end made fast to bollards on the off-shore bow and quarter of the vessel.
- (28) Boiler fires on the vessel may be kept alight irrespective of the grade of oil being transferred between the vessel and the Refinery. During the transference of oil classified as of Group "A" or of Group "B" and during gas-freeing or ballasting operations, all boiler room doors opening on to the poop deck of the vessel shall be kept securely closed and the boiler fires kept under constant supervision.
- (29) Galley fires shall be extinguished and electric galleys shall be closed down on the vessel under the following conditions:—
- (a) During the loading of oil classified as of Group "A" or of Group "B" from the time connection with the shore hoses is commenced until such time as all hoses have been disconnected, deck lines blanked off and all deck openings securely closed.
 - (b) During the unloading of any oil classified as of Group "A" or of Group "B" through the stern discharge line, from the time connection with the shore hoses is commenced until such time as all hoses have been disconnected and deck and shore lines blanked off.
 - (c) During draining, ballasting, or gas-freeing operations, following the completion of unloading of oil classified as of Group "A" or of Group "B".
 - (d) During the loading or unloading of packed oil cargo (Group "A" or Group "B") unless the galley is situated at a distance of more than 300 feet from the forehold or compartment being loaded or unloaded and from any conveyors, trucks, barges, wagons or other means of conveyance which are in use for the conveyance of the packed oils to or from the vessel, and provided that in the opinion of the Harbour Master the use of the vessel's galley is entirely safe having regard to prevailing weather conditions.
- (30) Articles of an inflammable or combustible nature shall not be melted, heated, or permitted to accumulate on the deck of the vessel and inflammable or explosive stores of the vessel shall be kept in a safe place securely fastened.

Smoking and Use of Matches or Lighters.

- (31) Smoking is strictly prohibited on the vessel under the following conditions:—
- (a) During the transference of any oil and during draining, ballasting or gas-freeing operations, except as provided by paragraph (32) of this Regulation. This prohibition shall apply from

- the time the tanks are first opened or the operation of connecting shore hoses commences, until such time as all hoses have been disconnected, deck lines blanked off and all tank openings securely closed.
- (b) At any time in any oil tank, pump-room, cofferdam, centre-castle space and adjoining compartments, fore-castle space (if not occupied by the crew) or on any open deck, irrespective of the grade of oil being carried by the vessel, or whether the vessel be gas-freed.
- (32) Smoking may be permitted on board the vessel under the following conditions:—
- (a) In all living or recreational accommodation upon the vessel during the transference of oil classified as of Group "C," and provided the vessel is gas-free, whilst ballasting.
- (b) During the unloading of oil classified as of Group "A" or of Group "B" from the amidships discharge connection (except when draining or ballasting) and only within accommodation specially selected by the master at the after end of the vessel.
- (c) During the loading or unloading of packed oils (Group "A" or Group "B") but only inside accommodation specially selected by the master at the after end of the vessel.
- (33) (a) The selected smoking accommodation referred to in paragraph (32) of this Regulation shall be situated as far aft of the vessel as is possible and shall be limited to a minimum number of rooms so that a careful control and supervision of smoking may be exercised. The accommodation shall not include any rooms having doors or portholes facing forward on the poop front and the accommodation selected by the master shall not include the sleeping cabins of the crew.
- (b) In all selected smoking accommodation, sizable containers preferably filled with sand for use as ash trays, shall be provided.
- (34) Warning notices specifying the conditions where and when smoking is prohibited or may be permitted shall be exhibited in conspicuous places on the vessel and the selected smoking accommodation clearly indicated in the notices. The possession and use of other than approved safety matches on the vessel is prohibited at all times.
- (35) (a) Flint lighters of any description shall not be brought aboard the vessel by any person unless he is a member of the vessel's crew.
- (b) Flint lighters possessed by members of the vessel's crew shall be left in the selected smoking room accommodation and shall not be carried on the person of any member of the crew whilst he is working on or about the vessel.
- (c) Special precautions shall be taken to ensure that under no circumstances shall any person having matches or flint lighters in his possession enter any oil tank, general cargo hold, cofferdam, or pump room of the vessel.
- General Cargo, Packed Oils and Passengers.
- (36) The loading or unloading of miscellaneous general cargo, packed oils, ships stores, luggage, or other articles involving the use of mechanical lifting gear is prohibited

while oil classified as of Group "A" is being transferred between the vessel and the Refinery, and also whilst ballasting or gas-freeing operations are being undertaken on the vessel, but light articles may be carried by hand upon obtaining the permission of the Harbour Master.

- (37) The loading or unloading into or from the vessel of miscellaneous general cargo, packed oils, luggage, or other articles involving the use of mechanical lifting gear may be permitted whilst oil classified as of Group "B" or of Group "C" is being transferred between the vessel and the Refinery, but only at the discretion of the Harbour Master.
- (38) All precautions required by this Regulation to be taken with the loading or unloading of oil in bulk shall also be taken with the loading or unloading of packed oils with such further precautions as under:—
- (a) Slings shall be by approved methods using only rope slings and non-ferrous drum hooks suitably mounted on rope slings.
 - (b) The hatch coamings and any steel ladders, deck, or stanchions within the vessel's hold shall be adequately protected by mats or other suitable covering.
 - (c) Packed oils classified as of Group "A" or of Group "B" shall not be loaded or unloaded, brought alongside or lie alongside the vessel during hours of darkness.
 - (d) Soldering of leaking tins containing or having contained oil is prohibited on the vessel.
- (39) Passengers shall not be embarked upon or disembarked from the vessel during the loading or unloading of oil classified as of Group "A" or of Group "B," nor during ballasting operations.

Access to Vessels and Notice Boards.

- (40) Only one means of access to the vessel shall be permitted and for that purpose a gangway of approved pattern shall be provided. A reliable watchman, who shall be equipped with a whistle in order to attract attention where circumstances require it, shall also be provided. The watchman shall be stationed by day and night on the vessel at or within such distance from the gangway as will enable him to prevent unauthorised persons boarding the vessel and to ensure that no person smokes or is carrying matches, lighters, or other appliances likely to start a fire. During the hours of darkness the gangway shall be adequately lighted.
- (41) Where an intoxicated member of the crew boards the vessel, the circumstances shall be reported immediately by the watchman to the Duty Officer of the vessel who shall personally ensure that all practical steps are taken with respect to the crew member in order to protect the safety of the vessel against fire, explosion or accident.
- (42) (a) Notice boards shall be displayed in a prominent position near the vessel's gangway and shall contain the following warnings:—
- "NO ADMITTANCE EXCEPT ON BUSINESS"
"SMOKING STRICTLY PROHIBITED"
- (b) Such other notices as may be required by the Harbour Master shall also be displayed on the vessel.

Notice of the Conveyance, Loading or Unloading of Oil.

- (43) The master, owner, or agent of the vessel shall give at least 24 hours' notice on the form provided to the Harbour Master in respect of the conveyance, loading or unloading oil.

No. 214.

Prohibited Area.

Unless duly authorised, vessels of any description whatsoever are prohibited from entering an area of water of the Fremantle Outer Harbour as described hereunder:—

Bounded by a line as shown on Chart Aus. 077 and commencing at a point at high water mark on the Northern boundary of land known as a portion of each of Cockburn Sound location 244 and 704 and being lot 1, diagram 16889 and proceeding over the Outer Harbour in an arc having a radius of 5,400 feet to a point at high water mark on the southern boundary fence of the said land.

Section VI.

Dangerous Materials, Explosives, Etc.

No. 215.

(a) *Noxious or Dangerous Goods*.—Except where otherwise specially provided for the master of any vessel shall not discharge, nor shall any person bring on to any wharf, any noxious or dangerous goods without the permission of the Manager in writing. Containers of noxious or dangerous goods shall be distinctly labelled with the nature of the contents and shall be so constructed as to comply with standards approved by some recognised authority. All goods of a dangerous, noxious or inflammable character shall be removed from the wharves with all possible despatch after having been placed thereon. The Commissioners shall not be responsible for any loss or damage which may accrue to such goods whilst on their premises and the Master of the vessel from which any such goods have been discharged, or the owner, agent or consignor of such goods shall be held responsible for damage or loss arising directly or indirectly therefrom.

(b) *Motor Cars, Motor Boats, etc.*—(1) No person shall ship or send in any vessel any motor driven vehicle, machine or boat using inflammable liquid unless the tanks thereof and all engine connections are empty and free from such liquid and/or vapour.

(2) No such vehicle, machine or boat shall have stored, placed or packed therein any inflammable liquid whether enclosed in a separate container or otherwise.

(3) No master shall knowingly receive or carry on board his vessel any motor driven vehicle, machine or boat, in respect of which the requirements of this Regulation have not been complied with.

No. 216.

Vessels not Obligated to Carry Dangerous Goods.—The master or owner of any vessel shall not be obliged to carry therein any aqua fortis, oil of vitrol, any explosive as defined by the Explosives Act, 1895, or any other goods which are of a dangerous nature; and no person shall carry or send by any vessel any goods of a dangerous nature without distinctly marking their nature on the outside of the packages containing the same, and giving notice in writing to the master or owner at or before the time of carrying or sending the same to be shipped; and the master or owner of any vessel may refuse to take on board any parcel or package that he suspects contains goods of a dangerous nature, and may, to satisfy himself of the contents thereof, require such parcel or package to be opened in his presence.

No. 217.

Exemptions.—Nothing in this section of these Regulations shall apply to any vessel having on board exclusively explosives of the following kind or kinds, or to the loading or unloading into or out of, or conveyance to or from such vessel of the same (that is to say):—

- (a) Explosives belonging to the first division of the sixth (ammunition) class.
- (b) The following explosives of the second division of fireworks class, namely:
 - Squibs, crackers, serpents, rockets (other than war rockets), maroons, stars, lances, wheels, Roman candles.
- (c) Other explosives; and in such quantities and under such authorities as may be from time to time approved by the Inspector.
- (d) Explosives on any vessels of war.
- (e) Explosives carried for a vessel's own use, and in such quantities as are necessary to meet the law's requirements for signalling purposes, and provided that the explosives are kept, while the vessel is in port, in a magazine of copper or other suitable material, and that if two or more of the following explosives be in the vessel they shall be kept in separate and completely enclosed receptacles in the magazine:—
 - (1) Gunpowder.
 - (2) Rockets.
 - (3) Sound signal rockets.
 - (4) Blue lights.
 - (5) Holmes lights.
 - (6) Pyrotechnic signals of any other kind.

No. 218.

Control by and Power of Inspector.—The enforcement of the succeeding regulations in this section, as well as the supervision of the work of discharging or shipping of explosives, within the Port of Fremantle, shall be entirely under the control of the Inspector, who shall have full and sole authority to take whatever action may seem necessary or advisable to him in any circumstances arising out of such shipping or discharging of explosives as aforesaid.

No. 219.

Where Vessels are to Anchor, etc.—Vessels arriving at the Port with explosives on board, or desiring to load explosives while in the Port, shall anchor in Gage Roads not less than half a mile from any other vessel, or two miles from any wharf or landing place as directed by the Harbour Master. The said explosives shall be discharged into or loaded out of licensed powder lighters, and no such lighter having on board more than 10,000 lb. of explosives shall be brought within two miles of the coastline North of Owen Anchorage Stock Jetty while proceeding to or from the Woodman Point Explosives Jetty.

No. 220.

Signals to be Exhibited.—(a) The master or person in charge of every vessel having explosives on board shall keep conspicuously exhibited at the fore-mast-head, from sunrise to sunset, the Red burgee, being letter "B" of the International Code, and from sunset to sunrise, in addition to the lights ordinarily required for navigation purposes, a red light in such a position as to be above such ordinary lights, and to show a clear, uniform and unbroken light all round the horizon, visible on a clear night at a distance of half a mile from such light.

(b) The person in charge of any vessel shall observe due caution when approaching another vessel having the aforesaid flag or signal exhibited, and shall not approach any such vessel nearer than 200 yards, unless duly authorised by an officer of the Trust.

No. 221.

Shipping of Explosives.—No explosives shall be shipped on board any vessel as cargo, except in the quantities and according to the manner approved of or prescribed by the Inspector.

No. 222.

Lighters to be Licensed.—All lighters conveying explosives either 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 shall be prescribed in the license by the Chief Inspector of Explosives, and shall be subject to all the Regulations (as far as the same may be applicable) in force for the time being for the management of magazines.

No. 223.

Towing of Lighters.—No licensed powder lighter having explosives on board shall be towed by a high-pressure open-decked steamer whose furnaces are exposed, nor shall any such licensed powder lighter be towed by any other steamer with less towline between her and the steamer than 60 feet.

No. 224.

No Explosives on Passenger Vessels.—Explosives shall not be conveyed in a vessel whilst carrying or plying for passengers, except under special written permission of the Inspector.

No. 225.

Conveyance in Mixed Classes.—No explosive of the 5th (Fulminate) Class and no explosive of the 6th (Ammunition) Class, which contains its own means of ignition, and no explosive of the 7th (Fireworks) Class shall be conveyed in the same vessel or licensed powder lighter with any explosive not of the class and division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

No. 226.

To be Protected against Fire.—If the explosive is not effectually protected from accident by fire from without by being conveyed in the hold of a vessel or licensed powder lighter having a close deck securely closed, then the explosive shall be completely covered with a painted cloth, tarpaulin, or other suitable material so as to effectually protect it against communication of fire.

No. 227.

Iron and Steel to be Covered.—There shall not be any iron or steel in the interior of the portion of the vessel or licensed powder lighter where the explosive is deposited, unless the same be covered, either permanently or temporarily, with leather, wool, cloth, or lead, or other suitable material.

No. 228.

Matches.—In any licensed powder lighter containing explosives no matches other than safety matches, shall be carried for the use of such boat, and such safety matches shall be kept in a safe place apart from the explosive, and shall be prescribed in the license.

No. 229.

Stowing of Explosives.—In the stowing of explosives in any vessel or licensed powder lighter due precaution shall be taken, by means of a partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with, or endangered by any other article or substance conveyed in such a boat which is liable to cause fire or explosion.

No. 230.

No Smoking.—No person whilst on, in, or attending any licensed powder lighter containing any explosive shall smoke, except in a place (if any) prescribed in the license.

No. 231.

Conduct of Persons.—No person in charge of any vessel, or licensed powder lighter containing explosives shall conduct the same in a dangerous or reckless manner; and no person who is intoxicated shall be permitted to be or continue in charge of any vessel or licensed powder lighter, nor shall any such person last-mentioned be permitted to be in, on, or attending the same.

No. 232.

Prevention of Accidents.—While the loading, unloading, or conveyance of explosives is going on, all persons engaged in such loading, unloading, or conveyance shall observe all due precautions for the prevention of accidents by fire or explosion, and shall prevent unauthorised persons having access to the explosive so being loaded, unloaded, or conveyed, and shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of the loading, unloading, or conveyance of such explosive, or of any other article carried therewith, and shall prevent any other person from committing any such act.

No. 233.

Loading or Unloading to be Expedited.—After the loading or unloading of explosives in or out of any vessel or licensed powder lighter is begun, no longer time shall be suffered to pass than, with the use of all due diligence, is reasonably necessary for the purpose of such loading or unloading.

No. 234.

Not to be Loaded or Unloaded in any Public Place.—No explosive shall be loaded or unloaded from any vessel or licensed powder lighter in or upon any public highway, street, road, thoroughfare, or public place, or at any public wharf or landing place, except with the consent of and under conditions approved by the Inspector.

No. 235.

Not to be Conveyed with other Merchandise.—Explosives shall not be conveyed in a vessel which is carrying as merchandise any article liable to cause fire or explosion, or to communicate fire, such as charcoal, lucifer matches, articles for striking a light, or petroleum.

No. 236.

Delays to be Avoided.—No person in charge of any vessel conveying explosive shall delay for a longer time than may be necessary, nor stop unnecessarily at any place where such stopping would be attended with special public danger.

No. 237.

Fires, Lights, Water, etc.—In the case of a vessel or licensed powder lighter conveying explosive, due provision shall be made for preventing the introduction into such boat of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel, or grit so as to come in contact with such explosive; and if the explosive carried in any such vessel or licensed powder lighter is liable to be dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive. This clause 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.

No. 238.

Regulations to be Exhibited.—The owner of every vessel or licensed powder lighter on, from, or in which explosive exceeding 100 lb. is loaded, unloaded, or conveyed who employs others in such loading, unloading, or conveyance shall, by furnishing copies of the Regulations and orders relating to conveyance, or by affixing copies of the same in some place where they can be conveniently read, or otherwise take such measures as may be necessary in order that the persons so employed may be acquainted with the provisions of the Regulations and orders relating to conveyance.

No. 239.

Lighters to Have Person in Charge.—Each licensed powder lighter conveying explosives shall be in the exclusive charge of, and constantly attended by, some competent person; and such person shall not have charge of more than one lighter: Where more than 5,000 lb. of explosives are on or are being conveyed in a licensed powder lighter there shall be two persons continuously on board such lighter.

No. 240.

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

No. 241.

Space between Lighters.—When two or more vessels or licensed powder lighters are conveying explosives, or are travelling together, a space of at least 50 yards shall be kept between them unless circumstances render it impracticable.

No. 242.

General Precautions.—In the case of every vessel loading or discharging explosives within the Port of Fremantle—

- (a) An officer of the vessel shall be constantly and exclusively in charge of the shipment, stowage, or discharge of such explosives.
- (b) All fires and lights shall be completely put out (except engine-room fires which must be carefully banked with damp ashes). No smoking shall be allowed on board. This rule will apply to every vessel alongside of or attached to any vessel or licensed powder lighter loading or discharging any kind of explosive.
- (c) Men selected to work in the magazine of the vessel or boat must not have any matches, fuses, or knives or hooks about their person, nor wear boots or shoes with any iron or steel on them.
- (d) All exposed iron or steel in or near the place where any explosive is being passed or handled must be covered over with tarpaulin or other suitable covering.
- (e) All explosives shall, except as is immediately hereinafter stated, be passed by hand from man to man or rolled, and on no account shall any explosives be pitched, thrown, or slid. The exception immediately hereinbefore referred to is that where special permission is given by the Inspector, explosives may be discharged in rope nets of special construction, which must be examined and passed prior to commencing operations at each job by the Inspector, who shall also determine the load to be carried by any one such net. The Inspector shall also determine prior to the commencement of or at any time during the course of discharge whether the weather conditions are such as will permit of explosives being discharged or being continued to be discharged by means of rope nets as aforesaid, and the master of the vessel and those in charge of the

men on the vessel and the licensed lighter, as well as those in charge of the lighter, shall at once obey the orders of the Inspector.

- (f) No person shall be allowed to work aloft or in those parts of the rigging which may be near to the magazine.
- (g) Special care must be exercised in selecting the men to work the explosives to see that they are perfectly sober.
- (h) In the event of any necessity arising for the stoppage of the loading or discharging of any kind of explosive for any purpose or from any cause whatever, it will devolve upon the officer in charge to take precautions that the hatches of the vessel, as well as those of the licensed powder lighter delivering or receiving, are put on and covered with tarpaulins, and that no person is allowed to remain below in the magazine or hold during such stoppage.
- (i) Paraffin, naphtha, petroleum, or other volatile oil must not be used for any purposes or upon any pretence whatever, unless approved by the Inspector, on board a vessel after such vessel has on board more than 1,000 lb. of any explosives other than of ammunition whilst the vessel is within the limits of the Port of Fremantle.

No. 243.

Explosives to be Marked.—Every case containing explosives imported into Fremantle shall be marked in legible and indelible characters showing the date of its manufacture, the name of the explosive and the word "Explosive."

No. 244.

Explosives to be Inspected.—No explosives shall be landed within the limits of the Port of Fremantle unless such explosive shall have been previously inspected by the Inspector, or unless permission shall have been given by such officer.

No. 245.

Explosives Stored in Lighters.—Explosives in course of transit by a licensed powder lighter may, by permission in writing from the Trust, be stored upon such licensed powder lighter for such time as shall be specified in the said permission, but unless such permission has been given all explosives shall be removed from any such licensed powder lighter to some duly licensed magazine or other place where the same may be legally kept, within one week from the date on which same was received into the said lighter.

No. 246.

Explosives not to be Handled in other than Daylight Hours.—Excepting in respect of operations at the Explosives Jetty, which shall at all times be under the control of the Inspector, and to ensure that loaded or partly loaded lighters may be taken or returned to the said jetty within daylight hours, no explosives, shall be discharged on to or loaded from any vessel or lighter during hours other than between sunrise and one hour before sunset, unless the special permission in writing of the Inspector shall have previously been obtained to enable such discharging or loading to continue until sunset.

No. 247.

Prohibited Explosives Area.—(a) With the exception of craft only duly authorised, vessels or boats of any description whatsoever are prohibited from entering an area of water in the Fremantle Outer Harbour bounded by the following lines:—

Commencing at a point at high water mark alongside the southern side of the Quarantine Station jetty at Woodman Point; thence on a line extending in a north-westerly direction for a distance of one-quarter mile; thence on a

line generally north-easterly and parallel to the coastline for a distance of about one mile to a point in prolongation west-north-westerly of the northern boundary of Explosives Reserve 8909, Lot 135 (Clarence): thence on a line east-south-easterly to a point at high water mark at the north-west corner of the said Explosives Reserve; thence on a line along high water mark generally in a south-westerly direction to the commencing point.

(b) Any person committing a breach of the foregoing regulation shall be liable to a penalty not exceeding £20 (Twenty pounds) in respect of each breach.

PART V.

Hire of Cranes and Scale of Charges.

No. 248.

Applications for Cranes.—All applications for the hire of wharf cranes shall be made at the office of the Trust on the form provided, and, as far as possible, cranes shall 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. The Commissioners shall not be bound to supply any crane at any time to any applicant.

All charges for the hire of cranes shall be payable when making application, and shall be at the rates prescribed hereinafter.

The Manager may at any time re-allocate the cranes or remove a crane from any hirer if the exigencies of the working of vessels generally, in his opinion, require such action.

No. 249.

Calculation of Crane Hire.—Crane hire shall be payable from the time at which the crane is ordered to be ready for work and shall continue until the officer in charge of the crane has been informed by the hirer that it is no longer required. Should a crane require to be shifted for the convenience of the hirer the hirer shall pay the labour cost of shifting, in addition to the hire charge.

In the event of an applicant for hire of any crane not being ready to make use thereof at the time mentioned in his application, he shall be liable for half the amount of the hire from the time mentioned in the application until the crane commences work, and shall lose his turn if another applicant is waiting for or ready to use the crane. The minimum charge for continuous work in respect of each application shall be as for two hours' hire.

No. 250.

No Liability for Loss.—The Commissioners shall not be liable for any loss or expense incurred by applicants for cranes, owing to the cranes not being available for hire at the time appointed.

No. 251.

Expenses to be Paid.—Any expense incurred through the failure of an applicant to make use of cranes at the time appointed shall be paid by the applicant.

No. 252.

Responsibility of Hirers.—Hirers of cranes 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. Hirers shall be responsible for and indemnify the Commissioners against any loss or damage whatsoever that may arise or be caused to or suffered by the Commissioners by reason of any wrongful or negligent act, or any omission, or wrong information made or given by the said hirers or anyone acting on their behalf, including all damage done to the cranes or the gear or purchases used in connection therewith whilst being used by them, reasonable wear and tear excepted.

No. 253.

General Responsibility.—The Commissioners will work the cranes, but will not supply nor accept any responsibility for the safety of slings for lifting cargo out of or into vessels. The Commissioners will supply a driver with each crane hired who will, as far as possible and consistent with safety, be subject to and obey the instructions of the hirer, his stevedore or agent, but the Commissioners shall not be liable for any loss or damage whatever which may occur while such driver is operating the crane during the period of hire, unless such 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 driver.

No. 254.

Work in Overtime Hours.—The cost, over and above the ordinary cost of day work, of all labour and supervision employed by the Trust in connection with the working of cranes, during hours other than working hours of the port, as defined by these Regulations, whether in continuous work, or when dealing with casual or special lifts, as per scale hereunder, shall be paid to the Trust by the hirer in addition to the amount set down for the hire of the crane or cranes employed.

No. 255.

Tampering with Cranes.—No person shall tamper with any crane or any of the electric mains or connections or other portions of the electrical equipment, or climb about any crane.

No. 256.

Special Lifts.—All lifts of over three tons weight must be specially arranged for and shall be charged for as special lifts.

No. 257.

**SCALE OF CHARGES FOR HIRE OF CRANES AND HOISTS,
INCLUDING DRIVER AND POWER.**

(1) Continuous work in loading or unloading vessels, or in handling goods on wharves, or handling goods into or out of vehicles, to include in each case all lifts up to computed 3 tons weight, per hour or portion thereof, £1 2s. 6d. (minimum 2 hours).

(2) Casual or special lifts:—

- (a) For lifts computed to weigh not exceeding 10 cwt., per lift, 1s.
- (b) Over 10 cwt. and not exceeding 15 cwt., per lift, 1s. 6d.
- (c) Over 15 cwt. and not exceeding 1 ton, per lift, 2s. 6d.
- (d) Over 1 ton and not exceeding 25 cwt., per lift, 3s. 6d.
- (e) Over 25 cwt. and not exceeding 1½ tons, per lift, 4s. 6d.
- (f) Over 1½ tons and not exceeding 2 tons, per lift, 6s.
- (g) Over 2 tons and not exceeding 2½ tons, per lift, 8s.
- (h) Over 2½ tons and not exceeding 3 tons, per lift, 12s.

(3) Casual or special lifts, exceeding 3 tons in weight, a fraction of a ton to be computed as a ton:—

- (a) Over 3 tons and not exceeding 4 tons, 9s. per ton.
- (b) Over 4 tons and not exceeding 5 tons, 11s. per ton.
- (c) Over 5 tons and not exceeding 6 tons, 14s. per ton.
- (d) Over 6 tons and not exceeding 10 tons, 16s. per ton.
- (e) Over 10 tons and not exceeding 20 tons, 18s. per ton.

(4) This regulation shall not apply to any package handled into or out of vehicles where the weight of the package is 5 tons or less, and where the package is subject to the payment of handling charges as prescribed in Regulations Nos. 147, or 148, or 149.

No. 258.

HIRE OF 80-TON FLOATING CRANE.

Applicants for the hire of the 80-Ton Floating Crane shall make application therefor in the form set out in Schedule B of these regulations.

PART VI.
LICENSES AND PERMITS.

Section I.

Watermen and Boatmen.

No. 259.

License Required.—A person shall not ply for hire as a waterman or boatman unless he holds a license issued by the Trust.

No. 260.

License Fee.—The annual fee for a license shall be five shillings (5s.), and such license shall cover the period from the first day of July to the last day of June. An additional sum of two shillings and sixpence (2s. 6d.) shall be lodged as a deposit against the return of the badge.

No. 261.

Form of Application.—Every application shall be made in writing addressed to the Secretary, and shall be accompanied by letters from reputable and competent persons, testifying to the sobriety and efficiency of the applicant.

No. 262.

Boat to be Surveyed.—Before a license is issued to a waterman, his boat shall be surveyed by the Surveyor, and should the Surveyor's report and the testimonials produced by the applicant be satisfactory, a license may be issued by the Trust on payment of the prescribed fee.

No. 263.

Boat to be Marked.—Every waterman shall have his name in full, the number of his boat, and the number of passengers he is authorised to carry corresponding with his license, painted in letters one (1) inch long on a conspicuous part of his boat.

No. 264.

Licensed Boat and Gear may be Inspected.—The Harbour Master or surveyor may inspect or overhaul any waterman's boat or gear at any time he or they may think fit to do so; and the Commissioners may, on the report of the Harbour Master or Surveyor to the effect that any boat is unfit to carry passengers, call upon any such boat owner to deliver up his license.

No. 265.

Boat and Landing Place to be Kept Clean.—Watermen shall keep their boats and equipment clean and serviceable, and shall keep clean the landing place from which they ply, and every waterman shall, while afloat or on duty at any wharf or stairs, obey any directions given by the Harbour Master.

No. 266.

Badge to be Worn.—Every licensed waterman shall wear a badge, of a pattern approved by the Commissioners, on the left arm of his coat, showing the numbers of his license; and he shall on demand, produce his license to the Harbour Master, or to any Police Constable on duty within the harbour, or to any person hiring his boat.

No. 267.

Conduct of Watermen.—Any waterman proved to the Commissioners to have been guilty of drunkenness, or having jeopardised in any way the safety of passengers, or of having used insulting or obscene language shall be liable to have his license cancelled.

No. 268.

License and Badge not to be Lent.—A waterman shall not lend his license and badge to any other person.

No. 269.

License and Badge may be Temporarily Transferred.—Any waterman who by sickness may be prevented from plying, may, on depositing with the Commissioners a certificate from a duly qualified medical practitioner to that effect, together with his license and badge, be permitted to nominate a substitute; and should the Harbour Master be satisfied of the efficiency of the said substitute he may issue a certificate authorising him to serve for a period, not exceeding one month, in the place of the licensed person who is disabled by sickness, and such certificate may from time to time be renewed during the illness of the said licensed person so long as his license and badge shall be so deposited with the Commissioners.

No. 270.

Watermen's Shelters.—No person other than a licensed waterman, a Customs officer, or a Trust officer shall have any right to enter or occupy any house, shed, or shelter erected for the use of watermen.

Section II.**Baggage Porters.**

No. 271.

Porters' Licenses Required, and Conditions Thereof.—No person shall ply or tout for hire as a porter at or on any wharf or upon any vessel within the harbour unless duly licensed by the Trust for that purpose, the issuing of such license to be in the entire discretion of the Commissioners, and every porter shall, when so plying for hire, wear a badge of the pattern approved by the Commissioners, specifying his number, in such a position that the same may be easily seen and recognised. No licensed porter shall transfer or lend his license or badge to any person whomsoever.

No. 272.

Applications.—Applications for porters' licenses shall be addressed to the Secretary, and be accompanied by two written testimonials, and such licenses shall be issued annually, and shall cover the period from the first day of July to the last day of June, or such shorter period as may be necessary.

No. 273.

License Fees.—The annual fee payable for a porter's license shall be five shillings (5s.), and an additional sum of two shillings and sixpence (2s. 6d.) shall be lodged as a deposit for the return of badge.

No. 274.

No Refunds of License Fees to be Allowed.—No refund of license fees shall be made for any porter's license suspended or cancelled.

No. 275.

Conduct of Porters.—No porter shall proceed on board any vessel to tout, solicit, or ply for hire until called on board by some person wishing to engage him, excepting with the consent of the master or agents of the vessel. Porters shall arrange themselves on the wharf, at least five feet from the edge thereof, and at all times at least six feet from the foot of the gangways, until regularly called and passed on board by an officer of the vessel. No porter, on being engaged to carry luggage, shall attempt to transfer it to another, but shall himself accompany his employer agreeably to his engagement.

No. 276.

Licenses to be Produced.—Every licensed porter, when required to do so by any constable on duty or by any officer of the Trust, or by any person wishing to hire or who may have hired him, shall produce his license for inspection. Upon any failure of a porter to wear his badge or refusal to produce his license the license may be suspended and badge withdrawn.

Section III.

Carriers and Drivers.

No. 277.

Permits Required.—(1) No person shall enter upon the premises of the Commissioners with a vehicle to ply for hire therewith for the carriage of passengers, or of passengers' luggage or of goods, either or all, unless he is the holder of a permit and numbered badge issued for the purpose by the Commissioners.

(2) Applications for such permits and badges shall be made to the secretary of the Trust upon the form provided.

(3) Every permit issued under this regulation shall, subject to regulation 278, operate and have effect until and including the 30th day of June next following the date of the issue of the permit. Provided that where a permit is issued less than 15 days before the 30th day of June in any year such permit may be issued so as to operate and take effect as from the date of issue and also for a period of 12 months commencing on the 1st day of July next following the date of the issue of the permit but no longer.

No. 278.

Permit May be Refused or Cancelled.—(1) The issue of permits and badges under regulation 277 shall be in the absolute discretion of the Commissioners, who may refuse to issue any permit, if they shall think fit, without giving any reason for such refusal.

(2) Where any permit has been issued and is still in force, and for any reason which in the opinion of the Commissioners is sufficient, the Commissioners consider that such permit should be cancelled, the Commissioners may cancel such permit by notice in writing signed by the secretary of the Trust delivered to the holder of the permit or sent to him by post addressed to him at his address as known to the Commissioners; and as from the date of delivery or posting of such notice the permit cancelled thereby shall be null and void.

(3) Where a permit has been cancelled by the Commissioners the holder thereof shall forthwith peaceably deliver up such cancelled permit and the badge issued to him therewith to the secretary of the Trust at his office, whether such delivery has been demanded or not. Any failure on the part of the holder to deliver up such permit and badge as aforesaid shall be an offence against this regulation.

No. 279.

Duration of Permits.—All permits and badges issued shall remain in force for the time specified in such permit, unless sooner suspended, cancelled, or relinquished, as provided for in these Regulations.

No. 280.

Charge for Permits and Deposit for Badges.—A charge of five shillings (5s.) per annum will be made for the permit issued to carriers and drivers of horse-drawn or motor-driven vehicles in addition to a sum of two shillings and sixpence (2s. 6d.), which will represent the value of the necessary badge and which shall be lodged with the Commissioners as a deposit to be returned to the carrier or driver so depositing it upon return of his badge.

No. 281.

Badges to be Worn and Permits Produced.—Every holder of a carrier's or driver's permit and badge shall, while within the Trust's boundary, wear such badge in a prominent position, and shall upon demand made by a person engaging such carrier or driver, or any officer of a Trust or Police Constable in uniform, at once produce his permit for inspection. Upon any refusal or failure to wear the badge or produce the permit as aforesaid being reported, the permit may be suspended and the badge withdrawn.

No. 282.

Porter's License and Carrier's or Driver's Permit not to be Held by One Person.—Under no circumstances shall a carrier's or driver's permit and badge and a porter's license and badge be held by one person at one and the same time. Any person holding and having in force a porter's license and badge and being desirous of obtaining a carrier's or driver's permit and badge may by written notification and relinquishing his porter's license and badge, be issued with a carrier's or driver's permit and badge. In like manner, a carrier or driver may be issued with a porter's license and badge. In each case, the license or permit and badge previously held shall become void and cease to have any force.

No. 283.

Permits and Badges not Transferable.—No permit and badge holder shall transfer or lend his permit and badge to any other person.

No. 284.

Vehicles to take up Ranks.—Drivers taking their vehicles on to the premises of the Trust for the purpose of plying for hire, upon the arrival of a vessel or otherwise, shall take up their positions on the rank allotted for the purpose by the Manager, and no driver shall leave his vehicle unattended whilst on such rank or refuse to obey any directions of the Manager.

No. 285.

Drivers must Chain or Lock their Wheels.—Every driver of a horse-drawn vehicle, while standing still on a rank or at a wharf or shed, shall chain or lock the wheels of his vehicle. He shall also remain at his vehicle until such time as being engaged he shall be required to load, or until he shall be required to remove his vehicle.

No. 286.

Drivers may place Light Luggage on Board a Vessel.—A driver of a passenger or other vehicle conveying light luggage to a wharf will be permitted to place such luggage on board the vessel for which it is intended, provided he leaves his vehicle in a safe position with (in the case of a horse-drawn vehicle) wheels locked or chained, and with some person in charge of his horses. Upon executing his engagement he shall, if not in the meantime re-engaged, at once take his vehicle off to the proper position in the rank, if he be a holder of a permit and badge issued by the Trust, but if he be not a holder of a permit and badge he shall at once leave the premises of the Trust.

No. 287.

Drivers must not Loiter.—A carrier or driver on being engaged shall, if requested, at once execute such engagement, and shall not loiter.

No. 288.

Drivers must not Refuse Engagemenet.—The driver of a passenger vehicle, and the driver of a cart, shall not refuse to take an engagement when offered, unless otherwise engaged (the onus of proof of such other engagement shall be on such driver), provided that his vehicle is capable of executing such engagement.

No. 289.

Drivers must not Jostle or take Unfair Advantage of Others.—No driver shall push with his vehicle in front of another vehicle so as to get out of his turn, or push himself in front to get an engagement from any other driver who would by his position have prior claim.

Section IV.

Suspension and Cancellation.

No. 290.

Disorderly Conduct.—Any person in charge of a vehicle, including a hand-cart or barrow, or any porter, while on the premises of the Trust, being under the influence of intoxicating liquor, or using any obscene or disrespectful language to any other person, or refusing to take an engagement, he being then disengaged, or refusing or neglecting to carry out his engagement peaceably and with expedition, or refusing to obey the orders of the Manager, or Harbour Trust Patrol Officer or Police Constable in uniform, or otherwise conducting himself in any unruly or troublesome manner, shall upon demand at once leave the premises of the Trust, and if a repetition of the offence is reported, the Manager may suspend the license or permit, as the case may be, and withdraw the badge of the offender.

No. 291.

Licenses, Permits, and Badges may be Cancelled.—The Commissioners, in their discretion, may, for any misconduct or breach of these Regulations, cancel the license, permit, and badge held by any waterman, porter, driver, or carrier, and upon such cancellation such license, permit, and badge shall become void and cease to have any force. In addition to such cancellation the offender shall be liable to a penalty for breach of these Regulations.

No. 292.

Supervision.—For the better carrying out of these Regulations, any officer of the Trust, or Police Constable, or member of the public, may proceed against any holder of a waterman's or porter's license or carrier's or driver's permit and badge for breaches of these Regulations.

PART VII.

Section I.

Bathing.

No. 293.

Bathing from Wharves.—No person shall bathe from any wharf or in any part of the Port which is open to public view, except at such places and at such times as the Commissioners may appoint for bathing purposes; and no person shall wantonly or indecently expose his person within the said Port.

No. 294.

Public Baths.—The lessees, owners, or occupiers of public baths, wholly or partly within the boundaries of the area vested in the Commissioners, shall not allow such baths to be used by bathers unless and until they have, for safety and public decency, enclosed and screened off the whole outside boundaries of the baths to the satisfaction of the Harbour Master.

No. 295.

Depth of Water.—The lessees, owners, or occupiers of public baths shall take soundings of the depth of water in different portions of the baths, and shall properly and plainly show or mark such depths at such places.

No. 296.

Life-saving Appliances.—The lessees, owners, or occupiers of public baths shall provide proper and sufficient life-saving appliances, and shall keep the same in good order and condition and readily available for use when required.

No. 297.

Experienced Attendant Required.—The lessees, owners, or occupiers of public baths shall have in attendance a person or persons expert in the art of natation.

No. 298.

Private Baths.—The owners or occupiers of private bath-houses extending into the waters of the Port shall, if and when called upon to do so by the Harbour Master, carry out and effect any alterations or additions to such bath-houses which, in the opinion of the said Harbour Master, are necessary for the proper observance of decency.

No. 299.

Exemption.—The preceding regulations under the heading "Bathing" in this section shall not apply in the case of any lease or license granted prior to the coming into operation of the Fremantle Harbour Trust Act, 1902.¹

Section II.**General.**

No. 300.

Touting.—No person shall, upon any wharf or roadway within the harbour, 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.

No. 301.

Stray Boats to be Handed over to Harbour Master.—All stray boats, timber, or other articles found within the harbour shall be immediately delivered up to the Harbour Master, in whose custody they shall remain until claimed by the proper owners, who shall pay all expenses thereon.

No. 302.

Garbage, Oil or Other Offensive Matter and Ballast—Discharge of into the Harbour Waters.—(a) No person whether from a vessel or otherwise shall by any means whatsoever deposit or permit to fall into the waters of the Inner Harbour any garbage, ashes, mud or other similar matter or cause any offensive matter, including oil, oily water, oil sludge, oil refuse or oily bilge water to flow thereon or shall discharge into such waters any ballast.

(b) No person whether from a vessel or otherwise shall by any means whatsoever deposit or permit to fall into the waters of the Outer Harbour, any garbage, ashes, mud or other refuse, or ballast, or permit or suffer any offensive matter including oil, oily water, oily sludge, oil refuse or oily bilge water to flow or be discharged into the said waters, except at such places in the said Outer Harbour as the Harbour Master shall from time to time direct and with his approval.

(c) Under no circumstances shall any such waste matter aforesaid be discharged from vessels or barges within two miles of the seaward end of the North Mole in any direction.

(d) Any person who in any respect contravenes this regulation shall be guilty of a breach of these regulations and shall be liable to a penalty not exceeding one hundred pounds.

No. 303.

Dead Animals.—Every person who shall throw, place, or leave any dead animal or putrefying matter into or on any part of the harbour shall forfeit for every such offence any sum not exceeding One hundred pounds (£100).

No. 304.

Interference with Notice Boards.—No person shall take down or injure any board put up for the purpose of publishing any regulation, notice, or penalty, or obliterate any of the letters or figures thereon.

No. 305.

Defacement and Bill-posting Prohibited.—No person shall soil, deface, mark, or injure, or without the consent of the Commissioners, write or paint or place any placard or other document upon any shed, waiting-room, barricade, railing, fence, wharf, or wharf-post; nor shall any person place or deposit any rubbish, refuse matter, or article of any offensive character, or likely to create a nuisance upon or under any of the piers, wharves, or approach roads, except at the places and in the manner pointed out by the Manager.

No. 306.

Life-saving Appliances.—No person shall interfere with any life-saving gear, boat-hook, drag, grapnel, life-buoy, or other apparatus placed within the harbour, and intended to be used for the purpose of saving life from drowning, unless such interference be for the purpose of saving life, or by the police in dragging for drowned persons.

No. 307.

Dragging or Grappling in the Harbour.—No person shall, without the written permission of the Harbour Master, use drags or grapplings within the harbour for the purpose of lifting articles or things from the bed thereof, or which shall disturb the bed of the harbour.

No. 308.

Launching of Vessels.—When a vessel is to be launched from any yard or place within the harbour, the builder or other person in charge of the vessel shall give to the Harbour Master at least forty-eight (48) hours' notice in writing of the day and the hour at which such launching is to take place.

No. 309.

Preservation of Order.—For the preservation of good order, and for the convenience of the shipping and public generally, all watermen, ferrymen, stevedores, porters, carters, and others, when on any wharf, employed on such wharf or not, shall be under the control of and obey the orders of the Harbour Master and Manager, and shall immediately leave such wharf if ordered to do so by them.

Reg. 309A
added by
G.G. 12/6/59,
p. 1517-8.

Horses on Beaches.

No. 309A. A person shall not bring a horse or permit a horse to remain upon any beach that is within the harbour except between the hours of midnight and 5.30 a.m. next following during the months of November, December, January, February and March in any year or between the hours of midnight and 6 a.m. next following during the months of April, May, June, July, August, September and October, in any year.¹

¹ The following regulation was added after Regulation 309A by G.G. 20/3/63, but although the new regulation took effect on the date of gazettal it was subject to disallowance under section 36 of the Interpretation Act, 1918-1957 at the date of this reprint being authorised:—

No. 309B.

Prohibition of Animals Within the Harbour.—Subject to the provisions of Regulations 309A, 310 and 339 of these regulations, a person shall not cause, allow or suffer any horse, cattle, sheep, goat, dog or other animal of whatsoever kind belonging to him or in his charge to enter, stray, depasture or remain within the limits of the Harbour, without the written permission of the Commissioners or an officer of the Commissioners authorised in that behalf and payment of such fees (if any) as the Commissioners may direct.

No. 310.

Riding or Driving upon Wharves or Approach Roads.—No person shall ride any horse or other animal, or drive or impel any machine, including a bicycle, tricycle, velocipede, perambulator, hand-cart, or motor-car, on to or upon any wharf except with the permission of the Manager; vehicles may, with the permission of the Manager, be taken across a wharf to or from any ship moored thereto for the purpose of being loaded or unloaded thereat. And no bullock or horse teams, or any wheeled vehicle drawn by any quadruped or quadrupeds shall, except with the permission of the Manager, be driven on to or permitted to go on to any wharf, and no person shall furiously or negligently ride or drive along any approach thereto or on any shore, nor shall drive on the wrong side of the road, nor be away from his horse or cattle so as to be unable to have the full control of such horse or cattle.

No. 311.

Drivers to Stop at Wharf Entrance or Exit.—The driver of every horse-drawn or motor-driven vehicle shall, when entering at or leaving the premises of the Trust, draw up and stop his vehicle at or near to the office of the Check Clerk at the point of entrance to or exit from the wharf, and shall explain to the Check Clerk the nature of his business, pay whatever dues (if any) are payable in respect of any goods or luggage he may be conveying, and allow his load to be checked and otherwise dealt with according to the Regulations of the Commissioners. Such driver shall, at all times while on the premises of the Trust, obey all directions of the Manager.

No. 312.

Vehicles on Wharves or in Sheds.—(a) The driver of every motor driven vehicle, if he receives permission to drive into any cargo shed or upon the wharves, shall not leave the immediate vicinity of his vehicle and shall not take or permit the vehicle to approach within fifty feet of any inflammable goods.

(b) The driver or person in charge of a motor driven vehicle shall not permit the said vehicle to be present within any cargo shed for any greater length of time than is necessary for the discharging or loading of the vehicle.

No. 313.

Vehicles Equipped with Producer Gas Plant.—(a) A person driving or in charge of a vehicle equipped with and being operated by a producer gas unit shall not drive or take such vehicle upon any wharf or inside any cargo shed upon the wharves unless the unit fitted or attached to such vehicle has been duly licensed under the regulations made under the Traffic Act.

(b) No vehicle so equipped shall be permitted by the driver thereof to come to a stop at any place or in any position within a cargo shed whereby the generator of the producer gas unit attached thereto will then be less than five feet from the tank of any other vehicle containing inflammable liquid.

(c) The following requirements shall also be observed by the drivers or persons in charge of such vehicles whilst on the premises of the Trust:—

- (i) An approved fire extinguisher must be provided;
- (ii) The generator of the producer gas unit must not be opened for any purpose whatsoever and the ash door must be kept securely closed;
- (iii) The unit must be fitted with an efficient flame trap, and any apparatus installed to create a natural draft through the generator when the engine is stopped must be fitted with a copper gauze cover to prevent escape of naked flame;
- (iv) Dangerous goods shall not be stacked on any such vehicle within at least twelve inches of the generator of the producer gas unit.

(d) Any person committing a breach of the foregoing regulations shall be liable to a penalty not exceeding one hundred pounds (£100) in respect of each breach.

No. 314.

Vehicles at Victoria Quay.—(a) No vehicle shall stand at any place other than the South side of Victoria Quay roadway, except for such time as may be necessary to set down or take up passengers or to load or unload goods, and the driver of every vehicle shall at all times obey the directions of the Manager as to the manner or place of parking such vehicle.

(b) Notwithstanding anything contained in paragraph (a) of this Regulation, no person in charge of any vehicle shall cause or permit the vehicle to stand within 3 ft. 6 in. of any railway line which is constructed on the South side of Victoria Quay Roadway and which connects with other railway lines on the roadway.

No. 315.

Vehicles may be Moved.—Where, in the opinion of the Manager, any vehicle should be moved from any stand or place, it shall be lawful for him to direct the driver thereof to remove such vehicle to such place as the Manager shall direct, and any driver who shall refuse to obey such directions shall be guilty of an offence. It shall also be lawful for the Manager or any officer of the Trust to remove any such vehicle, or cause the same to be removed in the absence of the driver thereof, or in case of failure of the driver to remove the said vehicle.

No. 316.

Disorderly Persons.—No drunken, idle, or disorderly persons shall be allowed to be in or upon or under any wharf or shed within the harbour.²

No. 317.

Smoking.—No person shall smoke on or under any wharf or in, on or under any shed, or on any crane or other plant or any vehicle thereon or therein. Any person committing a breach of this regulation shall be liable to a penalty not exceeding one hundred pounds (£100) in respect of each such breach.

No. 318.

Loitering.—No person shall—

- (a) loiter or play any game in, on or about any place within the boundaries of any premises vested in or under the control or authority of the Commissioners; or
- (b) sleep among any cargo which is lying or stacked within the boundaries of any of the premises aforesaid; or
- (c) without the consent of the Commissioners address any assemblage of persons in, on or about any place within the boundaries of the premises aforesaid.

² The following regulation was added after regulation 316 by G.G. 27/2/63, but although the new regulation took effect on the date of gazettal it was subject to disallowance under section 36 of the Interpretation Act, 1918-1957, at the date of this reprint being authorised:—

No. 316A.

Convicted and Undesirable Persons.—The Commissioners, the Manager or the Harbour Master, may prohibit, for such period as they, or he, thinks fit, the entry to any area within the Harbour of a person who has, on more than one occasion, been convicted of a breach of these regulations or whose presence is, in the opinion of the Commissioners, reasonably likely to prejudice the proper working of the Harbour; and the Commissioners, the Manager or the Harbour Master may cause any person whose entry is prohibited to be removed from any area within the boundaries of the Harbour.

No. 319.

Nuisances.—No person shall commit any nuisance either upon or under any wharf.

No. 320.

Boat Races.—No boat race, or procession of boats, will be permitted to take place in the Inner Harbour without the permission of the Harbour Master, who may impose such conditions as he may see fit for the safety of the public and the convenient navigation of the harbour; nor will any steamer be allowed to accompany any race unless the master or owner has previously obtained the written consent of the Harbour Master; but not more than two steamers, in addition to the Harbour Trust launch, will be permitted to take part in or follow any race, one to carry the umpire of the race, and the other to carry passengers or spectators.

No. 321.

Selling or Distributing Goods, Papers, etc., within Port Area.—

(a) A person shall not use wharves, docks, quays, landing stages or other landing places for the purpose of selling or distributing (free of charge or otherwise) or carrying for sale or distribution or exposing for sale or distribution (free of charge or otherwise) thereon, any goods, articles, printed or written papers, or things of whatever description without first having obtained permission from the Trust in writing.

(b) A person employed in the Harbour, not being an officer of Customs, shall not, whilst in or upon any area within the boundaries of the Harbour, as defined in the Schedule to the Fremantle Harbour Trust Act, 1902-1954,¹ hold any auction sale or distribute (free of charge or otherwise) or sell or carry for sale or distribution, or expose for sale or distribution (free of charge or otherwise) any goods, articles, printed or written papers or things of whatever description without first having obtained permission from the Trust in writing.

No. 322.

Removal of Material.—No person shall remove any ballast, rock, stone, slate, shingle, gravel, sand, earth, or other substance or thing from any tidal land or water, or from the seashore below high-water mark in any part of the harbour without the permission of the Harbour Master.

No. 323.

Unserviceable Vessels to be Removed.—In case there should be in the Port any vessel which is not ordinarily used for sea service, and which the Harbour Master may have reason to believe is unsound or unsafe and likely to prove an obstruction to the navigation of the Port, it shall be lawful for the Harbour Master, accompanied by such persons as may be appointed for that purpose, to visit, board, survey, and inspect the same at reasonable times in the daytime, and the master or other persons in charge thereof shall do all such acts as may reasonably be deemed necessary to enable the Harbour Master and such person or persons as may accompany him to ascertain the state and condition of such vessel; and if the Harbour Master and the majority of the persons accompanying him as aforesaid shall, after such survey and inspection, consider the said vessel in an unfit state for sea and likely to prove an obstruction to the navigation of the Port, the Harbour Master shall give notice, in writing, to the master or owner thereof to remove the said vessel to such place as shall be named in the notice; and if, within seven (7) days of such notice being given to such master or owner, such vessel be not dealt with in accordance with the terms of the said notice, the Harbour Master may cause such vessel to be dealt with as he shall think fit, and for that purpose the Harbour Master may cast off, unloose or cut the rope,

¹ Now Fremantle Harbour Trust Act, 1902-1960.

or unshackle or break the chain by which any vessel is moored or fastened; and all expenses thereof shall be paid to the Trust by the master of such vessel, and in default of payment thereof the same may be recovered at law as a penalty, and such Harbour Master may detain such vessel for securing the expenses; and, on non-payment thereof on demand, may sell the same, and out of the proceeds of such sale pay such expenses: Provided that the Harbour Master shall in no case unloose or cut any rope, or unshackle or break any chain by which any vessel is moored or fastened, unless there be a sufficient number of persons on board to protect the same: Provided also that in no such case as aforesaid shall the Harbour Master order any such vessel as aforesaid to be taken to any place outside the port or harbour unless in the judgment of such Harbour Master, there is no place within the port or harbour where she might lie without prejudice or risk of prejudice to the navigation and use thereof (37 Vict., No. 14, Section 6).

No. 324

Entering upon Wrecks.—(a) No person shall, without the written permission of the Harbour Master, enter upon, climb about or otherwise remain on any vessel that is sunk, stranded, or abandoned within the limits of the Harbour.

(b) The Commissioners may remove from such vessel any person contravening this regulation, and, in addition to any penalty incurred for such contravention, the person so removed shall pay to the Commissioners the expenses of and incidental to such removal, and in default the Commissioners may recover the same in any court of competent jurisdiction.

No. 325.

Fire Alarms and Appliances.—Any person breaking, sounding, opening, or in any way interfering with any electric or other fire alarm apparatus on the premises of the Trust, except in order to give notice of an outbreak of fire, or using without permission, or in any way interfering with any apparatus for the suppression of fire, shall be liable to a penalty and for any loss or damage caused to the Commissioners thereby.

No. 326.

Wharves, etc., may be Closed.—(1) The Commissioners may close and exclude persons, either with or without vehicles, from the land and other premises, including the wharves and roads or other means of passage vested in or under the control of the Commissioners, either completely or to such extent, for such periods and during such times as they consider necessary, and may prescribe the manner and place to be used by persons when leaving any part of the said land and other premises which are closed as aforesaid, and during all periods and times when any closure as aforesaid applies, no person shall enter upon any part of the land or other premises aforesaid which has been closed, except with the consent of the Commissioners' manager, and then only in the manner and at the place prescribed as aforesaid for such entry, and no person who has entered upon any part of the said land and other premises which has been closed as aforesaid shall depart therefrom, except in the manner and at the place prescribed as aforesaid for such departure.

(2) Any person who, without the consent of the Commissioners' manager, enters upon any part of the land or premises which has been closed as aforesaid, or who, with such consent so enters in a manner or at a place other than as prescribed by the Commissioners for such entry, or who having entered a part of the said land and other premises which has been closed as aforesaid, departs therefrom in a manner or at a place other than as prescribed for such departure, shall be guilty of an offence.

No. 327.

Persons not Allowed on Wharves, etc., Except on Business.—No person shall enter or remain upon any of the wharves, roads, or other premises vested in or under the control of the Commissioners, unless he has in the opinion of the Manager legitimate business to warrant his presence there. Any person refusing, when asked by the Manager, to state the nature of the business warranting his presence on any such wharf or road or other premises aforesaid, or any person refusing to leave such wharf or road or other premises aforesaid, when requested by the Manager so to do, shall be guilty of offence.

No. 328.

Public Demonstrations on Trust's Premises.—No person shall ring any bell or gong, play any musical instrument, or walk or take part in any demonstration or procession of any kind, or make or deliver any speech or address, or sing any song or hymn likely to attract a crowd or assemblage of persons upon any portion of the Trust's premises without first having obtained permission from the Manager, and any persons so assembled or gathered, or standing together on the said premises shall, immediately upon being required so to do by the Manager, disperse, quit, and leave the said premises.

No. 329.

Children not Allowed on Wharves.—No child of tender years shall be allowed on any wharf unless in the care of an adult person.

No. 330.

Cargo not to be Shipped at Landing Steps.—No person shall land or ship any goods, except passengers' luggage of a portable nature, at or from any steps or landing-place for passengers.

No. 331.

Fishing.—(1) No person shall fish from any part of the wharf structure below wharf deck level nor from pontoons or any public landing steps or place for landing passengers.

(2) Any person fishing from wharf deck level shall comply with the following conditions—

- (a) He will use only rod or line.
- (b) He will not interfere with or obstruct the general wharf work or the convenience of other users of the wharf.
- (c) He will forthwith comply with each and every direction of Fremantle Harbour Trust Police Officers in regard to his use of the wharf.
- (d) He will not deposit or leave upon the wharf any fish, fish refuse or offensive matter.

No. 332.

No Building Allowed on Wharves.—No person shall erect, without special permission from the Trust, any building, staging, or structure on any wharf or landing-place.

No. 333.

No admittance to Sheds.—No person shall be admitted in any shed unless he has business therein, and no person shall remain in such shed after having been directed by the Manager to withdraw.

No. 334.

Climbing about Structures not Permitted.—No person shall clamber on or about the structure of any wharf below the deck level, or upon or about any crane or hoist, or on or over any gate or fence.

No. 335.

Tampering with Water Appliances.—No person shall turn any valve or cock or open or shut any fire-plug or hydrant, unless authorised by the Manager so to do.

No. 336.

Tampering with Electric Light or Power Mains, etc.—No person shall play, tamper, or in any way interfere with any electric lights or fittings or any electric light or power mains within the Harbour.

No. 337.

Tugs, Lighters, and other Vessels to be Licensed.—No person shall within the Port ply for hire or reward with a steamer, vessel, or boat of any description or hold or let the same 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 and until a license for that purpose has been issued by the Fremantle Boat Licensing Board, and even then only while such license remains in full force.

No. 338.

Complaints.—All complaints against the Manager or Harbour Master, or any person under their direction, shall be made in writing to the Commissioners.

No. 339.

Where Stock to be Landed.—All consignments of live stock must be landed or shipped at the Owen Anchorage Stock Jetty. Live stock in limited quantities may, however, be landed or shipped at the Inner Harbour wharves, by permission being obtained from the Manager, and under the terms and conditions imposed by such authority. Applications for such permission must be made at least 24 hours prior to the arrival of the vessel carrying the stock sought to be landed. No stock shall be landed as aforesaid until all necessary precautions have been taken to insure their being at all times properly tended and under control.

No. 340.

Stock Vessels to Clean Up.—Every vessel after having discharged her consignment of live stock, either at the Owen Anchorage Stock Jetty or at any other wharf or jetty, in accordance with the last preceding Regulation, shall at once proceed to the ballast ground and there clean up; and no refuse of any kind whatsoever shall be put overboard into the waters of the Port except within the limits of the said ballast ground. The Manager may, in his discretion, allow a vessel which has been permitted to land a limited quantity of live stock at the Inner Harbour wharves, to clean up her cattle decks while lying at such wharves, provided the work of cleaning up is commenced immediately the said stock have been landed, and is carried on rapidly and continuously, and that all refuse is put into barges, railway wagons or other vehicles in such manner that none of it is allowed to find its way into the waters of the Inner Harbour, and that such barges are, as soon as filled, taken to the ballast ground and there discharged and properly cleaned, and such wagons or other vehicles are forthwith removed from the premises of the Trust. Such permission shall not, however, relieve the master or owner of such vessel as aforesaid from any action that may be taken by the Health authorities.

No. 341.

Exemption from Liability.—The Commissioners shall not be liable for any damage or loss suffered by any person in consequence of an act of God, act of war, act of public enemies, strikes, lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general, riots and civil commotions, or the use for the purposes of war or defence or training or preparation for war or defence of any of the property vested in the Commissioners.

No. 342.

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

No. 343.

Decaying Goods or Material not to be Placed or Left on Wharves, etc.—No person shall place or leave, or cause to be placed or left, upon any wharf, or in any shed, any vegetable or animal matters, or goods, or other things whatsoever, which are in a state of decay or putrefaction. Any goods or other things whatsoever, which are, in the opinion of the Manager, unfit to remain on any wharf, or in any shed, or harmful to other goods stored on or in such wharf, or shed, may be removed by the Manager, and the consignee and owner of such goods or other things shall, upon demand, repay the Commissioners the cost of such removal.

No. 344.

OWEN ANCHORAGE STOCK JETTY.

Unauthorised Persons Not Allowed on Same While Stock Being Landed or Worked.—No person, not specially authorised by the Manager, or not connected with the work of landing or working stock on the Owen Anchorage Stock Jetty, shall, while such work is in progress, be on the jetty or on the overhead footway, constructed along the jetty, for any purpose whatsoever.

No. 345.

Special Services.—Where any service is undertaken or provided by the Trust whether generally or at the request or for the convenience of shipping, and such service is not defined in these Regulations, the Manager shall determine the rate or charge payable in respect thereof.

PART VIII.***Casual Workers.**

No. 346.

Interpretations.

For the purpose of this part of these Regulations—

“The Act” means the Act as defined in Regulation No. 1.

“Quota” means the number of registered casual workers which in the opinion of the Commissioners is required from time to time for the proper and effective carrying out of casual work within the Port.

“Casual Work” means work which is defined in Section 31A (1) of the Act, and which is performed on a casual basis.

“Casual Worker” means a person who carries out or is willing to carry out casual work within the Port.

“Registered Casual Worker” means a casual worker registered in accordance with the provisions of these Regulations.

“Employer of Casual Workers” means a person who engages or offers to engage casual workers either directly or through an agent or servant.

New Part
VIII added
by G.G.
5/9/58,
p. 2352.

* Part VIII as it was in force prior to 5/9/58 was renumbered Part IX by G.G. 5/9/58, p. 2352.

"Registered Employer" means an employer of casual workers registered in accordance with the provisions of these regulations.

"Labour Controller" means an officer appointed by the Commissioners as Labour Controller and includes any officer acting for or deputed to carry out any duty on behalf of the Labour Controller.

"Port" means so much of the Harbour of Fremantle as is contained within the boundaries described in the Schedule to the Act, or as amended, by notice in the *Government Gazette*, from time to time as prescribed by that Act, and includes the slipways at the western end of the Fremantle Inner Harbour known respectively as the South Slipway and the Rous Head Slipway.

"Roster" means the arrangement of registration numbers of casual workers which gives the order in which individual workers shall be allocated for casual work.

"Engagement Centre" means the place or places fixed by the Commissioners at which registered casual workers shall attend to offer for engagement for casual work.

Section I.

Quota of Registered Casual Workers.

No. 347.

Determination of Quota.—1. For the purpose of ensuring that a sufficient number of casual workers of the necessary physical fitness, competency and efficiency are available at the Port for the performance of casual work referred to in subsection (1) (a) of section 31A of the Act, the quota is 80.

2. Where the Commissioners decide—

- (a) that during any specified period of not more than six (6) months, the demands for the performance of casual work will not be met, unless such number of casual workers, in excess of the quota, as the Commissioners may decide, is temporarily available for the performance of casual work; and
- (b) that the circumstances are not such as to warrant the quota being increased beyond that specified period.

the Commissioners may register such additional number of temporarily registered casual workers as, in their opinion, is required to meet the demands for the performance of casual work during that specified period; but—

- (i) the registration of such additional number of temporarily registered casual workers shall be conditional and shall be for the specified period only, at the end of which the registration of the additional temporarily registered casual workers shall automatically be cancelled, unless renewed by the Commissioners, in accordance with the provisions of this regulation, for a further specified period; and
- (ii) the sum of the quota and any additional number of temporarily registered casual workers shall not, during any period, exceed 100.

No. 348.

Review of Quota.—If, at any time the Commissioners consider that the quota should be reviewed, the Commissioners may, subject to these Regulations, determine another quota for the Port, but in any case shall review the quota at intervals of not more than six (6) months.

No. 349.

Enquiry may be conducted.—Before amending the quota prescribed in Regulation No. 347, the Commissioners may conduct such enquiry as they think fit.

Reg. 347
amended by
G.G. 12/6/59,
p. 1518; G.G.
20/9/59,
p. 2674; G.G.
28/4/60,
p. 1154.
Substituted
by G.G..
6/10/60,
p. 3093-4.

Section II.**Registration of Casual Workers.**

No. 350.

Registration Compulsory.—Subject to the provisions of these Regulations a person to whom these Regulations apply shall not offer for engagement for casual work within the Port unless he is a registered casual worker.

No. 351.

Application for Registration.—A person desiring registration as a casual worker shall make application to the Commissioners on the form provided, and may be required to submit with his application evidence that he is willing and qualified to carry out casual work, including—

- (a) testimonials from at least two reputable persons that he is of sober habits and good character;
- (b) a certificate from a registered medical practitioner that he is physically fit to undertake casual work;
- (c) satisfactory evidence of date of birth.

No. 352.

Applications may be rejected.—The Commissioners may reject any application for registration as a casual worker—

- (a) if the application does not comply with the requirements of Regulation No. 351;
- (b) if the number of registered casual workers allowed for in the current quota would thereby be exceeded;
- (c) for any other reason which to the Commissioners appears good and sufficient.

No. 353.

Issue of Registration Number and Establishment of Register.—

(a) Where an application for registration has been accepted the person named in the application shall be registered as a casual worker and issued with a registration number.

(b) The names and registration numbers of all registered casual workers, and such other information as may be considered necessary shall be recorded in a register established for that purpose.

No. 354.

Duration of Registration.—The registration of a casual worker shall remain in force until such time as he notifies the Commissioners in writing that he no longer desires to be registered as a casual worker, or until his registration is suspended or cancelled pursuant to the provisions of these Regulations, whichever first occurs.

Section III.**Registration of Employers of Casual Workers.**

No. 355.

Registration Compulsory.—A person shall not engage or offer to engage casual workers for casual work within the Port unless he is registered as an employer of casual workers or is a duly authorised agent or servant of a person so registered.

No. 356.

Application for Registration.—A person desiring registration as an employer of casual workers shall make application to the Commissioners on the form provided, and shall undertake that he will at all times observe the provisions of these Regulations.

No. 357.

Applications may be Rejected.—The Commissioners may reject any application for registration as an employer of casual workers if such application does not comply with the requirements of Regulation No. 356.

No. 358.

Issue of Registration Number and Establishment of Register—(a) Where an application for registration has been accepted the person named in the application shall be registered as an employer of casual workers and issued with a registration number.

(b) The names and registration numbers of all registered employers of casual workers, and such other information as may be considered necessary shall be recorded in a register established for that purpose.

No. 359.

Duration of Registration.—The registration of an employer of casual workers shall remain in force until such time as he notifies the Commissioners in writing that he no longer desires to be registered as an employer of casual workers, or until his registration is suspended or cancelled pursuant to the provisions of these Regulations, whichever first occurs.

Section IV.**Engagement of Casual Workers.**

No. 360.

Performance of Casual Work within the Port.—(a) A person who is not a registered casual worker shall not carry out casual work within the Port.

(b) A person who is not a registered employer shall not employ casual workers within the Port.

(c) A registered employer shall not employ a casual worker for casual work within the Port unless that worker is a registered casual worker, and unless such employer engages such casual worker at an engagement centre and otherwise in accordance with this part of these Regulations.

Provided that when all registered casual workers available for engagement on any day have been allocated by the Labour Controller other workers may with the consent of the Labour Controller be engaged by a registered employer to perform casual work; Provided further than such other workers shall be engaged from day to day only and shall be replaced by registered casual workers at the completion of the particular day.

No. 361.

Requisitions for Labour.—A registered employer offering to engage casual workers shall furnish a requisition for labour on the form provided setting out—

- (a) the number of workers required;
- (b) the time and date the workers are required to commence work;
- (c) the location and nature of the work.
- (d) the number and type of workers required from any subsidiary category;
- (e) the probable duration of the engagement.
- (f) such other information as may be required from time to time.

No. 362.

Time for Lodgment of Requisitions.—A requisition for labour shall be lodged with the Labour Controller not later than a time to be determined by the Commissioners on the working day prior to that on which the labour is required to be engaged: Provided that in cases of emergency or unforeseen circumstances requisitions may be lodged until such other hour as may be determined from time to time.

No. 363.

Allocation of Labour.—Registered casual workers shall be allocated for work by the Labour Controller by means of a roster as provided for in Section V of this part of these Regulations.

No. 364.

Priority of Allocation.—When insufficient labour is available to fulfil all requirements, the Labour Controller shall confer with the employers concerned, and in the event of disagreement between such employers the Labour Controller shall allocate the labour in the order which he considers is in the best interests of the casual work concerned.

No. 365.

Notification of Allocation of Labour.—Upon allocation of registered casual workers from the Roster, the Labour Controller shall furnish each registered employer concerned with a list of the registration numbers and names of the workers allocated to him. A copy of the list shall also be furnished to the casual workers' representative.

No. 366.

Allocations for Work Not to be Refused.—(a) A registered employer shall not refuse to employ any registered casual worker allocated to him from the roster by the Labour Controller.

(b) A registered casual worker shall not refuse to accept employment with any registered employer to whom he is allocated from the roster by the Labour Controller.

No. 367.

Transfer of Labour.—Transfers of registered casual workers from one registered employer to another registered employer, when necessary, shall be arranged by the Labour Controller, and the workers' representative informed accordingly.

No. 368.

Notification of Termination of Engagement.—(a) A registered employer shall notify the Labour Controller in writing in such manner as may be required of the time and date of the termination of engagement of each registered casual worker allocated to him. Such notification shall be in the hands of the Labour Controller not later than a time to be determined by the Commissioners on the working day next following the termination of such engagement.

(b) A registered employer who employs unregistered casual workers in accordance with the provisions of Regulation No. 360 shall on termination of their employment forthwith notify the Labour Controller in the form provided of the total number of unregistered casual workers employed by him, the times worked by each man, and the aggregate of the hours such workers were employed.

No. 369.

Discharge of Labour.—A registered employer of casual workers shall notify the Labour Controller in writing in such manner as may be required of the registration number and name of any casual worker discharged by him for any disciplinary reason. Such notification shall set out the time and date of the discharge, and the reason or reasons therefor.

No. 370.

Workers on Compensation.—A registered employer shall notify the Labour Controller of the registration number and name of any registered casual worker who is injured during the course of his employment and who ceases work because of such injury. Such notification shall state the time and date of ceasing work, and be in the hands of the Labour Controller not later than a time to be determined by the Commissioners on the working day next following the day on which the worker ceased work.

Section V.

Roster of Casual Workers.

No. 371.

Roster to be Compiled.—The Labour Controller shall compile a roster of registered casual workers for the purpose of ensuring as nearly as possible a fair distribution of the available casual work.

No. 372.

Method of Roster.—(a) Subject to subclause (b) of this Regulation, registered casual workers shall be listed on the roster by means of their registration numbers in strict sequence determined by the time and date of the termination of their previous engagement, subject always to the provisions of these regulations as to the suspension or cancellation of the registration of a worker and the removal of his number from the roster.

(b) Registered casual workers becoming available for engagement, after periods of absence on authorised sick leave or on workers' compensation, shall be listed by means of their registration numbers at the bottom of the roster for the working day next preceding the date of their return.

No. 373.

Categories.—The registration numbers of all registered casual workers shall be listed on the roster under one main category: Provided that if it is considered any section of the work warrants a subsidiary category, the registration numbers of registered casual workers qualified to perform such work may also be included in any subsidiary category.

No. 374.

Method of Allocation.—Subject always to the right of the Labour Controller to decide priority of allocation when insufficient labour is available, registered casual workers shall be allocated by the Labour Controller from the roster in order of time of start of engagement in the following order:—

- (a) From any subsidiary category of the roster in strict sequence of registration numbers of casual workers listed in such subsidiary category;
- (b) from the main category of the roster in strict sequence of the registration numbers of casual workers listed therein.

Provided that the Labour Controller in satisfaction of a requisition from a registered employer may allocate not more than two casual workers for employment in a supervisory capacity without regard to their rostered positions.

No. 375.

Suspension from the Roster.—Where for any reason the registration of a casual worker has been suspended or cancelled, the registration number of such casual worker shall be removed from the roster.

No. 376.

Reinstatement on the Roster.—Where the registration number of a casual worker has been removed from the roster in accordance with the provisions of Regulation No. 375, following suspension, and the suspension of his registration is lifted, the registration number of such worker shall again be listed at the bottom of the roster for the first working day on which he is eligible for engagement.

No. 377.

Casual Workers to ensure their Inclusion on the Roster.—A registered casual worker shall forthwith on his arrival at the engagement centre ascertain whether or not his number is listed on the roster, and if not he shall immediately notify the Labour Controller accordingly.

On it being established to the satisfaction of the Labour Controller that a worker's registration number has been omitted in error from or incorrectly placed upon the roster he shall, if practicable, place the worker's registration number in its correct place on the roster.

No. 378.

Grievances.—For the purpose of considering grievances against the operation of the roster, the Commissioners may appoint a Committee consisting of a Chairman, who shall be the Trust's Industrial Officer, or any officer acting in his stead, and an equal number of representatives of registered casual workers and registered employers of casual workers respectively. The findings of the majority of the committee shall be advised to the Commissioners for decision.

Section VI.**Service Charge.**

No. 379.

Service Charge to be Levied.—For the purpose of the payment of—

- (a) attendance money required to be paid to registered casual workers under any Award or Agreement duly made and effective under the Industrial Arbitration Act, 1912-1952;
- (b) administrative expenses of giving effect to Section 31A of the Act,

a registered employer actually employing one or more casual workers to carry out casual work which is referred to in subsection (i) (a) of Section 31A of the Act, shall pay to the Commissioners a service charge of one shilling (1s.) for each man hour of employment by him of registered casual workers.

Reg. 379
amended
by G.G.
12/12/58,
p. 3270; G.G.
29/10/59,
p. 2675; G.G.
22/6/61,
p.p. 1846-7;
G.G. 7/9/61,
p. 2629.

No. 380.

Employers' Obligation in respect of Service Charge.—A registered employer shall pay the service charge as prescribed by Regulation No. 379 to the Commissioners after the employment of registered casual workers. For the purpose of assessment of the amount of service charge payable a registered employer shall—

- (a) at the completion of each engagement of registered casual workers furnish a return in such form as may be required, showing the name and registered number of each casual worker employed by him, together with the daily hours of duty and the total hours worked by each casual worker;
- (b) within seven days after the end of each calendar month furnish to the Commissioners a return in the form provided showing the aggregate number of man hours of employment by him during each pay period ended in that month;

Reg. 380
added by
G.G. 5/9/58,
p. 2357.

- (c) specify the amount of service charge payable in accordance with the aggregate man hours of employment during the period covered by the return prescribed in subclause (b) of this regulation,

and shall certify as to the correctness of the information included in the returns.

No. 381.

Payment to accompany Return.—At the time of furnishing the return prescribed in Regulation No. 380 (b) and (c), the registered employer concerned shall pay to the Commissioners the amount of the service charge payable by him in accordance with these Regulations.

Section VII.

Payment of Attendance Money.

No. 382.

Qualification for Payment.—(a) A registered casual worker—

- (i) whose number is included on the roster;
- (ii) who attends the engagement centre on any day as required by the Commissioners;
- (iii) who remains in attendance for the time specified in the relevant Industrial Award or Agreement;
- (iv) who offers for engagement;
- (v) who does not refuse to accept employment for which he is allocated;
- (vi) who does not obtain employment;
- (vii) who is entitled to attendance money under any Award or Agreement duly made and effective under the Industrial Arbitration Act, 1912-1952;¹

shall be paid for such attendance by the Commissioners from the Fremantle Harbour Trust Attendance Money Account the amount of attendance money as prescribed by any Award or Agreement referred to in sub-paragraph (vii) hereof.

(b) A registered casual worker who qualifies for the payment of attendance money as prescribed in the preceding paragraph of this regulation shall, before leaving the engagement centre, satisfy himself that his attendance is recorded

No. 383.

Record of Attendance to be kept.—The Labour Controller shall keep a record of registered casual workers who qualify for the payment of attendance money in accordance with the provisions of Regulation No. 382.

No 384.

Payment of Attendance Money.—Attendance money payable to a registered casual worker in accordance with the provisions of these Regulations shall be paid weekly at such time and place, and on such day as the Commissioners may from time to time determine.

No. 385.

Receipts to be given.—A registered casual worker on receiving payment of attendance money shall give to the Commissioners a receipt in such form as may be required, and such receipt shall be a full and complete discharge of the Commissioners' obligation to pay attendance money as prescribed in Section 31A of the Act.

¹ Now Industrial Arbitration Act, 1912-1961.

Section VIII.**Discipline of Registered Casual Workers and Employers
of Casual Workers.**

No. 386.

Regulations to be Observed.—A registered casual worker and a registered employer shall at all times observe the requirements of these Regulations and the direction of the Commissioners in giving effect to the provisions contained in Section 31A of the Act.

No. 387.

Cancellation of Registration.—Where after such inquiry as they think fit, the Commissioners are satisfied that the registration of a casual worker or an employer of casual workers should be cancelled the Commissioners may cancel such registration and the registration shall be deemed to be cancelled forthwith.

No. 388.

Suspension of Registration.—Where after such inquiry as he thinks fit, the Labour Controller is satisfied that the registration of a casual worker or an employer of casual workers should be suspended, the Labour Controller may suspend such registration, and the registration shall be deemed to be suspended forthwith.

No. 389.

Effect of Suspension.—Where the registration of a casual worker or an employer of casual workers has been suspended in accordance with the provisions of the preceding Regulation—

- (a) that worker shall henceforth cease to be entitled to the privileges of a registered casual worker, and shall not offer for engagement for casual work within the Port, or
- (b) that employer shall henceforth cease to be entitled to the privileges of a registered employer of casual workers and shall not engage or seek to engage casual workers for casual work within the Port

until such time as the suspension of his registration is removed.

No. 390.

Grievances.—For the purpose of considering grievances in regard to the suspension of any registration by the Labour Controller, the Commissioners may appoint a Committee consisting of a Chairman, who shall be the Trust's Industrial Officer, or any officer acting in his stead, and an equal number of representatives of registered casual workers and registered employers of casual workers respectively. The findings of the majority of the Committee shall be advised to the Commissioners for decision.

PART IX.

No. 391.

Penalties.

Except where specific penalties are imposed, any person committing a breach of any of the foregoing Regulations or any amendment thereof, or any Regulation made in substitution thereof, or any Regulation added thereto shall be liable to a penalty not exceeding One hundred pounds (£100) in respect of each such breach, and it is expressly declared that the imposition and payment of any penalty shall not affect the liability of any person or vessel to answer in damages for any injury to any property or person arising from such breach as aforesaid.

PART X.

No. 392.

Revocation.

All regulations made and heretofore in force pursuant to the provisions of the Act are revoked.

Part VIII
renumbered
IX, G.G.
5/9/58,
p. 2352.
Reg. 346
renumbered
391, G.G.
5/9/58,
p. 2352.

Part IX
renumbered
X, G.G.
5/9/58,
p. 2360.
Reg. 347
renumbered
392, G.G.
5/9/58,
p. 2360.

SCHEDULE A
SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST

Manifest of the S.S., Trip....., Master.....
from..... to.....

Bill of Lading No.	Shipper	Consignee	Marks and Nos.	Packages		Contents	Total Gross Weight			Total Gross Measurement
				Quantity	Description		tons	cwt.	qrs.	

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

..... Master or Agent.

Fremantle....., 19.....

It shall be open to the Trust 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 Trust.

Schedule B.

Fremantle Harbour Trust.

80-Ton Floating Crane.

APPLICATION FOR HIRE.

Sched. B
amended by
G.G. 3/5/61,
p. 1060.

To the Fremantle Harbour Trust Commissioners:

We hereby make application for the hire of the 80-Ton Floating Crane as under:—

Vessel..... Berth.....
Date and time required.....
Purpose

Weight of packages.....

In consideration of our being granted such hire, we hereby agree to indemnify you against any loss or damage whatsoever that may arise or be caused to or be suffered by you by reason of any wrongful or negligent act, or any omission, or wrong information made or given by us or anyone acting on our behalf, including all damage done to the crane or the gear or purchases used in connection therewith whilst being used by us, reasonable wear and tear excepted.

We further agree that the Commissioners shall not supply nor accept responsibility for the safety of slings for the lifting of packages, and that the Commissioners shall not be liable for any loss or damage whatever which may occur while the crane is being operated during the period of hire, unless such 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 driver, in which case we agree that the Commissioners shall not be liable for any amount in excess of the sum of one thousand pounds (£1,000) in respect of damage to the packages and/or the vessel or other property into or out of which the packages are being lifted.

We hereby also agree to pay the undermentioned charges for the use of the said 80-Ton Floating Crane, and to be bound by the further conditions on the reverse side of this form.

£15 per hour.

Minimum Charges—

First day or part thereof, £105.

Each succeeding day or part thereof, £52 10s.

Additional Charges—

All towage of crane at cost.

Services of punt master and deck crew at cost.

Mooring services at scheduled rates.

All additional costs incurred during overtime hours.

For.....
Per

Date..... 19.....

Witness.....

80-Ton Floating Crane.

Supplementary Conditions of Hire.

1. The crane will be made available, unless otherwise committed, upon twenty-four hours' notice in writing being given by the intending hirer to the Commissioners, for use within the inner harbour.

2. Should the crane be required for use in the outer harbour, the hire shall be subject to a separate application, with further conditions attaching thereto.

3. All expenses incurred in the failure of the hirer to make use of the crane at the appointed time shall be paid by the hirer.

4. No charge will be made for the hire of the crane whilst it is permitted by the Harbour Master to remain alongside any vessel overnight and is waiting to resume work on the following day, but all expenses incurred in the maintaining of a crew aboard, should this be deemed necessary in the opinion of the Harbour Master, and in the provision of watchmen, shall be borne by the hirer.

5. The hire of the 80-ton floating crane and the hirers' responsibility therefor shall commence from the time it is first placed where the lift is to be made, and shall continue until the final lift has been deposited and the hirer has advised that the crane is no longer required.

6. The Commissioners will work the crane and the driver thereof will, as far as possible, and consistent with safety, be subject to and obey the instructions of the hirer, his stevedore or agent.

7. The Commissioners will undertake all mooring and unmooring services in connection with the hire of the floating crane alongside vessels and elsewhere, but the hirer shall arrange for all necessary assistance to be given on board vessels by the Masters thereof.

8. In any case where the period of hire of the crane does not exceed four hours, the Commissioners may, in their discretion, reduce the minimum charges agreed to be paid by the hirer under this application to an amount equivalent to but not less than that which, if charged at the specified rate per hour, would be payable for a period of four hours.