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FREMANTLE PORT AUTHORITY
ACT, 1902-1976

FREMANTLE PORT AUTHORITY
REGULATIONS, 1971

THE FREMANTLE PORT AUTHORITY

COMMISSIONERS:

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J. G. MANFORD, D.F.C., K.St.J., F.C.I.T.
J. R. WATSON, A.F.A.I.M.
P. W. IRELAND
J. S. SAMSON, O.B.E., F.A.I.M.

EXECUTIVE OFFICERS:

General Manager:

CAPTAIN B. L. NOBLE, M.R.I.N. (Aust.), F.C.I.T.

Divisional Manager-Administration and Secretary:

W. E. WILLIS, A.P.A.A., A.F.A.I.M.

Wharf Manager:

H. CAIRD, A.P.A.A.

Harbour Master:

CAPTAIN M. COLEMAN, R.D., M.R.I.N. (Eng.), A.A.I.M.

Port Engineer:

P. L. WRIGHT, B.E., M.I.E. (Aust.)

Personnel and Industrial Relations Officer:

R. W. BOULTON, A.P.A.A., A.F.A.I.M.

Chief Accountant:

R. SIMPSON, A.A.S.A. (Sen.), A.C.I.S., A.P.T.C. (Com.),
A.A.I.M.

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Crown Law Department,
Perth, 28th June, 1979.

THE undermentioned Regulations made under the provisions of the Fremantle Port Authority Act, 1902 and amended from time to time up to and including the amendments published on the 3rd February, 1978, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954 by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

FREMANTLE PORT AUTHORITY ACT, 1902-1976.

**FREMANTLE PORT AUTHORITY
REGULATIONS, 1971.**

Published in the *Government Gazette* on the 10th December, 1971 and incorporating the amendments thereto published in the *Government Gazette* on the 30th June, 1972; 28th July, 1972; 15th September, 1972; 30th March, 1973; 28th June, 1973 (as corrected by Erratum so published on 20th July, 1973.); 27th July, 1973; 14th September, 1973; 9th November, 1973; 3rd May, 1974; 21st June, 1974; 26th July, 1974; 9th August, 1974; 25th October, 1974; 17th January, 1975; 30th May, 1975; 4th July, 1975; 1st August, 1975; 5th December, 1975; 19th December, 1975; 24th December, 1975; 23rd January, 1976; 20th February, 1976; 9th April, 1976; 30th July, 1976; 17th September, 1976; 26th November, 1976; 6th May, 1977; 29th July, 1977; 12th August, 1977; 30th September, 1977; 9th December, 1977; 13th January, 1978, and the 3rd February, 1978, and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Attorney General, dated 28th June, 1979.

FREMANTLE PORT AUTHORITY ACT, 1902-1976.

FREMANTLE PORT AUTHORITY REGULATIONS, 1971.

- Citation.** 1. These regulations may be cited as the Fremantle Port Authority Regulations, 1971.
- Revocation.** 2. The Fremantle Port Authority Regulations made under the Fremantle Port Authority Act, 1902 published in the *Government Gazette* on the 17th June, 1955 and reprinted in the *Government Gazette* on the 14th September, 1967, pursuant to the Reprinting of Regulations Act, 1954, incorporating all amendments up to and including the 14th February, 1966, and amended from time to time thereafter by notices so published are revoked.
- Inter-pretation.** 3. In these regulations unless the contrary intention appears—
Amended by G.G. 28/6/73, p. 2477; G.G. 29/7/77, p. 2481.
- “Accountant” includes any officer deputed by the Port Authority to carry out any duty on behalf of the Accountant.
- “Act” means the Fremantle Port Authority Act, 1902.
- “ballast” includes any kind of stone, gravel, sand, soil or material commonly used for the ballasting of vessels.
- “berth” 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 port, shall be deemed to be occupying a berth; and “berthing” has a corresponding meaning.
- “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” means The Fremantle Port Authority Commissioners constituted under the Act and in office for the time being.
- “consignee” means 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” means 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.
- “explosives” means explosives as defined by the Explosives and Dangerous Goods Act, 1961, and where in these regulations any explosive is distinguished as belonging to a particular class, or division of a class, reference is made to the classification of explosives in pursuance of the Explosives and Dangerous Goods Act, 1961.

"goods," "cargo" means 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" means that portion of the Port described as the Inner Harbour in the First Schedule to the Act.

"Inspector" means any inspector appointed by the Port Authority, and in Part IV, Section VI, of these regulations means the Chief Inspector, or any Inspector of Explosives under the Explosives and Dangerous Goods Act, 1961.

"interstate vessel" means a vessel owned and registered within the United Kingdom of Great Britain, and Northern Ireland, Canada, the Commonwealth of Australia or New Zealand and ordinarily trading only between—

- (a) ports within the Commonwealth of Australia; or
- (b) a port or ports within the Commonwealth of Australia and port or ports within a Territory (including a Territory governed under mandate, trusteeship or otherwise) under the authority of the Commonwealth of Australia or the Dominion of New Zealand.

"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 General Manager to the Port Authority and includes any officer acting for, or deputed to carry out any duty on behalf of the General Manager.

"Master" includes every person having the command, charge, or management of a vessel for the time being, and includes the owners 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" means that portion of the Port described as the Outer Harbour in the First Schedule to 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 relating 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.

"Pilot" means any person duly licensed and appointed to the Port Authority to act as Pilot for the Port of Fremantle.

"premises" means the property vested in the Port Authority.

"Secretary" means the Secretary to the Port Authority or any person acting as such under its 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 Port Authority to act as surveyors of vessels or goods.

"the Harbour," "the Port" mean so much of the Harbour of Fremantle as is contained within the boundaries described in the First Schedule to the Act, or as amended from time to time as prescribed by the Act.

"The Port Authority", "The Fremantle Port Authority" or "the Authority" means the Fremantle Port Authority constituted under the Act.

"tonnage rates" includes port dues.

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

"tons", "tonnage", and the words of like import having reference to a vessel's tonnage mean the tonnage determined and calculated by the Port Authority in accordance with regulation 123A of these regulations.

"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 Port Authority has jurisdiction and includes any structure or mechanical equipment whatsoever 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.

Ordinary meetings. 4. Ordinary meetings of the Port Authority shall be held on such days and at such hour as shall from time to time be decided upon by the Port Authority.

Office Hours. 5. The offices of the Port Authority 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 Port Authority.

SECTION II.

Commissioners.

6. 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 Port Authority. General conduct of business.
7. At every ordinary meeting of the Port Authority the first business to be conducted shall be the confirmation of the minutes of the proceedings at the preceding meeting, and no discussion shall be entered into thereon except as to their accuracy as a record of the proceedings, and upon confirmation the minutes shall be signed by the Chairman. Minutes.
8. After the signing of the minutes, the order of business of an ordinary meeting shall be as determined from time to time by the Port Authority. Order of business at ordinary meeting.
9. The order of business at special meetings shall be the order in which such business stands in the notice thereof. Order of business at special meeting.
10. All notices of motion shall be dated, signed, and given to the Secretary, either at a meeting of the Port Authority or three clear days at least prior to the holding of any ordinary meeting, and the Secretary shall send a copy of such notice of motion to each Commissioner with the ordinary notice of meeting. Motions.
11. A motion shall not be proceeded with in the absence of the Commissioner who gave notice of it, unless by some other Commissioner having authority from him to that effect. Absence of Commissioner giving notice of motion.
12. 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, and the question of order disposed of, then the Commissioner having the floor may, subject to the ruling of the Chairman, proceed with the subject. Order of debate.
13. A motion or amendment shall not be withdrawn without the consent of the majority of the Commissioners present. Motion not to be withdrawn without consent.
14. A motion or amendment shall not be discussed or put to the vote of the Commissioners, unless it is seconded, but a Commissioner may require the enforcement of any standing order of the Port Authority by directing the Chairman's attention to the infraction thereof. Motion to be seconded.
15. 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. Mover of motion.
16. If two or more Commissioners rise to speak at the same time, the Chairman shall decide which is entitled to priority. Priority in discussion.
17. A Commissioner shall not speak a second time on the same question, unless entitled to reply, or in explanation when he has been misrepresented or misunderstood. Members not to speak a second time on same question.
18. A Commissioner shall not 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. Commissioners not to digress, etc.
19. A Commissioner called to order shall sit down, unless permitted to explain. Commissioners called to order to sit down.

- Commissioners to have access to documents. 20. Any Commissioner may of right demand the production of any of the documents of the Port Authority applying to the question under discussion, and may at any time during business hours have access to all the records and documents of the Port Authority.
- Voting. 21. The Commissioners shall, when a division is called for, vote by show of hands, and all Commissioners present shall vote.
- Motions in writing if required. 22. At every meeting of the Port Authority 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.
- If amendment negatived, a second may be moved. 23. Where an amendment is negatived, a second amendment may be moved to the motion 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 is carried it shall become the substantive motion, and only one amendment shall be made thereon at any one time.
- Mover of motion has right to reply. 24. The mover of every original motion, 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 is given to explain, or the attention of the Chair is called to a point of order.
- Motion for adjournment. 25. A motion for adjournment of the meeting or of a debate may be moved at any time, but no discussion allowed thereon.
- Protests. 26. 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 notice shall specify the reasons for protesting and shall be 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 Port Authority.
- Suspension of rules. 27. Any one or more of the Rules and Regulations relating to the management and conduct of business at the meetings of the Port Authority may be suspended for a special purpose by the consent of two-thirds of the Commissioners present.

SECTION III.

Officers.

- Receipt of Accountant. 28. Every Collector, and every Officer, Clerk, or Servant of the Port Authority, who shall collect or receive any moneys for or on behalf of the Port Authority, shall daily pay over same to the Accountant of the Port Authority, and the receipt of such Accountant for the moneys so paid shall be sufficient discharge to the said Collector, Officer, Clerk or Servant.
- Duties of Accountant. 29. The Accountant shall make, or cause to be made true entries in the books provided by the Port Authority for that purpose, of all moneys or cheques paid to, or received by him for and on behalf of the Port Authority and he shall, within twenty-four hours, or such shorter period as the Port Authority may direct, after the same shall have come to his hand, pay those moneys and cheques into a Bank carrying on business within the State approved by the Treasurer, to the credit of an account to be called "The Fremantle Port Authority Account".
- Custody of common seal. 30. The common seal of the Port Authority shall be kept under lock, one key to which shall be held by the Secretary and another lodged at such Bank as the Port Authority directs.

31. The common seal of the Port Authority shall be affixed by the Chairman of the Commissioners and one other of the Commissioners with the Secretary, or in the absence of the Chairman, by two Commissioners and the Secretary.

Use of common seal.

32. All officers or persons in the employment of the Port Authority shall 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 violated.

Officers to report breaches of Customs Act.

33. Any officer of the Port Authority who divulges to any person not in the service of the Port Authority any particulars contained in a ship's manifest furnished to the Port Authority or any information of a confidential nature, or who is knowingly a party to any act or procedure or conspiracy to defraud the general revenue, shall be liable to be dismissed from the service of the Port Authority.

Conduct of officers.

34. (1) An officer or servant of the Port Authority shall not take or accept any gratuity or present in money or kind from any person having business with the Port Authority, and a person shall not offer or agree to give to any officer or servant any gratuity or present in money or kind.

Officers not to accept gifts.

(2) An owner of any goods in the custody or on the premises of the Port Authority shall not sell or give or agree to sell or give to any officer or servant of the Port Authority any such goods, and an officer or servant shall not buy, take, ask for, or receive any such goods, even though those goods may appear to be only waste material.

(3) A 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 Port Authority to a penalty not exceeding two hundred dollars (\$200).

35. The following shall be the conditions relating to leave of absence allowed by the Port Authority to officers of the Permanent Salaried Staff, appointed in terms of section 19 subsection (1), of the Fremantle Port Authority Act, 1902:—

Leave to officers.

(a) Public Holidays—

(i) 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 Port Authority shall decide shall be observed as office holidays.

(ii) 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.

(iii) Should the requirements of the Port Authority, 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 Port Authority may decide.

(b) Annual Recreation Leave—

(i) Every officer shall be granted leave of absence, on full pay, for recreation, for three weeks in each calendar year, exclusive of Public Holidays.

(ii) The arranging of this leave shall be by a programme prepared in advance.

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

- (iv) The Port Authority may, upon special application permit any officer to allow his annual recreation leave to accumulate to the extent of nine weeks (i.e. for three years), but no longer.
 - (v) When an officer enters the service of the Port Authority after 1st January, he may be granted annual leave for that year at the rate of one-twelfth of the ascertained three weekly-rate of pay of the officer for each complete month of service, but annual leave shall not accrue until six months' service shall be attained.
- (c) Long Service Leave—
- (i) The Port Authority may grant to any officer upon completion of each seven years of service, three months leave on full pay or six months on half pay.
 - (ii) An officer may elect to accumulate, with the approval of the Port Authority, long service leave to the extent of six months leave on full pay or twelve months on half pay.
 - (iii) An officer may elect to accumulate, with the approval of the Port Authority, his entitlement to long service leave pay to a maximum of nine months.
 - (iv) Periods spent on long service leave shall not be taken into account as service towards the next grant of long service leave.
- (d) Payment in lieu of Accrued Leave. Upon proof of dependency, the Port Authority may make payment to dependants of a deceased officer for any annual leave due to that officer and for long service leave pro rata, provided that the officer has served continuously for at least twelve months prior to his death.
- (e) Sick Leave—
- (i) An officer who is too unwell to attend to his duties may, on production of a certificate, be granted sick leave, for a period and upon the conditions determined by the Port Authority.
 - (ii) Before resuming duty, an officer who has been granted sick leave shall, if required by the Port Authority, produce a certificate stating that he is fit to resume his duties.
 - (iii) Where an officer has been suffering from a contagious or infectious sickness, he shall, before resuming duty, produce a certificate stating that he may return to his duties without danger to others.
 - (iv) A certificate referred to in this paragraph shall be in writing from a registered medical practitioner, dentist, or other person or body acceptable to the Port Authority.
- (f) General—
- (i) The Port Authority may permit an 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 the leave.
 - (ii) The Port Authority 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, and unpaid leave shall not be included when computing, for any purpose, the period of such officer's service.
 - (iii) 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.
 - (iv) All applications for leave shall be made upon the prescribed form.

SECTION IV.

Contracts.

36. Except in cases of emergency where quotations from suitable persons, firms or companies doing business in that line shall be obtained, a contract for the execution of any work or for furnishing materials or labour, to the amount of two thousand dollars or more shall not be entered into unless five days prior to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Perth and Fremantle.

Contracts to be advertised.

37. All tenders shall be enclosed in a sealed envelope addressed to "The Secretary to the Fremantle Port Authority," and marked "Tender for" as stated in such advertisement.

Tenders.

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

Deposit.

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

Lowest tender need not be accepted.

40. 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.

Acceptance of tender.

PART II.

Payment of Revenue.

41. (1) Dues, rates or charges payable to the Port Authority shall not be paid to any person or persons other than to such officers or agents of the Port Authority as are authorised to receive revenue; and the receipt of any sum of money on behalf of the Port Authority by any person or persons other than its authorised officers or agents shall not be binding on the Port Authority in any way whatsoever.

Mode and condition of payment.

(2) All money shall be paid to the Port Authority at its office within the ordinary business hours of the Port Authority.

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

Officer may enter vessel, etc.

43. All dues, rates, or charges payable under these regulations or imposed by the Act, in respect of any vessel, shall be paid before that vessel leaves the port, but the Port Authority may accept from the agent or the master of the vessel a guarantee, in writing, that such dues shall be paid within 24 hours of the departure of the vessel, and the master, owner or agent of a vessel shall obtain a certificate from the Port Authority that the dues, rates, or charges have been duly paid, or the guarantee to pay as aforesaid has been accepted.

Charges to be paid before vessel leaves port.

44. 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 and consignors shall be liable for all wharfage and other charges on all outward cargo, but this regulation shall not limit the right of the Port Authority to recover wharfage or other charges from any person (other than the consignee or consignor) who may be liable by law to pay the same.

Liability of consignee and consignor.

45. Whenever any dues, rates, or charges are by these regulations expressed to be payable by vessels those dues, rates or charges shall be payable by the masters, or agents of the vessels, or other person or persons liable to pay the same.

Liability.

PART III.
SECTION I
Signals.

Location of
signal sta-
tion.

46. The Signal Station for the Port is situated on the Port Authority building: Latitude 32 deg. 03 min. 20 sec. South and Longitude 115 deg. 44 min. 23 sec. East.

Signals at Signal Station.

Safety sig-
nals.
Amended by
G.G. 21/6/74,
p. 2084.

47. (1) 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, two metres 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 two metres apart by day or two green lights one beneath the other and four metres 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 two metres 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 three metres below the mast-head, pointing North, while the green lights shall start two metres below the mast-head.
- (e) A flashing red light shall be shown from the Signal Station building when the green lights referred to in this sub-regulation are exhibited.

(2) Where circumstances so require, the following signals shall be exhibited at the Port Authority 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 two metres 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 two metres 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.

Navigation in
hazy
weather.

48. 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, 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.

Signals for
a pilot.

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

- (a) by day, the International Code Flag Signal "G";
- (b) by night, a bright white light flashed or shown at short or frequent intervals just above the bulwarks for about a minute at a time.

50. Any vessel which may require the services of a pilot over the pilotage area in the Outer Harbour as defined in subregulation (1) of regulation 99 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 described in regulation 68 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 spirit or staff, or in some equally conspicuous situation on the pilot boat.

Pilotage required.
Amended by
G.G. 30/9/77,
p. 3556.

51. 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 two hundred dollars (\$200).

Penalty.

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

Miscellaneous signals.
Amended by
G.G. 21/6/74,
p. 2084.

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

Medical Assistance Required—International Code Flag "W".

Police Required—International Code Flags "P.L.C." or three short blasts then one long blast on whistle or siren.

Tug Boat Required—International Code Flag "Z".

Water Required—International Code Flags "W.T.R."

Explosives Aboard—

(a) by day—International Code Flag "B" at foremast 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 2000 litres)—

(a) by day—International Code Flag "B" at foremast 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.

Pilot Exemption—White Flag on main mast-head or where it can be best seen.

I am Undergoing a Speed Trial—International Code Flags "S.M."

Keep Clear of Me. I am Manoeuvring with Difficulty—International Code Flag "D".

I am on Fire and Require Immediate Assistance—International Code Flags "C.B.6" or continuous blasts on the vessel's whistle or siren.

Artillery Practice—International Code Flags "N.E.4".

Divng and Underwater Swimming Operations—International Code Flag "A".

53. When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately,—

Signals of distress.

(a) a gun or other explosive signal fired at intervals of about a minute;

(b) a continuous sounding with any fog-signalling apparatus;

(c) rockets or shells, throwing red stars fired one at a time at short intervals;

(d) a signal made by radiotelegraphy or by any other signalling method consisting of the group . . . - - . . . in the Morse Code;

- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (f) the International Code Signal of distress indicated by N.C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
- (i) a rocket parachute flare or a hand flare showing a red light;
- (j) a smoke signal giving off a volume of orange-coloured smoke;
- (k) slowly and repeatedly raising and lowering arms outstretched to each side.

Compensation.

54. 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.

Responsibility for observing regulations.

55. The master and owner of every vessel is responsible for the due performance and observance of such of these regulations as apply to his vessel at any time; and when a vessel is under the direction of a pilot, the pilot is also responsible for the due performance and observance of the regulations, but the responsibility of the pilot does not relieve the master and the owner of the vessel of their responsibility.

No explosion or signal except in distress.

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

Speed of vessels in harbour.

57. 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.

Dredger signals.
Amended by G.G. 21/6/74, p. 2084.

58. (1) The Master of a dredger moored within any part of the harbour, shall whether the dredger is working or not, in the under-mentioned 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, and any vessel proceeding seaward to keep the dredger on its port hand in passing—
 - by day—A Black Triangle on the yardarm on the side to be passed;
 - by night—A Green Light over a Red Light on the yardarm on the side to be passed; and
 - 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, and any vessel proceeding seaward to keep the dredger on its starboard hand in passing—
 - by day—A Red Square on the yardarm on the side to be passed;
 - by night—A Red Light over a Green Light on the yardarm on the side to be passed; and
 - 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—
 by day—A Green Cone between two Red Balls, vertical at the mast-head;
 by night—A Green Light between two Red Lights, vertical at the mast-head; and
 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—
 by day—A White Flag on the mast-head;
 by night—A Green Light on both yardarms; and
- (e) When the dredger is unable to move, or is out of control—
 by day—A Red Flag on the mast-head;
 by night—A Red Light on both yardarms.
- (2) The Morse sound signals referred to in this regulation shall be made by the dredger’s bell for the respective signals, as follows:—
 Short ring—1½ seconds duration.
 Long ring—4 seconds duration.
 Interval between rings—1½ seconds duration.
- (3) The diameter of the shapes shall be not less than 800 millimetres; the vertical height of the cone and cylinder shapes, shall be 1½ times the diameter of their own base; the vertical distance between shapes or lights shall be between one and two metres.
- (4) Dredgers under-way when dredging, and unable to manoeuvre as required in order to keep out of the way of other vessels, shall show lights and shapes required by the International Regulations for Preventing Collisions at Sea Rule (4) (c) for vessels not under command, viz.:—
 by night—three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 1.8 metres above or below, the middle light; the highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles.
 by day—she shall carry in a vertical line one over the other not less than 1.8 metres apart, where they can best be seen, three shapes each not less than 600 millimetres in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.
- (5) Without limiting any provision of this regulation, as to the displaying of other lights—
 (a) a moored dredger shall carry such anchor light or lights as are required to be carried by other vessels, according to their lengths; and
 (b) except where moored to the side of a dredger that is not clear, a white light shall be shown on the outer rail of a silt barge that is moored to the passing side of a dredger.
- (6) Any vessel approaching a dredger from any direction—
 (a) shall pass it on the side indicated by a signal exhibited pursuant to this regulation;
 (b) shall, where the dredger exhibits the “Channel Blocked” signal, not pass it, until a passing signal is exhibited;
 (c) may, where the dredger is exhibiting a signal such as is mentioned in paragraph (d) of subregulation (1) of this regulation, pass it on either side; or
 (d) shall, where the dredger is exhibiting a signal such as is mentioned in paragraph (e) of subregulation (1) of this regulation, be navigated, and proceed, with extreme caution, when passing it.

- Steam whistles.** 59. A steam whistle, siren, or horn shall not 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.
- Steering sound signals.** 60. Where 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, namely—
- (a) One short blast meaning, "I am directing my course to starboard";
 - (b) Two short blasts meaning, "I am directing my course to port";
 - (c) Three short blasts meaning, "My engines are going full speed astern";
 - (d) One long blast followed by two short blasts meaning, "My ship is out of control, keep clear".
- Impediments to navigation.** 61. Where a vessel is sunk or stranded within the Port, or any obstruction is found to impede the navigation and use of the Port or any part thereof, the master or the owner or agent of that vessel, or the owner of the property by which the obstruction is caused, shall immediately notify the Harbour Master of the position of the obstruction, and shall exhibit on or near the vessel or obstruction such flags, masts, lights, or other marks as the Harbour Master may direct, and all sunken or stranded vessels or other objects shall be removed by the owner or owners thereof when called upon to do so by the Harbour Master.
- Vessels shall not lie in the fairway.** 62. A vessel shall not lie in the fairway or be moored or anchored in any place not appointed by the Harbour Master.
- Rafts in the harbour.** 63. All rafts, barges, lighters, pontoons for whatever use, when lying anchored in the harbour or fastened outside of a ship shall, from sunset to sunrise, exhibit a white light where it can best be seen, to show a clear, unbroken light visible all round the horizon for a distance of at least one mile.
- Small craft.** 64. A person in charge of any small craft, shall take special precautions, while navigating the Inner Harbour and Entrance Channel, to prevent collisions with shipping entering or leaving the harbour and shall make certain before entering the Entrance Channel that no vessels are in or approaching the channel. Where however, they 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 starboard hand, taking care at the same time not to foul the mark beacons placed at the sides of the channel.
- Interference with buoys etc.** 65. A person shall not trespass on, make fast to, damage, injure, or otherwise interfere with any pile light, dolphin, buoy, or beacon vested in the Port Authority.
- Lights and signals. Amended by G.G. 21/6/74, pp. 2083-84.** 66. 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 600 millimetres 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 lantern 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 45 metres 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.—**

- (i) Every motor boat of more than four metres but not more than 5.5 metres in length and every sailing vessel of more than four metres in length that is not equipped and displaying the lights referred to in subparagraph (ii) of this paragraph, shall, while operating between sunset and sunrise, have fixed to the mast-head or, if the vessel has no mast, then in a prominent position on the forepart of the vessel, and kept lighted, a white light visible all round the horizon at a distance of at least one mile.
- (ii) Every motor boat, of more than 5.5 metres in length shall be equipped with and display the lights required to be carried by a power-driven vessel of the same length in accordance with the provisions of the Regulations for Preventing Collisions at Sea in force under section 89 of the Western Australian Marine Act, 1948.

Berthing

67. (1) The Berthing Master has the entire control of the berthing and removing of all vessels, and shall appoint the place where any vessel is to anchor, moor or lie in the Port.

Berthing Master to control berthing.

(2) The master of any vessel shall obey all lawful orders of the Berthing Master.

(3) The Berthing Master may at any time order the master of a vessel within the Port to move the vessel from its place in the Port to any other place in the Port.

(4) Where for any reason the order of a Berthing Master to move a vessel in the Port is not complied with, the Berthing Master may move the vessel at the risk and expense of the master or owner thereof, and for that purpose may, at the expense of the owner or master of the vessel, break any anchor chain or rope or mooring line securing the vessel.

68. (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.

Notification of arrival at Port.

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

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

69. (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 286½° for a distance of 1.05 miles, thence on a bearing of 180° for a distance of 0.6 mile, and thence on a bearing of 83° for a distance of 1.45 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.

Entry of vessels. Amended by G.G. 21/6/74, p.2084.

(2) 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.

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

- (a) 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) a vessel shall not 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;
- (c) a vessel shall not lie alongside a wharf unless properly moored or fastened so as to relieve, as much as possible the wharf from the weight of the vessel;
- (d) a passenger boat shall not lie alongside a wharf any longer than is necessary to embark or dis-embark passengers;
- (e) hulks, lighters, and other non-seagoing vessels shall not occupy berths when vessels with cargo or passengers require a berth;
- (f) more than one tier of vessels shall not 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;
- (g) all vessels lying alongside any wharf shall take such precaution as may be necessary or directed to prevent injury to the structure;
- (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 to these regulations, 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.

Authority to keep wharf clear.

71. When any vessel is being brought alongside any berth, members of the Police Force of Western Australia or any other officer duly authorised by the Port Authority shall have the 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.

Lights and gangways.

72. Every vessel berthed at a 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 that vessel and every gangway fixed for the purpose of giving access to a vessel shall from sunset to sunrise be brightly illuminated as long as that gangway is in communication with the shore, and a watch shall be continuously set upon the gangway.

Naked lights prohibited.

73. 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.

Lights on vessels in tier.

74. 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 Port 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.

Safety nets.

75. (1) Where a vessel is lying at a wharf or where two or more vessels are lying alongside 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, 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 that means of passing between the vessel and the wharf or between the two or more vessels, in the event of a mishap, falling into the water.

(2) 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.

(3) If any default is made in the due compliance with any provision of this regulation, the Master of the vessel so in default and the owners of that 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 that default.

76. (1) 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 300 millimetres or more than one metre from the side of the vessel, to every rope or hawser connecting the vessel with the wharf, or lighter, or other vessel.

Ratguards.
Amended by
G.G. 21/6/74,
p. 2084.

(2) 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, one metre of such rope or hawser, commencing from the ship's side must be covered with freshly tarred canvas.

77. (1) Except where the Customs authorities have given special permission no work of any description shall be done or carried out on any vessel in the Port on Sundays, except where it is necessary for the safety and cleanliness of the vessel and no cargo shall be handled between any vessel and the wharves with the exception of passengers' personal luggage.

No work on
Sundays.

(2) Livestock may be landed at wharves on Sundays—

- (a) in limited quantities;
- (b) with the permission of the Manager;
- (c) subject to any conditions imposed by the Manager; and
- (d) where provision is made for its removal immediately upon landing.

78. A person shall not perform, or permit to be performed any kind of carpentry, smith work, boiler making, sail rigging, rigging or any other form of ship repair work on or under any wharf or in any shed or upon any of the property vested in the Authority unless permission in writing has been obtained from the Manager.

No ship-
wrights work
on Port
Authority
property.

79. A fire shall not be lighted in or upon, under, over or near any wharf or shed or, without permission of the Manager, upon any portion of the foreshore, and combustible matter such as pitch, tar, resin or oil shall not be heated on board any vessel lying at any wharf or at anchor in the port, but with the permission of the Harbour Master, such combustible matter may be heated in a boat at a safe distance from all vessels.

No fires to be
lighted.

80. Where a death occurs on board any vessel in the Port the master of the vessel shall cause the body to be brought on shore and removed from within the boundaries of the Port.

Deaths on
vessels.

81. (1) The Port Authority shall not accept any responsibility for the safety of any vessel lying within the Port and the safety of any vessel, whether at an anchorage or moored alongside any wharf or at any mooring buoy, is at all times the responsibility of the master or owner thereof.

Vessel at
owner's risk.

(2) Any instruction or direction given by the Harbour Master or other officer of the Port Authority to the master of any vessel and any act performed by the Harbour Master or other officer of the Port Authority in respect of any vessel shall not place any responsibility for the security or safety of the vessel upon the Port Authority.

- Vessels to be kept clear of cranes etc.** 82. The master of a vessel shall keep that vessel, and all boats, rigging, ropes, hawsers, and other equipment or apparel thereof, and all gangways used or intended to be used in connection with his vessel at all times free and clear of all cranes, running cranes, railway lines, engines, trucks, gear and plant, or other things on the wharves within the Port.
- Defective moorings.** 83. The Port Authority 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 Port Authority.
- Night Watchman.** 84. All vessels exceeding 500 tons gross shall have a watchman on deck from sunset to sunrise, and vessels not exceeding 500 tons gross shall have at least one man on board during the same period.
- Beaching vessels.** 85. A vessel shall not be beached or grounded in the Port without the permission of the Harbour Master and where any vessel is beached or grounded by accident or because of weather conditions the owner shall remove it when required to do so by the Harbour Master.
- Police and Port officers may enter vessels.** 86. For the purpose of seeing that all or any of these regulations are properly carried out, members of the Police Force of Western Australia or any officer duly authorised by the Port Authority shall have access to any vessel at any time.
- Power to remove vessels.** 87. (1) In order to ensure due observance of the regulations, the Harbour Master or Berthing Master may moor, unmoor, place or remove any vessel, and the Master and crew of that vessel shall afford all possible aid and assistance.
(2) The Harbour Master or Berthing Master may hire and employ any assistance required to carry out subregulation (1) of this regulation and the cost shall be charged to the master, agent, or owner of the vessel and all such costs and all other expenses incurred shall be paid on demand to the Port Authority.
(3) The Harbour Master or Berthing Master may make fast and attach any rope or other tackle to a vessel, and cast off or loose any warp or rope, or unshackle or loose any chain by which a vessel is moored or fastened.
(4) A person shall not, without the consent or authority of the Harbour Master or Berthing Master, cut or cast off any rope or tackle so made fast, or refuse to assist the Harbour Master or the Berthing Master, or interfere with him in the performance of his duty.
- Careening vessels.** 88. Masters requiring to careen, heave down, or haul their vessels on shore for the purpose of inspection or repairs shall apply to the Harbour Master for permission; and a person shall not make fast any boat or vessel to any wharf, jetty, buoy, beacon or other property of the Port Authority for the purpose of heaving down or careening that boat or vessel.
- Securing vessels.** 89. 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.
- Propellers stationary on moored vessels.** 90. 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.

91. The master of any vessel shall not let go an anchor without a buoy being attached to it and shall lift any anchor when required to do so by the Harbour Master. Anchors used in port.
92. 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, and all pipes, including steam pipes, shall be effectively screened to the satisfaction of the Harbour Master. No discharge onto wharf.
93. Masters of vessels lying alongside any wharf shall be responsible for any damage caused to goods lying on that wharf, or to electrical connections lying on or under that wharf, by water used for washing down decks, or for any other purpose, upon such vessels. Damage by water from vessels.
94. (1) In the case of an outbreak of fire in, or on board any vessel in the Port, it is the duty of any person, being an officer or member of the crew or an officer or person employed by the Port Authority, discovering the outbreak, to give an alarm by means of the nearest electrical signal provided for that purpose and that person shall forthwith give notice of the outbreak to the Harbour Master and to the Wharf Manager. Outbreak of fire.
- (2) Any person, being an officer or member of the crew of a vessel in, or on board of, which there is an outbreak of fire or being an officer or other person employed by the Port Authority shall give such assistance in extinguishing the fire as the Harbour Master may direct.
95. (1) Whenever, in the opinion of the Harbour Master, a state of emergency has arisen wherein it becomes necessary, for the safety of the Port and for the preservation of life and property, that a vessel in the Port should be scuttled, he shall order the master thereof to scuttle that vessel and shall give all necessary directions for that purpose. Scuttling of vessels.
- (2) In case the master of any vessel ordered to be scuttled pursuant to the provisions of subregulation (1) of this regulation refuses or neglects to scuttle it then the Harbour Master shall proceed to scuttle the vessel and may for that purpose call upon any officer or member of the crew of the vessel or any officer or other person employed by the Port Authority to assist him.
- (3) A person refusing or neglecting to obey an order of the Harbour Master made, or refusing assistance asked, for any of the purposes of this regulation, is guilty of an offence.
96. The Master of every vessel in the Port shall obey all lawful orders of the Harbour Master, and such directions as in the opinion of the Harbour Master, the weather, the conditions of the Port, or other circumstances may render necessary or expedient for the safety and interest of shipping. Harbour Masters orders to be obeyed.
97. (1) The Master, owner or agent of any vessel shall not without the written permission of the Manager, permit or cause to be permitted any social or other function to be held on such vessel which— Social or other functions.
- (a) shall necessitate the provision of shore services more than ordinarily provided for the regulation of land traffic and parking of vehicles within the port;
 - (b) shall necessitate the provision of special water-craft services for the control and patrolling of waterways within the port;
 - (c) shall cause or is likely to cause interference with cargo handling or other operations within the port;
 - (d) 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
 - (e) 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 Port Authority 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 Manager may grant or refuse permission to hold any social or other function for which written permission is required under subregulation (1) of this regulation.

Hull survey.

98. (1) All lighters, barges and floating plant shall be subject to a hull survey during the month of January in each year, and at such other times as the Port Authority may demand.

(2) The Port Authority shall, at the owner's expense, appoint a surveyor for the purposes of the hull survey, and upon the surveyor's recommendation and subject to any conditions stated in writing from time to time, may continue to permit such lighters, barges and floating plant passing such survey to be used within the Port until the 31st day of December next ensuing, or may at any time suspend or cancel any permission already granted to such lighters, barges and floating plant to be used within the Port.

(3) Owners and keepers of such lighters, barges and floating plant 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 Pilotage Charges.

Pilotage compulsory. Amended by G.G. 30/9/77, p. 3556.

99. (1) Unless specifically exempted by these regulations it is compulsory—

- (a) for every vessel having a laden draught of 11.6 metres or less to have pilotage through all waters within the boundaries of the Port except between Gage Roads and the Sea Pilot Boarding Ground appointed by the Port Authority; and
- (b) for every vessel having a laden draught exceeding 11.6 metres to have pilotage through all waters within the boundaries of the Port.

(2) 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 69 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 and Masters of vessels shall, in such circumstances, have the pilot ladder ready at the time of passing the Fairway Buoy.

Conditions to be observed by masters of vessels requiring pilotage.

100. Masters of vessels approaching the Port of Fremantle and requiring the services of a pilot shall—

- (a) lay to or proceed at a slow speed 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, and shall ensure that the ladder is suitably lighted at night;
- (c) in ships of high structure in which gangway doors are fitted, ensure that one such door is 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,

and similar facilities shall be provided by departing vessels for the disembarkation of a pilot.

101. (1) All vessels not exceeding one hundred and fifty tons gross register, and all coasting and interstate vessels of which the masters 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, but Pilotage inwards shall be compulsory from Gage Roads to Inner Harbour upon any vessel the master of which 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.

Exemptions from pilotage. Amended by G.G. 25/10/74, p. 4870.

(2) Vessels of war of any nationality not engaged in trade, shall be exempt from the payment of pilotage charges.

(3) Notwithstanding any other provision of these regulations, in circumstances where, in the opinion of the Manager, it is deemed justified to do so for the convenience of shipping, the Manager may exempt any vessel from pilotage in any waters of the Port.

102. (1) **Outer Harbour Pilotage:** The charges for pilotage of ships in the Outer Harbour shall be as follows:—

Outer Harbour Pilotage. Substituted by G.G. 13/1/78, p. 146.

(a) From Sea Pilot Boarding Ground to Gage Roads, or vice versa:—

	Each Service \$
Ships up to 1 500 tons	120.00
Ships over 1 500 tons and up to 5 000 tons	230.00
Ships over 5 000 tons	355.00

(b) From Gage Roads to Owen Anchorage, or vice versa:—

On all ships	145.00
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(c) From Gage Roads or Owen Anchorage to Cockburn Sound, or vice versa:—

Ships up to 1 500 tons	120.00
Ships over 1 500 tons and up to 3 000 tons	210.00
Ships over 3 000 tons and up to 5 000 tons	260.00
Ships over 5 000 tons and up to 10 000 tons	275.00
Ships over 10 000 tons and up to 20 000 tons	300.00
Ships over 20 000 tons	315.00

(2) **Outer Harbour Removals:** The charges for pilotage upon and removal of ships within the Outer Harbour shall be as follows:—

	Each Service \$
Up to 5 000 tons	105.00
5 001 tons to 10 000 tons	125.00
Over 10 000 tons	175.00

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

Inner Harbour Pilotage. Substituted by G.G. 13/1/78, p. 146.

	Each Service \$
Ships up to 1 500 tons	120.00
Ships over 1 500 tons and up to 3 000 tons	210.00
Ships over 3 000 tons and up to 5 000 tons	260.00
Ships over 5 000 tons and up to 10 000 tons	275.00
Ships over 10 000 tons and up to 20 000 tons	300.00
Ships over 20 000 tons	315.00

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

	Each Service \$
Up to 5 000 tons	105.00
5 001 tons to 10 000 tons	125.00
Over 10 000 tons	175.00

- Special pilotage services.**
Amended by G.G. 30/5/75, p. 1623; G.G. 19/12/75, p. 4593; G.G. 13/1/78, p. 146.
104. The charge for special services such as swinging or manoeuvring a ship for compass adjustment, conducting a ship on a trial run after engine or other repairs, or for any other service not elsewhere provided for shall be at the rate of \$25.00 per hour, with a minimum charge of \$80.00 for a service within the Inner Harbour, or \$160.00 for a service within the Outer Harbour: provided in the latter case that, should the service involve removing the ship from the Inner Harbour and/or vice versa, the charges prescribed in regulation 103 shall be payable in addition to the charge for the special service.
- Applications for pilots.**
105. 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 two hours before the time at which the pilot is required and any alteration of the hour fixed in the application shall be made by lodging a fresh application or by notification after ordinary working hours to the Port Authority Signal Station, such alteration must be made at least two hours prior to the time the pilot is required if the vessel desires to leave the berth earlier, or two hours prior to the time fixed in the previous application should the vessel desire to leave the berth at a later hour.
- Detention of pilots.**
Amended by G.G. 30/5/75, p. 1623; G.G. 19/12/75, p. 4593; G.G. 30/9/77, p. 3557; G.G. 13/1/78, p. 146.
106. (1) Where a pilot attends a ship in accordance with an application as prescribed in regulation 105 of these regulations and, his services not then being required, is ordered for a later hour, a special charge of \$30.00 shall be payable for each attendance.
- (2) In the event of a pilot being detained at a ship until such ship is ready to leave the berth, a special charge of \$20.00 for each half hour or portion thereof after the first half hour, shall be payable.
- (3) Where a pilot attends a ship in accordance with an application to conduct the ship over the pilotage area between the sea pilot boarding ground and Gage Roads and such ship does not arrive at the boarding ground at the time given, and the pilot is required to await the arrival of the ship, detention of the pilot and the pilot launch shall be payable at the rate of \$70.00 per hour, or part thereof after the first hour for the period of such detention.
- Tugs under pilot's orders.**
107. 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.
- Pilot to show license on demand.**
108. Every pilot shall carry his license with him, and shall produce it to the master of any vessel boarded by him on demand.
- Pilot to assist vessel in distress.**
109. Every pilot shall by every means in his power aid and assist any vessel in distress or observed to be running into danger.
- Complaints to be in writing.**
110. Where the Master of a vessel wishes to make a complaint against a pilot he shall make that complaint in writing to the Harbour Master.
- Payment to pilots.**
111. 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 fifty dollars (\$50).
- Pilot leading a vessel.**
112. If any vessel, having on board a licensed pilot, leads any vessel which has not a licensed pilot on board, when the lastmentioned vessel cannot from particular circumstances be boarded, the lastmentioned 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.
- Pilot detained.**
113. 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 ten dollars a day, and a free passage back to the Port, which shall be paid by the owners of the said vessel in addition to the appropriate pilotage charges and all expenses of the Port Authority involved in the pilot's detention.

114. The master of a vessel, at the request of a licensed pilot having charge of that vessel, shall produce the register of the vessel, certificate of tonnage and the certificate of pratique, and declare her draught of water.

Production of information to pilot. Amended by G.G. 29/7/77, p. 2482.

Pilotage Exemption Certificates.

115. (1) A master or mate of any coasting or interstate vessel may be granted a Pilotage Exemption Certificate for the port upon passing the examination therefor.

Pilotage exemption certificate. Amended by G.G. 13/1/78, p. 146.

(2) The fee for every examination for a Pilotage Exemption Certificate shall be \$50.00 and no refund shall be made in the event of failure to pass the examination.

(3) A candidate who has failed the examination for a Pilotage Exemption Certificate 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.

116. 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 to the Secretary on the form provided.

Notice of examination.

117. 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.

Knowledge of port.

118. Candidates for Pilotage Exemption Certificate shall pass the sight test for power of vision as prescribed by the Fremantle Port Authority.

Sight test.

119. 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 Port Authority and have his sight tested; and the result and date of the test shall be endorsed on the said certificate, and the endorsement signed by the competent authority making the 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, failure to comply with this condition as well as failure to pass the requisite test satisfactorily, shall invalidate the certificate.

Annual sight test.

120. The Port Authority may in its discretion revoke suspend or cancel a Pilotage Exemption Certificate if the holder of that certificate is considered by the Authority to be incompetent to navigate a vessel into or out of the Port of Fremantle or fails to conform to any of these regulations.

Revocation of Exemption Certificate.

121. (1) Pilotage Exemption Certificates will be issued only to British or duly naturalised British subjects, are not transferable, and are only operative while the holder of the certificate is the master of an interstate or coasting vessel.

Pilotage Exemption Certificates.

(2) Pilotage Exemption Certificates shall not be deemed to be operative from Gage Roads to Inner Harbour where the holder of the certificate has not entered the Port as master or mate for a period of five years.

(3) The holder of a Pilotage Exemption Certificate shall not pilot, bring, take, or lead a vessel into or out of the Port of Fremantle where pilotage is by these regulations compulsory, unless he is then the actual master of the vessel.

(4) For the purposes of subregulation (3) of this regulation the holder of a Pilotage Exemption Certificate shall not be deemed to be the master of a vessel unless, in the case of an inward bound vessel, he has been in charge of that vessel and his name inscribed as master on the vessel's register prior to its departure from the last port of call until after its arrival at its berthing place at the Port of Fremantle; and in the case of an outbound vessel, prior to its departure from its berthing place and until arrival at its next port of call.

Special
Exemption
Certificate.

122. (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, where the Master first satisfies the Harbour Master that the Master is a suitable person to whom the Certificate should be issued: Provided that the Port Authority may revoke the Certificate at any time.

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

SECTION IV.

Tonnage Rates.

Tonnage
rates.

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

Tonnage
Calculation.
Added by
G.G. 29/7/77,
p. 2482.

123A. (1) In this regulation, The Merchant Shipping (Tonnage) Regulations 1967 (as amended by Statutory Instruments No. 1093 of 1967 and No. 656 of 1972) of the United Kingdom are referred to as "the U.K. Rules".

(2) In and for the purposes of the Act and these regulations the tonnage of a vessel shall be the sum of—

- (a) the gross tonnage of such vessel ascertained in accordance with regulations 4, 5, 6 and 7 of the U.K. Rules; and
- (b) the tonnage, ascertained in accordance with paragraph 4 or 5 of rule 1 of Schedule 1 of the U.K. Rules, whichever is applicable, of all dry cargo space which by virtue of paragraph (a) of regulation 7 of the U.K. Rules is not included in the gross tonnage ascertained as aforesaid.

(3) The Port Authority may in the case of any vessel determine or calculate the tonnage of such vessel or of any space thereon either wholly or in part from or by reference to the particulars of tonnage or other information appearing in the Certificate of Registry or Tonnage Certificate of such vessel or by reference to the measurement of the vessel appearing in the latest edition of Lloyd's Register in the possession of the Port Authority.

(4) Where the tonnage of a vessel cannot be ascertained in accordance with subregulation (3) of this regulation, or where in the opinion of the Authority the tonnage so ascertained is inaccurate, the Authority may determine such tonnage.

(5) For the purpose of ascertaining the tonnage of any vessel or of any space upon any vessel any authorised person may—

- (a) board, inspect, survey or measure such vessel or space or any goods therein or thereon;
- (b) detain such vessel;
- (c) require the unshipment of any goods in or on a vessel at the risk and expense of the owner of those goods.

(6) Where a vessel is detained in accordance with paragraph (b) of subregulation (5) of this regulation the vessel shall be subject to the normal rates and charges or exemptions and rebates from those rates and charges set out in these regulations during that period of detention.

(7) The owner, agent or master of a vessel, upon the request of an authorised person shall afford all necessary facilities to enable

the vessel or any goods therein or thereon or both the vessel and such goods, to be boarded, inspected, surveyed or measured for the purpose of ascertaining the tonnage of the vessel.

123B. The Port Authority and any authorised person is exempt from liability for any loss or damage occasioned by any act done in good faith pursuant to powers conferred by regulations made for the purposes of section 44 of the Act.

Exemption from liability. Amended by G.G. 29/7/77, p. 2482.

124. Vessels of war of any nationality, provided such vessels are not engaged in trade, shall be exempt from the payment of Tonnage Rates.

Exemption from payment.

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

Certificate of Registry. Amended by G.G. 29/7/77, p. 2482.

126. For the purpose of assessing the Tonnage Rates payable, a vessel shall be deemed to occupy a berth as follows:

Computing time in berth.

- (a) Where a 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 a vessel anchors in the Outer Harbour, for the actual time occupied in shipping and discharging cargo, and 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.

127. (1) The Tonnage Rates payable shall be assessed at eighty-four one-hundredths of a cent (0.84c) for each ton of the registered tonnage of a ship for each six hours or part thereof during which a ship occupies a berth, and the minimum charge for each entry into the Port shall be as for twenty-four hours.

General rates payable. Amended by G.G. 30/6/72, p. 2185; G.G. 27/7/73, p. 2822-3; G.G. 1/8/75, p. 2835-6; G.G. 19/12/75, p. 4593; G.G. 29/7/77, p. 2482; G.G. 13/1/78, p. 147.

(2) Should a ship 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 twenty-four hours, a minimum charge as for twenty-four hours shall be payable.

(3) The Tonnage Rates payable for ships occupying a berth in the Outer Harbour only, other than at a jetty, as prescribed in regulation No. 126 (c) of these regulations, shall be assessed at four hundred and twenty-one thousandths of a cent (0.420c) for each ton of the registered tonnage of the ship.

(4) Subject to the provisions of regulations 124 and 129 of these regulations and notwithstanding any other provision in these regulations the minimum charge for the entry of any vessel into the Port shall be the sum of thirty-five dollars (\$35).

128. Subject to the conditions and exceptions specified in this regulation, and provided that a minimum charge as for twenty-four hours at the maximum rate applicable to the vessel shall in all cases be payable, rebates of the Tonnage Rates assessed under regulation 127 of these regulations may be granted in accordance with the following provisions, namely:—

Rebates of tonnage rates. Amended by G.G. 27/7/73, p. 2823.

- (a) Where the vessel berths within the Port under any of the following circumstances:—
 - (i) the vessel is in distress;
 - (ii) the vessel so berths for fitting or refitting (for the purposes of operation as distinct from renovations or alterations) or repairs, or so berths under duress;
 - (iii) the vessel is solely a pleasure yacht, not engaged in trade or plying for hire;
 - (iv) the vessel so berths for orders or supplies, including bunkers for own use;

the rebates of Tonnage Rates allowable in those circumstances shall be—

- (v) 75 per centum of the rates payable in respect of a period not exceeding one week, if the vessel is one to which subparagraph (i) of this paragraph applies;
 - (vi) 50 per centum of the rates payable in respect of a period not exceeding one week, if the vessel is one to which subparagraph (ii) or subparagraph (iii) of this paragraph applies;
 - (vii) 50 per centum of the rates payable in respect of a period not exceeding twenty-four hours, if the vessel is one to which subparagraph (iv) of this paragraph applies.
- (b) Should such distress, fitting, refitting, repairs or duress necessitate the replenishment of supplies that 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 respective rebates referred to in paragraph (a) of this regulation shall apply throughout the period of those operations, except that the total period for which a rebate is allowable shall not exceed the period provided in that paragraph in respect of that rebate.
 - (c) Should the loading of supplies referred to in subparagraph (iv) of paragraph (a) of this regulation necessitate the discharging and re-shipping of cargo in order to comply with any regulation of the Authority, the rebate of 50 per centum applicable to vessels to which that subparagraph applies shall apply throughout the period of those 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 paragraph (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 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 twenty-four hours of the vessel's arrival in port, in the case of paragraphs (a), (b) and (c), or within one hour of the commencement of the operations or delay referred to in paragraphs (d), (e) and (f), make a declaration in writing to the Secretary setting forth the circumstances applicable, and where a rebate applies for portion only of the vessel's time in port, a declaration of the actual times for which the rebate is claimed, must be lodged within twenty-four hours of the completion of the fitting, refitting, repairs or period under distress or duress provided that where the circumstances arise during other than ordinary working hours the declaration shall be made within twenty-four hours of the commencement of business on the next working day. In the absence of such declaration, and except as provided in paragraph (h) of this regulation, full Tonnage Rates shall be payable.

(h) The Port Authority may in its 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.

129. (1) When exceptional weather conditions render it unsafe for any vessel (being ready for sea) to leave the Inner Harbour, the Port Authority 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.

Vessels free of tonnage rates in certain cases.

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

(3) Where a vessel that is being employed solely for mission work in connection with some religious body berths within the Inner Harbour, that vessel shall be free of Tonnage Rates while it remains therein during a period not exceeding one week, but in respect of any period in excess of one week shall pay the Tonnage Rates applicable to that vessel that are prescribed by these regulations.

130. (1) Hulks, tugs, passenger craft, licensed launches, lighters, barges, and workboats using the wharves or waters of the Port shall pay, as Tonnage Rates, an annual fee as follows:—

Tugs, Launches etc.
Amended by G.G. 1/8/75, p. 2836; G.G. 13/1/78, p. 147.

Tugs, passenger craft, lighters, barges, workboats, coal and other hulks and licensed launches (200 tons gross measurement and under)—each \$70 per annum.

Tugs, passenger craft, lighters, barges, workboats, coal and other hulks and licensed launches (over 200 tons gross measurement)—each \$140 per annum.

Fees shall be payable in advance for each year or part thereof to be calculated from the First day of January in each year.

(2) In addition to the annual fee mentioned in subregulation (1) of this regulation every hulk, tug, passenger craft, lighter, barge and licensed launch shall pay a fee of \$8 for every week during which at any time it has utilised any of the wharves, jetties, landings or other facilities provided for the berthing or tying up of vessels.

131. The charges for mooring and unmooring of ships in the Inner Harbour and the Outer Harbour shall be as follows:—

Mooring Charges.
Substituted by G.G. 30/5/75, p. 1623-4.
Amended by G.G. 19/12/75, p. 4593-4; G.G. 29/7/77, p. 2483.

(a) For each separate service of mooring or unmooring where the service does not exceed one hour:—

	\$
Ships up to 2 000 tons	45.00
Ships 2 001 tons to 15 000 tons	90.00
Ships over 15 000 tons	120.00

Surcharge for each separate service of mooring or unmooring carried out wholly or in part between the hours of 4 p.m. and midnight and midnight and 7.00 a.m. on any day:—

	\$
Ships up to 2 000 tons	43.00
Ships 2 001 tons to 15 000 tons	86.00
Ships over 15 000 tons	115.00

Surcharge for each separate service of mooring or unmooring carried out wholly between the hours of 7.00 a.m. and 4.00 p.m. on a Saturday or Sunday:—

Ships up to 2 000 tons	22.50
Ships 2 001 tons to 15 000 tons	45.00
Ships over 15 000 tons	60.00

(b) In addition to the charges mentioned in paragraph (a) of this regulation, the following further charges shall be payable for mooring and unmooring services in the Outer Harbour—

- | | |
|--|--------|
| | \$ |
| (i) Surcharge for each separate service of mooring or unmooring in ordinary working hours | 90.00 |
| (ii) Surcharge for each separate service of mooring or unmooring carried out between the hours of 4 p.m. and midnight and midnight and 7.00 a.m. on any day | 135.00 |
| (iii) Surcharge for each separate service of mooring or unmooring carried out wholly between the hours of 7.00 a.m. and 4 p.m. on a Saturday or Sunday | 135.00 |
| (iv) [Deleted by G.G. 29/7/77, p. 2483.] | |
- (c) Where a mooring or unmooring service involves the attendance of a mooring gang in excess of one hour for any reason whatsoever, the cost of the mooring gang to the Port Authority for the period exceeding the first hour, with part of an hour calculated as an hour, shall be payable.
- (d) Where a mooring gang is ordered or requisitioned for an unmooring service and attends a ship for that purpose, and such service for any reason whatsoever is not then required but ordered for a later hour, the cost of the mooring gang to the Port Authority for that attendance, with part of an hour calculated as an hour, shall be payable.

PART IV.—GOODS AND CHARGES THEREON.

SECTION I.

Wharfage, Handling, etc.

Computation of dues. Amended by G.G. 28/6/73, p. 2477.

132. (1) 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 Port Authority at its own option to proceed on the basis of the tonne of 1 000 kilograms, or the cubic metre, or the kilolitre, and the fraction of these units shall be charged on a *pro rata* basis excepting in the case of storage.

(2) In all cases dues and charges shall be calculated on the gross weight or measurement, and the Port Authority reserve the right at any time to demand that goods shall be reweighed or remeasured, in the presence of an officer of the Port Authority and at the expense of the owner of the cargo.

(3) Charges on goods enumerated hereunder shall be computed on the basis shown—

Boats, launches, etc. ....	....	....	cubic measurement less forty per cent;
Cylindrical cargo, except otherwise stated ....	....	....	cubic measurement on external dimensions less twenty per cent unless the weight is then greater;
Oil and inflammable liquids in bulk (fuel lighting and lubricating) ....	....	....	per kilolitre;
Skins—in bales ....	....	....	3 to the tonne;
Wool—in bales ....	....	....	2 to the tonne.

Inward manifests.

133. The master or agent of every vessel arriving at the Port of Fremantle shall deliver at the office of the Port Authority, prior to commencing to discharge cargo, two true, legible and complete copies in the English language of the manifest of the said vessel, certified by himself as being true and complete, containing the particulars indicated in the form set forth in Schedule A, and shall also furnish within fourteen (14) days two certified statements of

all amendments (if any) which may be made in the manifest by reason of re-measurement of goods included therein or otherwise, but amendments to a manifest shall not be recognised unless supplied prior to the goods affected thereby being removed from the premises of the Port Authority, and in the case of a vessel not discharging any cargo, a "Nil" manifest must be furnished.

134. The master of every vessel shall deliver to the office of the Port Authority, 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 quantity of fuel bunkered.

Outward manifests.
Amended by G.G. 28/6/73, p. 2477.

135. (1) Wharfage, handling and all other charges incurred in respect of cargo discharged out of vessels shall become payable immediately the cargo has been landed and the consignee or owner of cargo shall, when making payment of all charges due to the Port Authority, first present an order from the master or agent of the vessel discharging the cargo requesting the Port Authority to release all goods described therein.

Payment of wharfage etc. on inwards cargo.

(2) The charges in respect of each bill of lading as shown on the manifest must be cleared by one payment.

(3) Cargo will not be delivered from any shed or wharf to any consignee or owner until the written receipt of the Port Authority 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 the Customs control is subject to a further release from that authority.

136. (1) Wharfage, handling and all other charges in respect of cargo to be shipped shall be paid prior to the cargo being received by the Port Authority.

Payment of wharfage etc. on outwards cargo.

(2) The consignor or owner of cargo shall hand to the Port Authority a cart-note or such other written document as may be required which shall contain a full and accurate description and the gross weights or measurements of all the cargo.

(3) The charges on all cargo described in each bill of lading shall be cleared by one payment, for which the official receipt of the Port Authority must be obtained.

(4) Subject to these regulations, cargo will then be received at the shed or wharf wherever it is arranged to be taken into custody, and the Port Authority will give a receipt to the consignor or owner and subsequently deliver that cargo to the vessel in which it is intended to be shipped.

137. (1) A person shall not 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 Port Authority.

Goods to be checked.

(2) All goods on vehicles passing the check clerks must be stowed in such a manner that the clerks can readily check the number of the packages; in cases where this is not done the person in charge of the vehicles may be ordered to discharge and reload and 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.

General provisions re wharfage and handling charges.

Amended by G.G. 28/6/73, pp. 2477-8; G.G. 1/8/75, p. 2836; G.G. 19/12/75, p. 4594; G.G. 23/1/76, p. 151; G.G. 9/4/76, p. 1121; G.G. 13/1/78, p. 147.

138. Subject to regulation 142 of these regulations, the consignee, consignor or owner of goods discharged from, to be shipped on or transhipped out of any ship within the Port shall pay the Wharfage and Handling Charges prescribed in regulations 139, 140 and 141 respectively of these regulations, and the general provisions enumerated hereunder shall apply unless otherwise specified:—

- (a) Cargo landed on wharves or jetties from a ship in distress, or for the convenience of a ship, and subsequently re-shipped, shall pay wharfage at the rate of 16 cents per tonne and handling charges in accordance with the inwards cargo schedule.
- (b) Cargo discharged out of railway wagons or other vehicles by Port Authority labour into sheds or stacks for shipment shall pay a charge of \$1.30 per tonne additional to the schedule handling charges.
- (c) Extra handling charges will be made in all cases where cargo is subject to more than the ordinary handling as described in regulation 145 of these regulations.
- (d) Fuel oil upon which a full inward wharfage rate of \$1.85 per kilolitre has been paid shall, upon being subsequently bunkered for a ship's own use, be granted a rebate of \$1.15 of such wharfage.
- (e) Live Stock—The Port Authority supplies labour only at the request of the consignee or consignor. Where horses, cattle and other large stock are landed upon the wharves in boxes or crates which are not removed except for the purpose of re-shipment, such receptacles shall be exempted from the payment of wharfage charges.
- (f) "Products of the soil of the State" means such goods as the Authority from time to time declares to be products of the soil of the State, such as grain, flour, agricultural, horticultural and farm produce, and coal (the products of the State).
- (g) "Goods wholly manufactured within the State" means goods which are wholly manufactured within the State (except those which the Authority may exclude from this provision) and are delivered for shipment ex factory or wholesale or retail store and being unused as distinct from secondhand.
- (h) Racing yachts and boats (the property of visiting clubs) for regatta purposes only—Wharfage—nil. Handling Charges to be as arranged.
- (i) Ships' refuse (such as manure from cattle ships in cases where the Authority permits it to be landed)—Wharfage—nil. Handling Charges to be as arranged.
- (j) All grain exported from the Outer Harbour—Wharfage—nil.
- (k) Subject to this regulation and notwithstanding the provisions of regulations 139 and 140 of these regulations, where—
 - (i) cargoes are shipped to any port other than Darwin in the Northern Territory;
 - (ii) port charges are paid by the master of the ship to the Port Authority;
 - (iii) the cargoes are shipped either in containers or in any other manner at a Basic Service Rate;
 - (iv) there is lodged with the Port Authority either—
 - (I) notification in writing; or
 - (II) an endorsement on either the cart-note or the ship's manifest,

to the effect that a Basic Service Rate is being charged in respect of the cargo and that rate includes a component for port charges; and

- (v) the Port Authority in its discretion according to the circumstances of each case decides to accept the notification or endorsement referred to in subparagraph (iv) of this paragraph,

wharfage shall be paid at the rate of 60 cents a tonne and for the purposes of this paragraph "Basic Service Rate" means the Basic Service Rate as adopted, varied or quoted by the International consortium known as The Australia to Europe Shipping Conference for cargo shipped from Australia.

INWARD CARGO.

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

Substituted
by G.G.
13/1/78,
p. 147.

Description of Goods	Wharfage	Handling Charges	
		Delivered over wharves, Authority receiving and delivering	Discharged direct from ships' slings into vehicles for consignment off the wharves
	\$	\$	\$
GENERAL RATES—			
All goods for which specific rates are not otherwise provided tonne	1.85	9.45	5.25
Goods shipped from ports within the State (wharfage unless lesser rate specified and handling charges unless otherwise specified) tonne	0.46	9.45	5.25
SPECIFIC RATES—			
Coke—			
(a) loose—if landed by grabs tonne	0.75	....	1.52
(b) in bags tonne	0.75	9.60	5.70
Empty Returns tonne	0.70	9.45	5.25
Furniture—secondhand tonne	0.70	9.45	5.25
Landed and re-shipped cargo tonne	0.16	....	....
(Handling charges at same rate as for inward cargo of like nature)			
Livestock—			
(a) horses, cattle, dogs (not caged or crated) each	0.70	....	....
(b) pigs, sheep and goats (not caged or crated) each	0.12	....	....
Materials in crude form such as—			
(a) rock phosphate, phosphatic guano, sulphur and sulphur bearing ores etc. for the manufacture of artificial manures and acids—in bulk cargoes and landed loose tonne	0.46	....	0.90
(b) asbestos fibre, minerals, ores, clay, rubber etc. tonne	2.05	9.60	5.70
Sugar, in bulk form, landed by grabs tonne	2.05	....	0.90
Motor cars, utilities, trailers and caravans for conveyance of passengers and/or personal effects only, used and uncased and run or towed on own wheels tonne	0.40	2.85	....
Motor vehicle parts, including chassis unmounted bodies etc. representing complete units, and agricultural machinery, landed for assembly locally but excluding spare parts for replacement and tyres, tubes, etc. tonne	1.52	9.45	5.25
Oil and inflammable liquids (fuel, lighting or lubricating) pumped ashore in bulk or transferred direct from a tanker to a commercial ship by wharf pipelines (other than as bunker supplies for ships of war) tonne	1.85	....	....
Iron and Steel products (excluding crated piping) tonne	2.05	9.60	5.70
Timber tonne	0.67	9.45	5.25
Logs tonne	0.35	9.83	5.84
Building Materials such as—			
Glass plate, cement in bags, bricks, clay pipes, tiles, etc. tonne	2.05	9.60	5.70
Transhipment Cargo—as prescribed in Regulation 141 (Handling charges as provided in Regulation 141) tonne	0.83	....	....
Vehicles—uncased, and set up on own wheels and run or towed on same—			
(a) Motor cars, motor vehicles, including chassis and vehicles tonne	2.05	2.85	....
(b) Motor cars, motor vehicles, including chassis and vehicles wholly assembled in Australia tonne	0.76	2.85	....
(c) Agricultural, horticultural and industrial machinery tonne	0.76	2.85	....
Wool tonne	0.60	5.30	....
Minimum charge per consignment tonne	0.50	1.00	1.00

OUTWARD CARGO.

Substituted
by G.G.
13/1/78,
p. 148.

140. The rates of wharfage and handling charges on Outward Cargo shall be as under, provided that, in order to qualify for the rate of wharfage provided therefore in the Schedule of this regulation, goods wholly manufactured within the State and products of the soil of the State, as prescribed in Regulation 138, must be declared as such in such manner as the Authority may from time to time require, at the time of delivery for shipment.

Description of Goods	Wharfage	Handling Charges	
		Shipped over wharves, Authority receiving and delivering	Shipped direct ex vehicles to ships' slings
	\$	\$	\$
GENERAL RATES—			
All goods for which specific rates are not otherwise provided tonne	1.15	7.80	5.15
Goods shipped to ports within the State (Handling charges unless otherwise specified) tonne	0.25	7.80	5.15
Products of the soil of the State as per Regulation 138, excepting grain, and unless otherwise specified tonne	0.30	7.80	5.15
Goods wholly manufactured in the State, as per Regulation 138, unless otherwise specified—			
(a) all cargo other than that specified in (b) and (c) tonne	0.60	7.80	5.15
(b) iron and steel products tonne	0.65	8.00	5.50
(c) stock food for consumption on voyage tonne	0.65	8.00	5.50
SPECIFIC RATES—			
Empty returns tonne	0.60	7.80	5.15
Furniture—secondhand tonne	0.70	7.80	5.15
Water tonne	0.30	....	....
Nickel—matte, powder, briquettes, etc. tonne	0.65	8.00	5.50
Pig Iron tonne	0.65	8.00	5.50
Iron and steel products tonne	1.30	8.00	5.50
Metal—scrap tonne	1.30	At cost	At cost
Motor cars, utilities, trailers or caravans, for conveyance of passengers and/or personal effects only, used and uncased and run or towed on own wheels tonne	0.40	2.60	....
Petrol, kerosene, fuel oil and other petroleum products and by-products refined or manufactured locally from crude oil (notwithstanding Regulation 138 (g))—			
(a) in bulk tonne	1.13	....	....
(b) in containers tonne	1.13	7.80	5.15
(c) as bunkers (see Regulation 146) tonne	0.70	....	....
Products of the Soil of the State, etc.—			
(a) bran, flour, pollard tonne	0.35	9.35	6.40
(b) grain—wheat, barley, oats (see Regulation 141A) tonne	0.28	8.00	5.50
(c) livestock—			
(i) horses, cattle and dogs (not caged or crated) each	0.60	....	....
(ii) pigs, sheep, goats (not caged or crated) each	0.06	....	....
(d) Stock food for consumption on voyage tonne	0.35	8.00	5.50
(e) minerals, metallic and earthy, and metallurgical products mined in the State—			
(i) in containers tonne	0.65	8.00	5.50
(ii) loose tonne	0.65	....	At cost
(f) meat, fresh tonne	0.32	20.15	10.90
(g) timber, sandalwood, mallet bark tonne	0.60	7.80	5.00
(h) skins and hides at mass tonne	1.25	8.00	5.50
(i) wool tonne	0.40	3.20	....
Vehicles—uncased and set up on own wheels and run or towed on same—			
(a) motor cars, motor vehicles, vehicles—wholly assembled in the State tonne	0.65	2.60	....
(b) motor cars, motor vehicles, vehicles—other tonne	1.35	2.60	....
(c) agricultural, horticultural and industrial machinery tonne	0.65	2.60	....
Minimum charge per consignment tonne	0.50	1.00	1.00

Transshipment cargo.
Amended by
G.G. 28/6/73,
p. 2479;
G.G. 26/7/74,
p. 2830;
G.G. 1/8/75,
p. 2837;
G.G. 19/12/75,
p. 4595;
G.G. 13/1/78,
p. 148.

141. (1) Transshipment cargo means cargo appearing as such upon a ship'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 Authority whilst awaiting re-shipment, 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. Save in circumstances where in the opinion of the Port Authority it is deemed justified to do so, cargo consigned to another port and conveyed by land or air transport shall not be deemed to be transshipment cargo.

(2) Wharfage Rates on transshipment cargo shall be \$0.35 per tonne.

(3) 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 re-shipping of such cargo take place at two different sheds or berths, two full handling services will be charged.

141A. Notwithstanding anything to the contrary contained in the regulations, where a consignor or owner exports from the Inner Harbour any grain in excess of 100 000 tonnes—

Added by
G.G. 9/4/76,
pp. 1121-2.

(a) during a period of twelve months ending 30th June, 1976, then—

- (i) from the date of the commencement of this regulation, where that quantity of 100 000 tonnes has already been exceeded; or
- (ii) from the date on which those exports exceed 100 000 tonnes,

there shall be payable to the Port Authority in lieu of any wharfage rate for grain set out in regulation 140 of these regulations which would otherwise become payable after that date, such proportion of the sum of \$250 000 as the remainder of the period of twelve months bears in ratio to a full period of twelve months; and

(b) during any period of twelve months as from and including the first day of July, 1976, then from the date on which those exports exceed 100 000 tonnes there shall be payable to the Port Authority in lieu of any wharfage rate for grain set out in regulation 140 the sum of \$250 000 payable by equal quarterly instalments, in advance, on the first day of the months of September, December, March and June, and any amounts received by the Port Authority from that consignor or owner as wharfage for grain pursuant to regulation 140 of these regulations, during that period of twelve months but before the first instalment is paid, shall be credited against that sum of \$250 000.

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

Rebates of
wharfage
charges.

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

Rebates in
charges for
hire of
machinery
and handling
of cargo.

144. (1) 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 Port Authority, or when any handling service not defined by regulations is required, the Manager shall determine the appropriate rate or amount of handling charges payable in each case.

Handling
charges in
special cases.
Amended by
G.G. 14/9/73,
p. 3469.

(2) Goods which have been pre-palletised, pre-slung or unitised or which are considered otherwise suitable and are handled through sheds or across wharves in a manner whereby the complete service as contemplated or defined in these regulations is not necessitated, the handling charges on such goods may be rebated by an amount of up to one-half of the charge for the complete service, provided that—

(a) such handling shall be by arrangement with and at the complete discretion of the Manager; and

(b) the convenience and expeditious working of other cargo-handling activities in the Port shall not be prejudiced.

Extra charges on special cargo.

145. (1) The rates of handling charges prescribed in regulations 139 and 140 of these regulations shall include only the normal receiving, sorting, stacking and delivery of cargo, and the Manager may make extra charges for handling packages of an awkward shape, or where extra labour is required or unusual risk is involved.

(2) In all cases where extra wages are payable by the Port Authority under an order or award of the Conciliation and Arbitration Commission, a Board of Reference, or any other competent authority, for the handling of any special cargo, the extra cost of such may at the option of the Manager be payable by the consignee or the consignor of such cargo.

Charges on vessel's stores, etc. Amended by G.G. 28/6/73, p. 2479; [See Erratum in G.G. 20/7/73, p. 2720.] G.G. 1/8/75, p. 2837; G.G. 19/12/75, p. 4595; G.G. 13/1/78, p. 148.

146. (1) 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 139 of these regulations has not been paid at the port, shall be exempt from the payment of outward wharfage rates.

(2) The outward wharfage rate on fuel oil loaded into a vessel as bunkers supplied for that vessel's own use, and upon which an inward wharfage rate has not been paid, shall be seventy cents per kilolitre, payable by the suppliers of the oil.

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

SECTION II.

Handling and Custody of Cargo.

Services covered by handling charges.

147. (1) Handling charges on inwards cargo coming into the custody of the Port Authority as wharfinger 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.

(2) Inwards cargo shall not, for any purpose whatever be deemed to be in the custody of the Port Authority until that cargo is deposited on the wharf or conveyance provided by the Port Authority to receive it, and the sling is released, from the ship's tackle.

(3) Handling charges on outwards cargo coming into the custody of the Port Authority 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.

(4) Outward cargo shall be deemed to be in the custody of the ship when the ship's tackle is inserted in the sling.

(5) 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 Port Authority as wharfinger) 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.

Handling services at option of Port Authority.

148. The providing of labour for the performance of handling services shall at all times be at the option of the Port Authority.

149. 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 vessel across the wharf, the 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.

Cargo handled by master of vessel.

150. (1) 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 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.

Cargo landed into or shipped from railway wagons, etc.

(2) The Port Authority reserves 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, but where the cargo is for any reason handled into a shed or on to a wharf, the handling charges properly applying to that method shall be paid.

(3) A condition precedent to the handling of cargo direct from ship's slings to railway wagons is the surrender to the Port Authority of the ship's release and the payment of the Port Authority charges.

151. 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 Port Authority owing to the Port Authority having given receipts to the ship for it, the consignee of that cargo must give receipts to the Port Authority for the cargo before the wagon or wagons containing the cargo is or are permitted to be removed and the Port Authority shall not be held responsible for the safe custody of the cargo after the wagon or wagons have been loaded ready for removal.

Receipts for cargo in railway wagons.

152. 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, and the onus of requisitioning the Railway Department for supply of wagons shall rest with the consignee or shipper respectively.

Haulage of railway wagons.

153. (1) The receipts of the Port Authority to a vessel for cargo landed (in cases where under these regulations cargo passes into the custody of the Port Authority as wharfinger) 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.

Receipts etc., for inwards cargo.

(2) The Port Authority is not responsible for the safe custody or the condition of a package or packages or of its or their contents unless a Port Authority 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 and in the event of the vessel, or its agent, refusing to accept this condition for 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.

(3) Satisfactory receipts must be given to the Port Authority for packages of goods which are in the custody of the Port Authority before they are opened for Customs examination and the Port Authority will not be held responsible for the safe custody of the

contents of packages of goods so opened or repacked where satisfactory receipts as aforesaid are refused, the Manager shall at once remove the whole consignment of which the package or packages are a portion, to the Queen's warehouse.

General
responsibility
of Port
Authority.

154. (1) Goods, for which receipts have not been given by the Port Authority, will not be deemed for any purpose to be in the custody of the Port Authority as wharfinger, and the Port Authority will not be responsible for their safe custody, or for any loss or damage that may accrue to them in any manner whatsoever.

(2) The Port Authority will not be responsible for the weight, size, character or condition of the contents of packages and generally the Port Authority will not 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 Port Authority may rely upon, and the owners of the goods shall be bound by all statements, exceptions, and conditions endorsed upon the ship's documents as aforesaid.

Delay in
delivery of
goods.

155. The Port Authority will not be responsible for any claim arising from delay in the delivery of goods from any cause whatever.

Wrong
delivery.

156. The Port Authority 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.

Authority to
move goods.

157. A person shall not 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

Goods
handled in
wet weather.

158. Where goods are landed, shipped or handled during wet weather the Port Authority will not be liable for any damage to those goods caused by being so landed, shipped or handled in wet weather.

Goods
requiring
special
treatment.

159. The Port Authority 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.

Respon-
sibility in
case of fire,
etc.

160. The Port Authority shall not be liable for loss or damage to goods in its custody, by fire, water used in extinguishing fire, or vermin, nor for loss or damage to goods in an unprotected state which may be stacked on the wharves and notwithstanding any action of the Port Authority in endeavouring to temporarily cover or protect the goods the Port Authority shall in no way be liable for such loss or damage.

Notice of
intention to
discharge or
load.

161. (1) The master of a vessel shall give notice to the manager of his intention to discharge or load before that work is commenced and notice with respect to labour or the hire of mechanical appliances must be handed to the Manager not later than 1 p.m. on the preceding day.

(2) Goods, live stock, or other material of any sort whatsoever shall not 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.

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

162. Notwithstanding the nature of the receipt given by the Manager for any goods passing into the custody of the Port Authority, the Port Authority 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.
- Contents of packages to be discernible.
163. (1) 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 Port Authority in additional risk in handling, an additional charge for labour shall be imposed on such goods, and the Port Authority shall in no case be liable for damage to goods caused by or contributed to by insufficient packing or protection.
- Goods insufficiently packed.
- (2) The additional charge referred to in subregulation (1) of this regulation shall be determined in each case by the Manager.
164. 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 Port Authority an extra charge per tonne on the goods so actually sorted or handled to cover any extra labour involved in such sorting or handling and the charge shall be determined by the Manager in each instance.
- Charge for extra handling.
Amended by G.G. 28/6/73, p. 2479.
165. (1) 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 a shed, a charge shall be made to the vessel or owner of the goods to cover the cost of additional labour involved.
- Charge for additional movement of goods.
- (2) Where any goods have to be conveyed to a vessel, shed or berth beyond where such goods have been deposited or stored and the work of conveying those goods is done by the Port Authority, the cost of so conveying the goods shall be paid by the owner of the vessel or goods as the case may be for whom the work was done and the amount of the charge shall in each case be determined by the Manager.
166. 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.
- Discharge or loading to be continuous.
167. 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 tonne or over unless that package or article shall have the exact weight marked on it in legible characters not less than twenty five millimetres in size; but where it is not practicable to weigh any package or article the weight of which is more than one tonne the gross weight of that package or article may be stated approximately within a limit of one tonne, that is to say "over one but under two tonnes" or as the case may be.
- Weight of package to be marked thereon.
Amended by G.G. 28/6/73, p. 2480.
168. Ballast, stone, coal, coke, timber, sand, or other goods or other materials in bulk shall not be deposited on any wharf or jetty without the special permission of the Manager.
- Materials in bulk not to be deposited on wharf.
169. The ordinary working hours of the Port shall be the hours from 7.30 a.m. to 12 noon and from 12.30 p.m. to 3.30 p.m. Mondays to Fridays, except upon such days as may be appointed holidays under regulation 303 of these regulations, but where vehicles are in the vicinity and ready to load or unload cargo from or to the wharf or transit sheds prior to 3.30 p.m. the ordinary working hours may, at the discretion of the Manager, be extended to 4.30 p.m. without penalty to the cargo owners.
- Working hours.

- Vessels being worked overtime. 170. (1) The master of a vessel requiring that vessel to be worked during hours other than ordinary working hours as defined in the preceding regulation, shall give the manager at least five hours notice thereof, unless that work requires the engagement of fresh labour by the Port Authority, when notice must be given in accordance with regulation 161 of these regulations.
- (2) The cost over and above the ordinary cost of day work of all labour and supervision etc., employed by the Port Authority during any hours other than ordinary working hours as defined in regulation 169 of these regulations, and the extra cost of lighting any shed or berth to enable a vessel to work during other than daylight hours, shall be paid for by the master or owners of the vessel or the agent therefor.
- Loss caused by undue delay to be paid. 171. The loss in wages paid by the Port Authority, due to delays during the course of working any vessel not the fault of the Port Authority, shall be paid to the Port Authority by the master or owner of such vessel.
- Heavy goods not to be tipped on wharves. 172. Girders, rails, plates, pig-iron, timber, stone, machinery or heavy merchandise, or commodity of any kind shall not be tipped or thrown out of any railway wagon or vehicle, or from any vessel, on to any wharf or jetty.
- Slinging of goods. 173. The master of a vessel shall be responsible for the proper slinging of all goods discharged on to any wharf from that vessel, and for any damage that may occur either from the breakage of slings or from the goods being imperfectly slung.
- Sorting or packing on wharves. 174. A person shall not sort any timber, or pack or re-pack or repair any goods, or screen any bulk goods, on any wharf or in any store without permission from the Manager, except as is provided for in the Statutes relating to Customs.
- Goods falling overboard. 175. 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 that cargo or other material; and all expenses of the recovery and landing shall be a debt due to the Port Authority 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 the goods drop or fall overboard.
- Limitation of value of goods lost or destroyed. 176. Subject to regulation 177 of these regulations all claims against the Port Authority for goods lost, damaged or destroyed shall be restricted to the cash value of the same at Fremantle, provided that 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.
- Limitation of the amount of liability. 177. The Port Authority shall not be liable for gold, silver, bullion, specie, precious stones, precious metals, bank notes, bonds or securities for money, painting, sculpturing or other works of art beyond the sum of \$30 nor beyond the sum of \$300 for each package or parcel of any other kind of property, no matter what may be the nature or value of the contents thereof.
- Limitation of liability to declared value. 178. Without affecting, restricting, or limiting any other of these regulations, the Port Authority's liability for each package of goods coming into its custody shall be limited to the amount of any declaration of value made by a consignor or consignee of such goods, and the Port Authority may rely upon and the owner of the goods shall be bound by all statement, exceptions, and conditions endorsed on ship's receipts, bills of lading, and ship's manifest as the value of the goods.
- Passengers' luggage. 179. 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 Port Authority.

180. A person shall not take delivery from the Port Authority, or retain possession after delivery, of any packages or goods of any description, not his own property.

Persons receiving or retaining goods not their own property. Claims in respect of cargo.

181. A claim will not be entertained by the Port Authority—
- (a) in respect of goods landed or alleged to be landed, unless it has been received by the Secretary in writing within four days of the vessel leaving the Port;
 - (b) 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; and
 - (c) unless it is tendered on a form recognized by the Port Authority, which form will be supplied on application.

SECTION III. Storage of Cargo.

182. The Port Authority shall not be bound to find storage room for any goods, either in any shed or on any wharf and 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 Port Authority to be stored in a shed, the Port Authority 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 Port Authority's premises.

Port Authority not bound to find storage room.

183. (1) 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 two working days after having been so placed or become liable to storage charges, but transshipment cargo, or cargo landed from a vessel, and subsequently reshipped, shall be allowed a free storage period of four working days.

Period of free storage.

(2) 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 working days in all.

(3) 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 working days in all.

(4) After the expiration of any free storage time, goods shall be chargeable with storage at the general rate of storage.

184. 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 one week of having been so placed, 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 Port Authority or other convenient place, and to keep the same until payment to the Port Authority of the expense of such removal and of keeping of the goods, and of all other charges due to the Port Authority thereupon; and, in default of payment, on behalf of the Port Authority to sell the same in the manner and at the time and in accordance with the powers provided by Section 29 of the Act.

Goods may be removed or sold.

185. Where any goods are not removed from any wharf, jetty or sheds within the time specified in these regulations, there shall subject to these regulations be payable to the Port Authority as and by way of storage rent, in respect of such goods, charges at the following rates:—

Storage rates. Amended by G.G. 28/6/73, p. 2480; G.G. 27/7/73, p. 2825.

- (a) Transit Cargo (all cargo other than transshipment cargo and cargo landed and reshipped)—30 cents per tonne or part thereof per day;

- (b) Transhipment Cargo or cargo landed and reshipped—30 cents per tonne or part thereof per week for a maximum period of two weeks, when the rates prescribed in paragraph (a) of this regulation shall become payable except where such goods are actually reshipped during the third week of storage in which case the rate of 30 cents per tonne shall continue to apply for the third week, but nothing herein contained shall prevent the manager from removing or ordering the removal as provided for in these regulations, of any goods at any time after the time hereinbefore appointed for their removal.

Manager may grant extension of period for removal.

186. Notwithstanding anything contained in this section of these regulations, the Manager may—

- (a) 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;
- (b) where such non-removal is conducive to the free flow of other goods;
- (c) where excessive overtime is worked by vessels, including Sundays and public holidays, to the detriment of the ordinary delivery of cargo; or
- (d) 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.

Goods may be examined.

187. 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 is allowed by these regulations, it shall be lawful for the Manager to open and examine them, before the goods are dealt with under the provisions of Section 29 of the Act, or otherwise according to law.

Special charge after notice to clear goods. Amended by G.G. 28/6/73, p. 2480.

188. 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, those goods shall be immediately removed; and if the goods remain 24 hours after that notification, they shall be chargeable at the rate of 50 cents per tonne or part thereof per day or part of a day.

SECTION IV.

Inflammable Liquids and Oil.

Port Authority may grant exemption from this section.

189. The regulations in this section apply to inflammable liquids and oils, but notwithstanding anything contained herein the Port Authority, in any case in which, in its opinion, the public safety will not be prejudiced, may, by notice in writing under its hand, grant exemption to any person from compliance with any of the requirements of this section of these regulations, and such exemption may be for such term, to such extent, and subject to such restrictions, limitations, and conditions, as the Port Authority thinks 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.

Interpretations. Amended by G.G. 21/6/74, p. 2084.

190. In this section of these regulations unless the context requires otherwise—

“approved electric lamp” means an electric lamp approved by the Minister of the Department of Shipping and Transport, Commonwealth of Australia, the British Board of Trade, or the American Bureau of Standards.

- “approved safety lamp” means a safety lamp approved by the Minister of the Department of Shipping and Transport, 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, 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” means a member of the Royal Institute of Chemistry or of the Royal Australian Chemical Institute, with special knowledge of inflammable liquids and oils, or any other competent person approved by the Port Authority.
- “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” with respect to oil and inflammable liquids means such as are conveyed in quantities, exceeding 400 litres in any one container, and are intended to be transferred by pipe line or hose.
- “inflammable liquid” means and includes any liquid or oil having a flashpoint not higher than sixty-one degrees Celsius (61° C), and also any substance which the Governor, by proclamation in the *Government Gazette*, declares to be inflammable liquid.
- “inflammable liquid ‘Class A’ ” means any inflammable liquid which has a flashpoint of less than twenty-three degrees Celsius (23° C).
- “inflammable liquid ‘Class B’ ” means any inflammable liquid which has a flashpoint of not less than twenty-three degrees Celsius (23° C).
- “oil” means oil of any description having a flashpoint exceeding sixty-one degrees Celsius (61° C).
- “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 for the conveyance of oils or inflammable liquids.
- “wire gauze” means a gauze made of copper, brass, stainless steel or monel metal wire of not less than 0.36 millimetre diameter and having not less than eleven meshes to the lineal centimetre.

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

- (a) **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.

General requirements for all vessels.

Amended by G.G. 21/6/74, p.p 2084-5.

- (b) **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.
- (c) **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.
- (d) **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.
- (e) **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.
- (f) **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 fifteen metres of any wharf is prohibited, except in such place and in such manner as may be approved of by the Harbour Master.
- (g) **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.
- (h) **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 thirty metres 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.
- (i) **Precautions against Injurious Fumes and Explosion in Tanks on Vessels:—**
- (i) 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.
 - (ii) If the cargo last contained in the tank was inflammable liquid "Class 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.

- (iii) 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.
- (iv) 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.
- (v) 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 "Class 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.
- (vi) Such further precautions shall be taken as may be required by the Harbour Master.
- (j) **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—
 - (1) no lamps other than approved electric lamps or approved safety lamps shall be used;
 - (ii) 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.

Vessels with oil in bulk. 192. The following provisions shall be observed in respect to any vessel conveying, loading or unloading oil in bulk:—

- (a) **Previous Regulations to be Complied with.**—The provisions of regulation 191 of these regulations (General Requirements for all vessels) shall be complied with.
- (b) **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.

Vessels with inflammable liquid. Amended by G.G. 21/6/74, p. 2085. 193. The following provisions shall be observed in respect to any vessel upon which inflammable liquid in quantity exceeding two thousand litres (2 000 litres) is conveyed, loaded or unloaded:—

(1) **GENERAL PROVISIONS:**

- (a) **Previous Regulations to be Complied with.**—The provisions of regulation 191 (General Requirements for all vessels) and of regulation 192 (Vessels with Oil in Bulk) of these regulations shall be complied with.
- (b) **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.
- (c) **Red Flag and Red Light.**—While within the port there shall be displayed on the vessel, by day, a red flag not less than 900 millimetres square, and by night, a red light of approved design at the mast-head or other conspicuous place, but not less than six metres above the deck, so that the flag or light is clear of all obstructions and clearly visible in all directions, provided that, if the vessel is a barge which cannot normally comply with this provision, the master or owner of the barge shall display by day in a conspicuous position above the deck a red flag of metal, not less than 450 millimetres square, and by night an all round red light of approved design.
- (d) **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.
- (e) **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.
- (f) **Smoking Prohibited.**—No person shall smoke in or on the vessel during the loading or unloading of inflammable liquid.
- (g) **Locomotives not Permitted within Fifteen Metres.**—No locomotive on which steam is generated by combustion in open fires shall enter or be permitted to enter on railway tracks within fifteen metres of any vessel carrying inflammable liquid.
- (h) **Steel Hawasers 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 fore and aft ends of such vessel, and such hawasers shall so remain during the whole of the time the vessel remains alongside the wharf.

- (i) **Prompt Discharge.**—Except with the permission of the Harbour Master no vessel shall be berthed alongside any wharf unless that vessel is ready to discharge and to continue to discharge and arrangements have been made by the consignee to immediately receive the inflammable liquid.
- (j) **Officer to be in Charge.**—A responsible officer of the vessel shall be on duty day and night to give effect to these regulations.
- (k) **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.
- (l) **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 the inflammable liquid to be loaded or unloaded on or from such vessel and the conditions of such permission are duly observed.
- (m) **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.
- (n) **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, and except with the written approval of the Harbour Master, chipping, scraping or hammering of iron or steel on a 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.
- (o) **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.
- (p) **Tanks.**—A tank used for conveyance of inflammable liquid on a vessel shall, as far as practicable and applicable, comply with the following:—
 - (i) The tank shall be solidly constructed and shall not exceed a capacity approved by the Harbour Master.
 - (ii) The tank shall be firmly attached to strongly constructed supports.
 - (iii) The tank shall be efficiently screened from any engine on the vessel by a fire-resisting shield placed at least 150 millimetres from the tank and carried up above the tank and down below it, and 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.

- (iv) All vent pipes and vacuum relief valves shall be effectively protected by wire gauze as defined.
- (v) Effective earthing shall be provided to prevent accumulation of static electricity.
- (vi) The bottom end of each fill pipe shall be carried down to near the bottom of the tank to form a liquid seal.
- (vii) 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.
- (viii) 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 3.5 metres above deck and made weatherproof.
- (ix) 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.

(q) Watchmen:

- (i) The Port Authority 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.
- (ii) 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.
- (iii) The Master shall pay, or arrange to pay, to the Port Authority the full cost of such watching before such vessel leaves the Port.
- (iv) The provisions of this clause shall in no way lessen the responsibilities of the Master, Owner or Agents, as provided for in paragraph (a) of regulation 191 of these regulations.

(2) SPECIAL PROVISIONS WITH RESPECT TO VESSELS WITH INFLAMMABLE LIQUID OTHERWISE THAN IN BULK.—

- (a) **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.
- (b) **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.

- (c) **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.
 - (d) **Stowage.**—All inflammable liquid loaded on the vessel shall be properly and securely stowed to the satisfaction of the Harbour Master.
 - (e) **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 the deck, and inlet ventilators extending to the bottom of the holds from above the upper deck shall be fixed and all outer and inlet ventilators shall be covered with wire gauze as defined.
 - (f) **Battening Down Holds.**—Holds after inflammable liquid has been stowed in them shall be securely battened down.
 - (g) **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 "Class A" shall be marked "Highly Inflammable."
 - (h) **Hatch Coverings.**—Sufficient hatch coverings, and other coverings as may be required by the Harbour Master shall be provided.
 - (i) **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.
 - (j) **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:—
 - (i) Every hold containing inflammable liquid shall be securely battened down.
 - (ii) 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.
 - (k) **Stowing Inflammable Liquid in Wooden Vessels.**—Stowing inflammable liquid below deck in a wooden vessel is prohibited but a limited quantity may be carried as deck cargo on the weather deck of such 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.
- (3) **SPECIAL PROVISIONS WITH RESPECT TO TANK SHIPS.**—
- (a) 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.

(b) **Access to Tank Ships:**

- (1) 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.
 - (ii) 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 thirty metres 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 two metres above water level.
- (c) **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.
- (d) **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.
- (e) **Fires and Lights on Tank Ships:**
- (i) 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 thirty metres of any place at which inflammable liquid is being loaded or unloaded.

- (ii) 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.
 - (iii) 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.
 - (iv) 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.
- (f) **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.
- (g) **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.
- (h) **Loading or Unloading in Bulk.**—The following precautions in the loading or unloading of inflammable liquid in bulk shall be taken:—
- (i) Hoses, constructed to be resistant to inflammable liquid and maintained in good order, shall be used for connecting from ship to shore installation.

- (ii) 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.
- (iii) 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.
- (iv) 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 Harbour Master.
- (v) All openings in the tanks shall be closed gastight immediately on suspension or completion of loading or unloading.
- (vi) 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.
- (vii) Pipelines and hoses shall not be coupled or uncoupled or otherwise interfered with until—
 - (I) permission so to do has been given by the Port Authority;
 - (II) a representative of the Port Authority is present;
 - (III) a satisfactory electrical connection has been made between the tank ship and the shore pipelines by means of a suitable continuous bonding cable, 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 (iii) of paragraph (h).

All coupling and uncoupling or other work on hoses, pipes and fittings shall be carried out under approved supervision as required by the Port Authority representative.
- (viii) 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.

- (ix) 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.
- (i) **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—
- (i) unless circumstances render it unavoidable pipelines and hoses shall not be coupled, uncoupled or otherwise interfered with except in daylight;
 - (ii) sufficient electric floodlighting of approved type shall be provided to give ample light for all operations.
- (j) **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 191 (i) and (j) shall have been taken.
- (k) **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.
- (l) **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.

194. 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 Port Authority 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

Inflammable liquid on wharves or in sheds.

Amended by G.G. 21/6/74, p. 2085.

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) Inflammable liquid shall not 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 vehicles 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 Port Authority to full daylight hours.
- (e) Inflammable liquid shall not 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) Inflammable liquid shall not be handled or deposited upon any wharf or other part of the premises of the Port Authority until notice boards 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 Port Authority, no person shall have in his possession or under his control any fire or means of ignition or light, other than any approved safety lamp, within fifteen metres of such inflammable liquid.
- (h) The Port Authority 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 Port Authority, 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) in the case of a vessel loading any quantity of inflammable liquid unless the quantity does not exceed 2000 litres, and is immediately placed aboard the vessel;
 - (iii) where any quantity of inflammable liquid in excess of 200 litres is permitted by the Manager to accumulate on any wharf for shipment;
 and 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.

Interpreta-
tion.
Amended by
G.G. 21/6/74,
p. 2085.

195. In this section of these regulations unless the context requires otherwise—

“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 ninety metres from the Refinery jetty in all directions.

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

Class “A”.—Oil having a closed flash point below 23° Celsius, and includes motor spirit, aviation spirit, benzine, benzol, low flash distillate and crude oils having a closed flash point below 23° Celsius.

Class "B".—Oil having a closed flash point of 23° Celsius, and above, but below 61° Celsius, and includes kerosene, burning oil, white spirit and crude oils having a closed flash point of 23° Celsius, and above, but below 61° Celsius.

Class "C".—Oil having a closed flash point of 61° Celsius, and over, and includes gas oil, diesel oil, furnace oil and lubricating oil.

196. 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:—

General requirements for all vessels.

Amended by G.G. 21/6/74, p. 2085.

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 Class "A" or of Class "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 Burgee flag (International Code Flag B), to be flown at a masthead or yardarm;

(ii) by night, a red light at the masthead or where it can best be seen but not less than six metres above the deck and of such a character as to be visible all round 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 a Red Burgee flag, (International Code Flag B), to be flown from the triatic stay amidships;

- (ii) by night, a red light at the masthead or where it can best be seen but not less than six metres above the deck and of such a character as to be visible all round the horizon for a distance of at least two miles.
- (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 sealed with the Port Authority Seal 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 over-side 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 Class "A" and of Class "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 other flame proof device 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.
- (c) When the vessel returns from the outer anchorage after having gas-freed the Master will be responsible for the tank lids and sighting ports being properly closed unless a gas-free certificate can be produced.
- (11) Whilst any oil classified as of Class "A" or of Class "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 changeover 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 Class "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 Class "A" or of Class "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 Class "A" or of Class "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 Class "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 Class "A" or of Class "B" shall equally apply to a vessel loading oil classified as of Class "C" if any tank of the vessel has previously contained oil classified as of Class "A" or of Class "B" and has not been rendered gas-free.

(19) (a) Craft other than tugs assisting in an emergency shall not proceed to within thirty metres of the vessel while engaging in transference of oil classified as of Class "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 steelwork 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 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 while the vessel is in the restricted area steel wire hawsers sufficiently strong to tow the vessel away shall be placed fore and aft of the vessel and the hawsers shall so remain while the vessel is alongside the berth and shall be tended and adjusted to meet changes in the draft of the vessel. Each hawser shall have an eye in the outboard end and be of sufficient length to allow fifty-five metres of it to lay on the deck after the inboard end has been made fast.

(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 Class "A" or of Class "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) Unless written permission to use an approved type of electric stove is given by the Harbour Master or unless their use is otherwise authorised under this paragraph, all galley fires and electric stoves shall be extinguished and be kept extinguished throughout the following, namely:—

- (a) During the loading of oil classified as of Class "A" or of Class "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 Class "A" or of Class "B" through the stern discharge line, from the time connection with the shore hoses is commenced until such times 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 Class "A" or of Class "B".
- (d) During the loading or unloading of packed oil cargo (Class "A" or Class "B") unless the galley is situated at a distance of more than ninety metres 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) Except where the Authority's Jetty Superintendent, the Refinery Fire and Safety Officer or some other responsible officer otherwise directs, smoking may be permitted in any of the following circumstances, namely:—

- (a) During the transference of oil classified as of Class "C" if the vessel is gas-free—in any living or recreational accommodation in the vessel.
- (b) During the loading, unloading or transference of oils or packed oils, classified as of Class "A" or "B", or while draining ballasting or gas freeing the vessel—in accommodation in the vessel selected in accordance with, and complying with, the provisions of paragraph (33) of this regulation.

(33) For the purposes of paragraph (32) of this regulation, accommodation shall be such as is selected by the Master of the vessel, is approved by both the Authority's Jetty Superintendent and the Refinery Fire and Safety Officer and complies with the following requirements, namely:—

- (a) The accommodation shall be part of the after accommodation of the vessel and consist of two rooms, only, without doorways or ports facing forward or opening on to an open deck.
- (b) All ports, scuttles and other such openings to the vessel's side shall be effectively sealed to the satisfaction of the Authority's Jetty Superintendent.
- (c) Containers of sand suitable for use as ash trays shall be provided in the accommodation.

(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 Class "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 any materials which may cause a spark when coming in contact with concrete or other metal shall not be lifted or lowered from the ship in any manner.

(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 Class "B" or of Class "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) Slinging 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 Class "A" or of Class "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 Class "A" or of Class "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 warning:—

"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 of oil.

(44) The Master of a vessel is responsible for ensuring that any passenger of, or visitor to, the vessel complies with the provisions of this regulation relating to smoking and the possession and use of matches and lighters on the vessel.

(45) In the event of a major spillage of an "A" or "B" class white oil cargo a series of six blasts on the vessel's whistle or siren shall be given and all work at the Refinery jetties shall cease until an "all clear" signal of one prolonged blast is given.

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

Prohibited area.
Amended by G.G. 21/6/74, p. 2085.

Bounded by a line as shown on Chart Aus. 117 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 1 650 metres to a point at high water mark on the southern boundary fence of the said land.

SECTION VI.**Dangerous Materials, Explosives, Etc.**

198. (1) Subject to these regulations—

- (a) the master of any vessel shall not discharge, nor shall any person bring onto any wharf, any noxious or dangerous goods without the permission of the Manager in writing;
- (b) 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 the Port Authority;
- (c) all goods of a dangerous, noxious or inflammable character shall be removed from the wharves with all possible despatch after having been placed thereon; and
- (d) the Port Authority shall not be responsible for any loss or damage which may accrue to such goods whilst on its premises and the Master of the vessel from which any such goods have been discharged, or the owner, agent or consignee of such goods shall be held responsible for damage or loss arising directly or indirectly therefrom.

Noxious or dangerous goods.

199. 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 that vessel of the following kind (that is to say):—

Exemptions.

- (a) Explosives belonging to the first division of the sixth (ammunition) class.
- (b) The following explosives of the third 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.

Power of Inspector.

200. 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.

Where vessels are to anchor.
Amended by G.G. 21/6/74, p. 2085.

201. 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, and the explosives shall be discharged into or loaded out of licensed powder lighters, and no such lighter having on board more than 4500 kilograms of explosives shall be brought within two miles of the coastline north of the conspicuous chimney (thirty-six metres) of the West Australian Meat Export Works while proceeding to or from the Woodman Point Explosives Jetty.

Signals to be exhibited.
Amended by G.G. 21/6/74, p. 2085.

202. (1) The master or person in charge of every vessel having explosives on board shall keep conspicuously exhibited at the foremast-head, from sunrise to sunset, the Red burgee flag, 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.

(2) 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 180 metres, unless duly authorised by the Harbour Master.

Shipping of explosives.

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

Lighters to be licensed.

204. 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 explosives on passenger vessels.

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

Conveyance of mixed classes.

206. 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.

207. If the explosive is not effectively protected from accident by fire from without by being conveyed in the hold of a vessel or licensed powder lighter having a closed deck securely closed, then the explosive shall be completely covered with a painted cloth, tarpaulin, or other suitable material so as to effectively protect it against communication of fire. Explosive to be protected from fire.
208. There shall not be any iron or steel in the interior of the portion of the vessel or licensed powder lighter where explosive is deposited, unless it is covered, either permanently or temporarily, with leather, wool, cloth, or lead, or other suitable material. Iron and steel to be covered.
209. In any licensed powder lighter containing explosives no matches other than safety matches shall be carried and such safety matches shall be kept in a safe place apart from the explosive, and shall be prescribed in the license. Matches.
210. 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 the explosive from being brought into contact with, or endangered by any other article or substance conveyed in the boat which is liable to cause fire or explosion. Stowing of explosives.
211. A person whilst on, in, or attending any licensed powder lighter containing any explosive shall not smoke, except in a place (if any) prescribed in the license. No smoking.
212. A person in charge of any vessel, or licensed powder lighter containing explosives shall not conduct it in a dangerous or reckless manner; and a person who is intoxicated shall not be permitted to be or continue in charge of any vessel or licensed powder lighter, nor shall any such intoxicated person be permitted to be in, on, or attending the same. Conduct of persons.
213. While the loading, unloading, or conveyance of explosives is being carried out, all persons engaged thereon shall observe due precautions for the prevention of accidents by fire or explosion and shall prevent unauthorised persons having access to the explosive and shall abstain from any act which tends to cause fire or explosions and is not reasonably necessary for the purpose of the loading, unloading, or conveyance of that explosive. Prevention of accidents.
214. 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. Loading or unloading to be expedited.
215. 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. Place of loading or unloading.
216. Explosives shall not be conveyed in a vessel which is carrying any inflammable liquid or oil, or other goods liable to cause fire or explosion. Not to be conveyed with other merchandise.
217. A person in charge of any vessel conveying explosive shall not delay for a longer time than may be necessary, or stop unnecessarily at any place where stopping would cause public danger. Delays to be avoided.
218. Where a vessel or licensed powder lighter is conveying explosives, due provision shall be made by the master and owner for preventing the introduction into that vessel of any inflammable liquid or oil or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel, or grit in such a manner as to come in contact with the explosive, and if the explosive carried in any vessel or licensed powder lighter is liable to be dangerously

Fires, lights, water, etc.

affected by water, due precautions shall be taken to exclude water from coming into contact with it, but nothing in this regulation shall be construed to prevent the introduction of an artificial light or safety matches of such character as not to cause any danger of fire or explosion.

Regulations to be exhibited. Amended by G.G. 21/6/74, p. 2085.

219. The owner of every vessel or licensed powder lighter on, from, or in which explosive exceeding fifty kilograms 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 in some place where they can be conveniently read, 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.

Lighters to have person in charge. Amended by G.G. 21/6/74, p. 2085.

220. (1) Each licensed powder lighter conveying explosives shall be in the exclusive charge of, and constantly attended by, some competent person; and that person shall not have charge of more than one lighter.

(2) Where more than 2 250 kilograms of explosives are on, or are being conveyed in, a licensed powder lighter there shall be two persons continuously on board.

Quantity to be conveyed.

221. The quantity of explosives conveyed in any one licensed powder lighter shall not exceed the quantity allowed by the license, except under special conditions when authorised by the Inspector.

Space between lighters. Amended by G.G. 21/6/74, p. 2085.

222. When two or more vessels or licensed powder lighters are conveying explosives, or are travelling together, a space of at least forty-five metres shall be kept between them unless circumstances render it impracticable.

General precautions. Amended by G.G. 21/6/74, p. 2085.

223. Where a vessel is 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 on that vessel and on every vessel alongside of or attached to it shall be completely extinguished and no smoking shall be allowed on board any of those vessels.
- (c) Men working in the magazine of the vessel or boat must not have any matches, fuses, 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) Subject to this paragraph, all explosives shall be passed by hand from man to man or rolled, and on no account shall any explosives be pitched, thrown or slid, but 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 net, and the Inspector shall also determine prior to the commencement of or at any time during the course of discharge whether the weather conditions will permit of explosives being discharged or being continued to be discharged by means of rope nets 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 whatever, unless approved by the Inspector, on board a vessel after that vessel has on board more than 500 kilograms of any explosives other than ammunition whilst the vessel is within the limits of the Port of Fremantle.

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

Explosives to be marked.

225. Explosives shall not be landed within the limits of the Port of Fremantle unless previously inspected by the Inspector, or with the prior permission of that officer.

Explosives to be inspected.

226. Explosives in course of transit by a licensed powder lighter may, by permission in writing from the Port Authority, be stored upon that licensed powder lighter for such time as is specified in the permission, but unless such permission has been given all explosives shall be removed as soon as possible from the licensed powder lighter to some duly licensed magazine or other place where it may be legally kept.

Explosives stored in lighters.

227. 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 special permission in writing has previously been obtained from the Inspector to enable the discharging or loading to continue until sunset.

Time of loading or unloading.

228. (1) With the exception of craft duly authorised by the Port Authority, vessels or boats of any description shall not enter a prohibited explosives area of water in the Fremantle Outer Harbour bounded by the following lines:—

Prohibited explosives area.

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.

(2) Any person committing a breach of this regulation shall be liable to a penalty not exceeding \$200 (two hundred dollars) in respect of each breach.

PART V.

Hire of Cranes and Scale of Charges.

229. (1) All applications for the hire of wharf cranes shall be made at the office of the Port Authority 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 Port Authority shall not be bound to supply any crane at any time to any applicant.

Applications.

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

(3) 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.

Calculation
of crane hire.

230. (1) Crane hire shall be payable from the time at which the crane is ordered to be ready for work until notification by the hirer that it is no longer required.

(2) The minimum charge for continuous work in respect of each application shall be as for two hours' hire at the relevant hire rate of charges.

(3) The Port Authority may in its discretion according to the circumstances of each particular case, waive hire charges for cranes and apply relevant standing-by charges as prescribed in regulation 237 of these regulations.

No liability
for loss.

231. The Port Authority is not responsible for any loss or expense incurred by applicants for cranes, owing to the cranes not being available for hire at the time appointed.

Expenses to
be paid.

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

Responsi-
bility of
hirers.

233. (1) 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.

(2) Hirers shall be responsible for and indemnify the Port Authority against any loss or damage whatsoever that may arise or be caused to or suffered by the Port Authority 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.

General
responsi-
bility.

234. (1) The Port Authority 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.

(2) The Port Authority 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 Port Authority 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.

Tampering
with cranes.

235. A person shall not tamper with any crane or any of the electric mains or connections or other portions of the electrical equipment, or climb about any crane.

Special lifts.
Amended by
G.G. 23/6/73,
p. 2480.

236. All lifts of over three tonnes must be specially arranged for and shall be charged for as special lifts.

237. (1) The rates for the hire of wharf cranes shall be as follows:—

Scale of Charges.
Substituted by G.G. 30/5/75, p. 1624-5.
Amended by G.G. 19/12/75, p. 4595-6; G.G. 29/7/77, p. 2483.

- (a) Continuous work in loading or unloading ships, or in handling goods on wharves, or handling goods into or out of vehicles, to include in each case all lifts up to computed three tonnes, per hour or part thereof—(minimum 2 hours):—

	Hire Rate \$	Standing-by Rate \$
Ordinary Time	23.00	12.00
Overtime:—		
Time and Half	26.50	15.50
Double Time	30.00	19.00
Double Time and Half	33.50	22.50

- (b) Continuous work in loading or unloading ships with loose bulk cargoes with 7.5 tonne capacity cranes using large grabs, or loading or unloading general cargo and working to full load capacity per hour or part thereof—(minimum 2 hours):—

	Hire Rate \$	Standing-by Rate \$
Ordinary Time	28.00	12.00
Overtime:—		
Time and Half	31.50	15.50
Double Time	35.00	19.00
Double Time and Half	38.50	22.50

- (c) Casual or special lifts, a fraction of a tonne to be computed as one tonne:—

- (i) Over 0.50 tonne and not exceeding 3.00 tonnes, \$1.20 per tonne;
- (ii) Over 3.00 tonnes and not exceeding 5.00 tonnes, \$1.70 per tonne;
- (iii) Over 5.00 tonnes and not exceeding 10.00 tonnes, \$2.20 per tonne;
- (iv) Over 10.00 tonnes and not exceeding 20.00 tonnes, \$2.80 per tonne;
- (v) Over 20.00 tonnes, \$3.00 per tonne.

(2) The appropriate hire rates for cranes shall correspond with the rate of pay which the operator of the crane receives during those hours.

(3) For all casual or special lifts taken in hours during which the operator is paid at other than ordinary time rates, the additional costs of overtime rates of pay of the operator shall be paid by the hirer in addition to the charges for casual or special lifts prescribed in this regulation.

(4) Where a package handled is subject to the payment of handling charges as prescribed in regulations 138 or 139 or 140 of these regulations and the weight of the package—

- (a) is 5 tonnes or less then such package shall be exempt from the provisions of paragraph (c) of subregulation (1) of this regulation; or
- (b) exceeds 5 tonnes, a rebate of \$8.50 of the charge prescribed by paragraph (c) of subregulation (1) of this regulation shall be granted.

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

Hire of 80-ton floating crane.
Amended by G.G. 28/6/73, p. 2480.

PART VI.—LICENSES AND PERMITS.**Section I.****Baggage Porters.**

- Porter's licenses required. 239. (1) A person shall not ply or tout for hire as a porter at or on any wharf or upon any vessel within the port unless duly licensed by the Port Authority for that purpose, the issuing of such license to be in the entire discretion of the Port Authority, and every porter shall, when so plying for hire, wear a badge of the pattern approved by the Port Authority, specifying his number, in a prominent position.
- (2) A licensed porter shall not transfer or lend his license or badge to any other person.
- Applications. 240. Applications for porters' licenses shall be addressed to the Secretary and be accompanied by two written testimonials.
- License to be annual. 241. Porters' 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.
- License fees. 242. The annual fee payable for a porter's license shall be fifty cents and an additional sum of two dollars shall be lodged as a deposit for the return of the badge.
- Conduct of porters. 243. Except with the consent of the master or agents of a vessel a porter shall not board any vessel to tout or ply for hire until called on by a person requiring the services of a porter.
- Engagements not to be transferred. 244. A porter engaged to carry luggage shall not transfer that engagement to any other person.
- Licenses to be produced. 245. (1) Every licensed porter, when required to do so by any police officer on duty or an officer of the Port Authority or by any person wishing to hire or who may have hired him, shall produce his license for inspection.
- (2) The Port Authority may suspend the license and withdraw the badge of a porter, where that porter refuses to produce his license or wear his badge as required by these regulations.

Section II.**Carriers and Drivers.**

- Carriers and Driver's permits. 246. (1) Unless authorised by the Port Authority, a person shall not enter upon the premises of the Port Authority with a vehicle to ply for hire for the carriage of passengers or passengers' luggage, or the carriage of goods, unless he is the holder of a carrier's or driver's permit and numbered badge issued for the purpose by the Port Authority.
- (2) Applications for such permits and badges shall be made to the Secretary of the Port Authority upon the form provided.
- Duration of permits. 247. A permit issued under this Section shall, subject to these regulations, be valid until and including the 30th June next following the date of the issue of the permit, but where a permit is issued within 15 days before the 30th June in any year that permit may be issued so as to be valid from the date of issue until a period of 12 months after the 1st July next following the date of the issue of the permit but no longer.
- Permit may be refused. 248. The issue of permits and badges under this section of these regulations shall be in the absolute discretion of the Port Authority.
- Permit fee and badge deposit. 249. The annual fee payable for a permit issued in accordance with regulation 246 of these regulations shall be fifty cents and an additional sum of two dollars shall be lodged as a deposit for the return of the badge.

250. (1) Every holder of a permit issued in accordance with regulation 246 of these regulations, shall while plying for hire wear the badge issued to him for the purpose in a prominent position, and shall when required to do so by any police officer on duty or an officer of the Port Authority or by any person wishing to hire or who may have hired him, produce his permit for inspection.

Badges to be worn and permits produced.

(2) The Port Authority may suspend the permit and withdraw the badge of a permit holder who refuses to produce his permit or wear his badge as required by these regulations.

251. A person shall not be licensed as a porter and be the holder of a carrier's or driver's permit under regulation 246 of these regulations at the same time, but a person may relinquish one to take up the other by written notification and in accordance with these regulations.

Porter's license and carrier's or driver's permit not to be held by one person.

252. A holder of a carrier's or driver's permit shall not transfer or lend his permit or badge to any other person.

Permits and badges not transferable.

253. Drivers taking their vehicles on to the premises of the Port Authority 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.

Vehicles to take up ranks.

254. (1) A driver of a vehicle conveying light luggage to a wharf will be permitted to place that luggage on board the vessel for which it is intended, provided he leaves his vehicle in a safe position.

Drivers may place light luggage on board.

(2) Where the driver referred to in subregulation (1) of this regulation is the holder of a carrier's or driver's permit, he shall upon executing his engagements take his vehicle to the rank referred to in regulation 253 of these regulations, but where he is not the holder of such a permit he shall at once remove his vehicle either from the premises of the Port Authority, or to a parking area set aside by the Port Authority for the use of the public.

255. A carrier or driver shall not refuse to take an engagement when offered, provided that his vehicle is capable of executing that engagement and he is not otherwise engaged (the onus of proof of such other engagement being on the carrier or driver).

Drivers shall not refuse engagement.

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

Drivers must not loiter.

257. A carrier or driver shall place his vehicle on the rank referred to in regulation 253 of these regulations in the next position available after those vehicles already stationed on that rank and shall not by jostling for position endeavour to obtain an engagement before a carrier or driver with a prior position on the rank.

Driver's position on the rank.

Section III.

Suspension and Cancellation.

258. (1) Where a licensed porter or a person holding a carrier's or driver's permit is under the influence of intoxicating liquor or uses obscene or disrespectful language to any other person or refuses to obey the orders of an officer of the Port Authority or any police officer or otherwise conducts himself in any unruly or troublesome manner, he shall upon being directed so to do by an officer of the Port Authority or police officer at once leave the premises of the Port Authority.

Disorderly conduct.

(2) Where a licensed porter or a person holding a carrier's or driver's permit refuses to comply with a direction, under subregulation (1) of this regulation, to leave the premises of the Port Authority or, having so complied, returns to those premises and again contravenes a provision of these regulations, the Manager may suspend the license or permit for such period as he thinks fit and require the offender to deliver up his badge.

Licenses and permits may be cancelled.

259. (1) The Port Authority in its discretion, may, for any misconduct or breach of these regulations, cancel the license or permit held by any porter, driver or carrier, and upon cancellation that license or permit shall become void and cease to have any force.

(2) Where a license or permit is cancelled by the Port Authority, the holder thereof shall deliver the license or permit and badge issued to him to the secretary of the Port Authority and failure to do so shall be an offence against this regulation.

PART VII.
SECTION I.
General.

Routing.

260. A person shall not within the port, tout or solicit anyone to proceed as a passenger by any vessel or vehicle or to take up accommodation at any guest-house, motel or hotel, or to entrust the landing or portage of luggage or goods to any one person or firm.

Stray boats.

261. Where stray boats, timber or other articles are found within the harbour the Harbour Master may retain custody of them until—

- (a) they are claimed by the owner, who shall pay any expenses incurred by the Port Authority; or
- (b) until they are dealt with in accordance with an Act of the State relating to lost property.

Discharge of wastes, etc., into harbour waters.

262. (1) Notwithstanding any other provision of this regulation, a person shall not discharge, or cause or permit to be discharged, into the waters of the Port any substance which contains—

- (a) oil, oily water, oil sludge, oil refuse, oily bilge water;
- (b) sewage;
- (c) acidity or alkalinity outside the range of a pH value between pH5 and pH9;
- (d) poisons; or
- (e) any substance which is likely—
 - (i) to contribute to the formation of sludge or other deposit;
 - (ii) to contribute to the formation of scum, fat, oil, grease or floating material;
 - (iii) to contribute to the formation of objectionable odours or discolourations;
 - (iv) to be injurious to marine plant or animal life, or animal or human life; or
 - (v) to deplete excessively the oxygen content of the waters.

(2) Without limiting the generality of subregulation (1) of this regulation, but notwithstanding any other provision of this regulation, a person shall not discharge, or cause or permit to be discharged, into the waters of the Port any waste matter—

- (a) if its reasonably practicable to dispose of the waste matter satisfactorily in some other manner;
- (b) unless every reasonable and practicable step has been taken to improve the quality and appearance of the waste matter prior to discharge; and
- (c) unless the bacterial, physical and chemical nature and condition of the waste matter comply with such standards and conditions as are determined by the Port Authority in each particular case.

(3) Without limiting the generality of subregulations (1) and (2) of this regulation, a person shall not 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 or ballast to be deposited or discharged into those waters.

(4) Without limiting the generality of subregulations (1) and (2) of this regulation, a person shall not, except—

- (a) at such places in the outer harbour as the Harbour Master from time to time appoints; and
- (b) with the approval of the Harbour Master, deposit, discharge or permit to fall into the waters of the outer harbour any garbage, ashes, mud, refuse, ballast, offensive matter or inflammable liquid, and shall not, in any event, cause any such matter, material or thing to be discharged from a vessel or barge within a radius of three miles of the seaward end of the north mole.

263. A person shall not throw, place, or leave any dead animal or putrefying matter into or on any part of the harbour.

Dead animals, etc., in harbour.

264. A person shall not 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.

Interference with notice boards.

265. A person shall not soil, deface, mark, or injure, or without the consent of the Port Authority, write or paint or place any placard or other document upon any shed, waitingroom, 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 determined by the Manager.

Defacement and bill-posting prohibited.

266. Except for the purpose of saving life, a person shall not 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, but this regulation shall not prohibit the police from using that equipment in dragging for drowned persons.

Life-saving appliances.

267. A person shall not without the written consent of the Harbour Master use drags or grapplings which disturb the bed of the port.

Dragging or grappling in the harbour.

268. 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 the launching is to take place.

Launching of vessels.

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

Preservation of order.

270. 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 or between the hours of midnight and 6 a.m. next following during the months of April, May, June, July, August, September and October.

Horses on beaches.

271. Subject to the provisions of Regulations 270, 272 and 300, of these regulations, a person shall not cause, allow or suffer any animal of whatsoever kind belonging to him or in his charge to enter, stray, depasture or remain within the limits of the Port, without the written permission of the Port Authority or an officer of the Port Authority authorised in that behalf and payment of such fees (if any) as the Port Authority may direct.

Prohibition of animals within the harbour.

272. A person shall not ride a horse or other animal, or drive or impel any vehicle onto or upon any wharf except with the permission of the Manager, but vehicles may, with the permission of the Manager, be taken across a wharf to or from any moored ship for the purpose of being loaded or after being loaded therefrom.

Riding or driving upon wharves.

Riding or driving on Port Authority property in general.

273. A person shall not furiously or negligently ride or drive any vehicle while on or in the property vested in the Port Authority and shall keep as near as practical to the left hand side of any road that is improved, designed or ordinarily used for vehicular traffic.

Drivers to stop at entrance or exit.

274. The driver of a vehicle, when entering or leaving the premises of the Port Authority, shall 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 these regulations, and that driver shall, at all times while on the premises of the Port Authority, obey all directions of the Manager.

Vehicles on wharves or in sheds.
Amended by G.G. 21/6/74, p. 2085.

275. (1) The driver of a motor driven vehicle, who is permitted to drive into any cargo shed or upon a wharf, shall not leave the immediate vicinity of his vehicle and shall not take or permit the vehicle to approach within fifteen metres of any inflammable goods.

(2) The driver or person in charge of a motor vehicle shall not permit the vehicle to remain within any cargo shed for any period in excess of that necessary for the discharging or loading of the vehicle.

Parking and standing of vehicles.

276. (1) For the purpose of controlling the parking and standing of vehicles within any area under its control, the Port Authority may constitute, determine and vary, and for that purpose cause to be indicated from time to time by means of painted lines, notices and signs or any one or more of them—

- (a) areas or stalls in which the parking of vehicles is permitted and the manner, conditions, times and limitations upon the parking of vehicles therein;
- (b) areas in which the parking of vehicles of a particular class is permitted and the manner, conditions, times and limitations upon the parking of vehicles therein;
- (c) areas in which the parking of vehicles is prohibited;
- (d) areas in which the standing of vehicles is prohibited.

(2) The first three letters of any day of the week when used on a sign or notice indicate that day of the week.

(3) An inscription on a sign or notice erected pursuant to this regulation has effect according to its tenor, and any person who parks or stands a vehicle in any manner contrary to the manner indicated by the painted lines, notices or signs or any one or more of them, or contrary to any conditions or limitations indicated by the notices or signs unless specifically instructed otherwise by a member of the Police Force or a member of the staff of the Port Authority authorised in writing by the Port Authority to act in that behalf, commits an offence.

Vehicles may be moved.

277. (1) Where, in the opinion of the Manager, any vehicle should be moved from any stand or place, it is lawful for him to direct the driver thereof to remove the vehicle to such place as the Manager directs and any driver refusing to obey those directions is guilty of an offence.

(2) The Manager or an officer of the Port Authority may lawfully remove or cause to be removed any unattended vehicle or any vehicle that the driver fails to remove when so directed.

Disorderly persons.

278. (1) The Manager or an officer of the Port Authority may lawfully prevent any drunken, idle or disorderly person from entering upon the premises of the Port Authority.

(2) A person shall not be drunken, idle or disorderly upon the premises of the Port Authority.

279. The Port Authority, the Manager or the Harbour Master, may prohibit, for such period as they, or he, thinks fit, the entry to any area within the Port 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 Port Authority, reasonably likely to prejudice the proper working of the Port, and may cause any person whose entry is prohibited to be removed from any area within the boundaries of the Port. Convicted and undesirable persons.
280. (1) A person shall not consume liquor on any property vested in the Port Authority unless he— Drinking of liquor.
 (a) obtains the permission of the General Manager; and
 (b) abides by the conditions (if any) imposed by the General Manager.
 (2) Any person committing a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars.
 (3) For the purpose of this regulation the expression "liquor" means spirits, wine or beer containing more than two per centum of proof spirit.
281. A person shall not smoke or loiter in, under or near to any shed, loiter upon any wharf or jetty, lounge or sleep among any cargo placed in or under any shed or upon any wharf or jetty, play at any game or, without the written consent of the Port Authority, address any assemblage of persons within the boundaries of the Port. Smoking, loitering, etc. and unauthorised speeches.
282. A person shall not commit any nuisance under or upon any wharf or jetty. Nuisances.
283. (1) 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 Port Authority in writing. Selling or distributing papers, etc.
 (2) A person employed in the Port, not being an officer of Customs, shall not, whilst, in or upon any area within the boundaries of the Port, as defined in the Schedule to the Fremantle Harbour Trust Act, 1902, 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 Port Authority in writing.
284. A person shall not remove any ballast, rock, stone, slate, shingle, gravel, sand, earth, or other substance or thing from any tidal land or water, or from any part of the Port without the permission of the Manager. Removal of material.
285. (1) The master or person in charge of a vessel which is not ordinarily used for sea service and which is unseaworthy or insufficient, shall not allow it to become a risk to life or property or an obstruction to the navigation of the Port. Unserviceable vessels to be removed.
 (2) Where there is in the Port a vessel which is not ordinarily used for sea service—
 (a) the Harbour Master, with any other persons appointed for the purpose by the Authority, may board and inspect the vessel at all reasonable times during any day to ascertain whether the vessel is unseaworthy, insufficient or a risk to life or property or an obstruction to the navigation of the Port; and
 (b) the master or person in charge of the vessel shall do all that is reasonably necessary to enable the Harbour Master to exercise the power referred to in paragraph (a) of this subregulation.

(3) Where a vessel referred to in this regulation is unseaworthy, insufficient or a risk to life or property or an obstruction to the navigation of the Port, the Harbour Master shall give notice, in writing, to the master or owner to remove the vessel to a place named in the notice, and if within seven days of the notice being given the vessel is not dealt with in accordance with the terms of the notice, the Harbour Master may cause the vessel to be moored, unmoored, placed or removed as he shall think fit and for that purpose may cast off, unloose or cut the rope or shackle, or break the chain by which the vessel is moored or fastened, first providing, where there is no person on board to protect it, a sufficient number of persons on board for the protection of the ship, and all expenses incurred by the Harbour Master in removing the vessel shall be paid to the Port Authority by the master of the vessel and in default may be recovered from the master in any court of competent jurisdiction.

Entering upon wrecks. 286. (1) A person shall not, 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 Port.

(2) The Port Authority 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 Port Authority the expenses of and incidental to such removal, and in default the Port Authority may recover the same in any court of competent jurisdiction.

Fire alarms and appliances. 287. Any person breaking, sounding, opening, or in any way interfering with any electric or other fire alarm apparatus on the premises of the Port Authority, 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 guilty of a breach of these regulations and liable for any loss or damage caused to the Port Authority thereby.

Wharves, etc., may be closed. 288. The Port Authority may close off any portion of the land and premises vested in or under the control of the Port Authority whenever it considers it advisable to do so, and a person shall not enter any land or premises so closed without the consent of the Port Authority and subject to any conditions which the Port Authority may impose.

Presence on wharves may be queried. 289. A person shall not enter and remain upon any wharf or other premises vested in the Port Authority unless he has, in the opinion of the Manager, legitimate business to warrant his presence thereon and any person refusing, when required by the Manager, to state the nature of the business warranting his presence on those premises or any person refusing to leave those premises when so requested to do by the Manager is guilty of an offence.

Public demonstrations. 290. A person shall not 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 Port Authority's premises without first having obtained permission from the Manager, and any persons so assembled or gathered or standing together shall, immediately upon being required so to do by the Manager, disperse, and leave the premises.

Children not allowed on wharves. 291. A child of less than 14 years of age shall not be allowed on any wharf unless in the care of an adult person.

Cargo not to be shipped at landing steps. 292. A person shall not land or ship any goods, except passengers' luggage of a portable nature, at or from any steps or landing-place for passengers.

293. (1) A person shall not 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. Fishing.
- (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 uses of the wharf.
 - (c) He will forthwith comply with each and every direction of any officer of the Fremantle Port Authority or Police Officer 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.
294. A person shall not erect without permission from the Port Authority, any building, staging, or structure upon the property vested in the Port Authority. No building without Port Authority permission.
295. A person shall not, without the permission of the Manager, 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. Climbing about structures not permitted.
296. A person shall not, without the permission of the Manager, turn any valve or cock or shut any fire-plug or hydrant. Tampering with water appliances.
297. A person shall not tamper or in any way interfere with any electric light, light fitting or power main within the port. Tampering with electric lights or power mains.
298. A person shall not within the port, ply for hire or reward with a steamer, vessel, or boat of any description or hold or let the same for hire or reward for towing, conveyance of passengers, goods, water, ballast, refuse, or any other commodity or things, or for any other purpose, unless it is licensed in accordance with the provisions of the Western Australian Marine Act, 1948. Tugs, lighters and other vessels to be licensed.
299. Any complaint concerning the Manager, or any person under his direction, shall be made in writing to the Port Authority. Complaints.
300. (1) Livestock may be landed or shipped at the Inner Harbour wharves, on permission being first obtained from the Manager and subject to the terms and conditions which he may impose. Where livestock to be landed.
- (2) Application for permission shall be made at least 24 hours prior to the loading or landing of stock.
- (3) Stock shall not be landed until all necessary precautions have been taken to ensure their being at all times properly tended and under control.
301. (1) Every vessel that has discharged its consignment of livestock, in accordance with regulation 300 of these regulations shall thereupon be removed to the ballast ground and there be cleaned. Stock vessels to be cleaned.
- (2) Refuse of any kind shall not be put overboard into the waters of the port, except within the limits of the ballast ground.
- (3) Notwithstanding any other provision of this regulation, the Manager may permit the cattle decks of a vessel to be cleaned at a wharf or jetty if—
- (a) that work is commenced immediately the livestock is landed and is carried on rapidly and continuously, until completed;
 - (b) all refuse is put into barges, railway wagons or other vehicles, in such manner that none is permitted to find its way into the waters of the Inner Harbour; and
 - (c) every barge containing refuse is, when filled, forthwith taken to the ballast ground and there discharged and cleaned and every wagon or other vehicle is forthwith removed from the premises of the Port Authority.

(4) Where a vessel is permitted to be cleaned under the provisions of subregulation (3) of this regulation, the master or other person in charge of that work shall comply with every condition imposed by that subregulation; and nothing in the subregulation relieves a person of the requirement of complying with the provisions of the Health Act, 1911 and any regulations made thereunder.

- Exemption from liability. Amended by G.G. 29/7/77, p. 2483.
302. The Port Authority 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, acts of sabotage or terrorism 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 Port Authority.
- Wharf holidays.
303. 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.
- Decaying matter not to be left on wharves.
304. (1) A person shall not place or leave or cause to be placed or left, upon any wharf, or in any shed, any vegetable or animal matters, or goods, or other things whatsoever, which are in a state of decay or putrefaction.
(2) 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 Port Authority the cost of such removal.
- Special services.
305. Where any service is undertaken or provided by the Port Authority 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.

- Interpretations.
306. For the purpose of this part of these regulations—
- “quota” means the number of registered casual workers which in the opinion of the Port Authority 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.
- “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 Port Authority as Labour Controller and includes any officer acting for or deputed to carry out any duty on behalf of the Labour Controller.
- “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 Port Authority at which registered casual workers shall attend to offer for engagement for casual work.

SECTION I.

Quota of Registered Casual Workers.

307. (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 85. Determina-
tion of
quota.

(2) Where the Port Authority decides—

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

- (c) 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 Port Authority, in accordance with the provisions of this regulation, for a further specified period; and
- (d) the sum of the quota and any additional number of temporarily registered casual workers shall not, during any period, exceed 100.

308. If, at any time the Port Authority consider that the quota should be reviewed, the Port Authority may, subject to these regulations, determine another quota for the Port. Review of
quota.

309. Before amending the quota prescribed in regulation No. 307, the Port Authority may conduct such enquiry as it considers expedient. Enquiry
may be
conducted.

SECTION II.

Registration of Casual Workers.

310. Subject to the provisions of these regulations a person shall not offer for engagement for casual work within the Port unless he is a registered casual worker. Registration
compulsory.

311. A person desiring registration as a casual worker shall make application to the Port Authority 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— Application
for
registration.

- (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.

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

- (a) if the application does not comply with the requirements of regulation 311 of these regulations;
- (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 Port Authority appears good and sufficient.

Registration numbers and register. 313. (1) 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.

(2) 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.

Duration of registration. 314. The registration of a casual worker shall remain in force until such time as he notifies the Port Authority 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.

Registration compulsory. 315. 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.

Application for registration. 316. A person desiring registration as an employer of casual workers shall make application to the Port Authority on the form provided, and shall undertake that he will at all times observe the provisions of these regulations.

Applications may be rejected. 317. The Port Authority may reject any application for registration as an employer of casual workers if that application does not comply with the requirements of regulation 316 of these regulations.

Registration numbers and register. 318. (1) 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.

(2) 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.

Duration of registration. 319. The registration of an employer of casual workers shall remain in force until such time as he notifies the Port Authority 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.

Performance of casual work within the Port. 320. (1) A person who is not a registered casual worker shall not carry out casual work within the Port.

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

(3) 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 but 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 that 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.

321. 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.
322. A requisition for labour shall be lodged with the Labour Controller not later than a time to be determined by the Port Authority 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 at the discretion of the Labour Controller.
323. 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.
324. 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.
325. 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, and a copy of the list shall also be furnished to the casual workers' representative.
326. (1) A registered employer shall not refuse to employ any registered casual worker allocated to him from the roster by the Labour Controller.
- (2) 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.
327. 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.
328. (1) 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 and the notification shall be in the hands of the Labour Controller not later than a time to be determined by the Port Authority on the working day next following the termination of such engagement.
- (2) A registered employer who employs unregistered casual workers in accordance with the provisions of regulation 320 of these regulations, 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.
329. 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 and the notification shall set out the time and date of the discharge, and the reason or reasons therefor.

Requisitions for labour.

Time for lodgment of requisitions.

Allocation of labour.

Priority of allocation.

Notification of allocation of labour.

Employers not to refuse allocations.

Transfer of labour.

Notification of termination of engagement.

Discharge of labour.

Workers on compensation. 330. 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 and the 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 Port Authority on the working day next following the day on which the worker ceased work.

SECTION V.

Roster of Casual Workers.

Roster to be compiled. 331. 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.

Method of roster. 332. (1) Subject to subregulation (2) 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.

(2) 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.

Categories. 333. The registration numbers of all registered casual workers shall be listed on the roster under one main category; and 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.

Method of allocation. 334. 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.

Suspension from the roster. 335. Where for any reason the registration of a casual worker has been suspended or cancelled, the registration number of that casual worker shall be removed from the roster.

Reinstatement on the roster. 336. Where the registration number of a casual worker has been removed from the roster in accordance with the provisions of regulation 335 of these regulations, 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.

Casual workers to ensure their inclusion on the roster. 337. (1) 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.

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

338. For the purpose of considering grievances against the operation of the roster, the Port Authority may appoint a Committee consisting of a Chairman, who shall be the Port Authority's Personnel and Industrial Relations 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, and the findings of the majority of the committee shall be advised to the Port Authority for decision.

Grievances.

SECTION VI. Service Charge.

339. 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;
- (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 (1) (a) of Section 31A of the Act, shall pay to the Port Authority a service charge of \$1.10 cents for each man hour of employment by him of registered casual workers.

Service charge to be levied.
Amended by G.G. 15/9/72, p. 3622;
G.G. 30/3/73, p. 833;
G.G. 9/11/73, p. 4193;
G.G. 9/8/74, p. 2965;
G.G. 20/2/76, p. 487;
G.G. 17/9/76, p. 3462;
G.G. 12/8/77, p. 2648;
G.G. 3/2/78, p. 347.

340. A registered employer shall pay the service charge as prescribed by regulation 339 of these regulations to the Port Authority after the employment of registered casual workers and 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 Port Authority 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;
- (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 paragraph (b) of this regulation,

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

341. At the time of furnishing the return prescribed in paragraphs (b) and (c) of regulation 340 of these regulations, the registered employer concerned shall pay to the Port Authority the amount of the service charge payable by him in accordance with these regulations.

Employers' obligation re service charge.

Payment to accompany return.

SECTION VII.

Payment of Attendance Money.

342. (1) A registered casual worker—

- (a) whose number is included on the roster;

Qualification for payment.

- (b) who attends the engagement centre on any day as required by the Port Authority;
- (c) who remains in attendance for the time specified in the relevant Industrial Award or Agreement;
- (d) who offers for engagement;
- (e) who does not refuse to accept employment for which he is allocated;
- (f) who does not obtain employment prior to 1 p.m.;
- (g) who is entitled to attendance money under any Award or Agreement duly made and effective under the Industrial Arbitration Act, 1912,

shall be paid for such attendance by the Port Authority from the Fremantle Port Authority Attendance Money Account the amount of attendance money as prescribed by any Award or Agreement referred to in paragraph (g) hereof.

(2) 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.

Record of attendance to be kept. 343. 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 342 of these regulations.

Payment of attendance money. 344. 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 Port Authority may from time to time determine.

Receipts to be given. 345. A registered casual worker on receiving payment of attendance money shall give to the Port Authority a receipt in such form as may be required, and such receipt shall be a full and complete discharge of the Port Authority's obligation to pay attendance money as prescribed in Section 31A of the Act.

SECTION VIII.

Discipline of Registered Casual Workers and Employers of Casual Workers.

Regulations to be observed. 346. A registered casual worker and a registered employer shall at all times observe the requirements of these regulations and the direction of the Port Authority in giving effect to the provisions contained in Section 31A of the Act.

Cancellation of registration. 347. Where after such inquiry as it thinks fit, the Port Authority is satisfied that the registration of a casual worker or an employer of casual workers should be cancelled the Port Authority may cancel such registration and the registration shall be deemed to be cancelled forthwith.

Suspension of registration. 348. 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.

Effect of suspension. 349. Where the registration of a casual worker or an employer of casual workers has been suspended in accordance with the provisions of the regulation 348 of these regulations—

- (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.

350. For the purpose of considering grievances in regard to the suspension of any registration by the Labour Controller, the Port Authority may appoint a Committee consisting of a Chairman, who shall be the Port Authority's Personnel and Industrial Relations 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 and the findings of the majority of the Committee shall be advised to the Port Authority for decision.

Grievances.

PART IX.—BATHING, BEACH, BOATING AND WATER SKI-ING REGULATIONS.

SECTION I.

Bathing and Beach Regulations.

351. In this part of these regulations unless the context requires otherwise—

Interpretation.

“authorised person” means a Beach Patrol Officer or Beach Inspector appointed by the Port Authority or any member of a life saving patrol who is in charge of that patrol and any Government Officer or other person acting for or on behalf of the Port Authority;

Amended by G.G. 3/5/74, p. 1453.

“bathing” includes entry into the sea and emerging therefrom; it also includes the use of bathing appliances;

“bathing appliance” means a float of any material, surf ski, surf board, kick board, malibu board, boat, or any other device of any description used or for use in bathing or surf riding;

“bathing area” means that area which is from time to time set aside for bathing in accordance with the provisions of regulation 352 of these regulations;

“beach inspector” means a person appointed as such under these regulations;

“boat” includes any craft, structure or vessel whether propelled manually or by wind or power, made or used to float upon or travel under the sea;

“landing and take off points” means the areas delineated by local governing authority on shore for the purpose of landing and taking off of speed boats and water skiers and includes the waters immediately seaward of those areas;

“motor boat” means a vessel propelled by any means other than oars or sail and includes a speed boat and a sailing vessel which is equipped with propelling machinery and propelled by mechanical power;

“protected waters” means the waters contained in any river or estuary, or by any breakwater;

“speed boat” means a motor boat designed for or capable of a speed in excess of twelve knots.

352. For the purpose of ensuring the safety, comfort and convenience of bathers and to regulate the conduct of bathers and others, the Port Authority may set aside within the boundaries of the Port, and designate by exhibiting appropriate signs—

Areas may be set aside.

(a) areas in which bathing is permitted at all times and areas in which bathing may be restricted, or prohibited;

(b) areas or sites from which boats may be launched or taken up from the sea;

- (c) areas which may be designated as roads and turning areas in connection with launching sites;
- (d) areas within which the playing of games on the beach is prohibited and areas within which the playing of games is permitted;
- (e) areas within which the sale of goods and services is permitted and areas within which such sale is prohibited;
- (f) areas within which fishing is permitted and areas within which fishing is prohibited, or is restricted to fishing in a particular manner;
- (g) areas in which fires may be lighted for barbecues;
- (h) areas within which the use of bathing appliances, either generally or of a particular class, is prohibited or areas within which the use of such appliances is permitted.

Prohibited activities.

353. A person shall not—
- (a) bathe in any part of the Inner Harbour or in an area in which bathing is prohibited;
 - (b) bathe within any authorised boat launching area or authorised water ski take off and landing area;
 - (c) launch a boat from a site or area other than a site or area set aside for that purpose;
 - (d) play games in an area in which the playing of games is prohibited;
 - (e) sell goods or services in an area in which their sale is prohibited;
 - (f) fish in an area in which fishing is prohibited.

Conduct generally.
Amended by
G.G. 5/12/75,
p. 4390.

354. A person shall not within the boundaries of the Port—
- (a) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
 - (b) enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex;
 - (c) dress or undress or remove or disarrange any part of his or her bathing costume or clothing in any place open to public view or in any building save those specifically set aside by the Port Authority for the purpose; but the provisions of this paragraph shall not prevent any person already clad in proper bathing costume from doffing or donning another garment or garments worn over such bathing costume;
 - (d) unless he be a member of a life saving club acting in the course of his duty, climb on or over any building or structure;
 - (e) enter any portion of land or place that is fenced off or otherwise closed to the public;
 - (f) alter, cut, mutilate, deface or disfigure or otherwise damage any building or structure or expectorate or throw lighted matches thereon;
 - (g) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottles, paper, tins, jars, broken glass, china or litter of any kind except in receptacles provided for that purpose;
 - (h) injure, cut, break, deface, pull up, pick, remove or destroy any tree, shrub, flowers, grass or plant of any kind or description or, without the consent of the Port Authority, plant any such or sow any seed;
 - (i) without the written consent of the Port Authority, cut, collect or remove any timber, firewood, stone, sand or other material except seaweed;
 - (j) unless he be a servant of the Port Authority or a member of a life saving club acting in the course of his duty as such, carry or discharge any firearm, air gun or other

missile discharging device (other than a speargun), or throw or discharge any firework, stone, spear or other missile;

- (k) load or discharge any speargun except when such gun is under water and fifty metres or more from any swimmer other than a companion spear fisherman;
- (l) drive any mechanically propelled vehicle except upon a road-way, turning place or parking place constructed for that purpose;
- (m) light any fire, except in an area set aside for barbecues;
- (n) drive or propel a boat into an area where bathing is taking place in such a way as to cause annoyance or injury to any person bathing or about to bathe;
- (o) ski or surf with the aid of a bathing appliance in any area where bathers are congregated together to the danger or annoyance of those bathers;
- (p) play games in such a way as to cause inconvenience and annoyance to persons bathing or using the beach;
- (q) enter or remain within those boundaries when under the influence of intoxicating liquor and any person who in the opinion of an authorised person is under the influence of intoxicating liquor shall immediately leave the port area when ordered or requested by the authorised person to do so.

355. A person shall not, within the boundaries of the Port, unless he shall first have obtained the consent of the Port Authority in writing— Public activities.

- (a) bet or offer to bet publicly or conduct or take part in any gambling game or contest;
- (b) engage in any public speaking or conduct any meeting, entertainment or competition of an athletic or natatorial nature, but this paragraph shall not apply to the normal competitive or training activities of a life saving club or to meetings of such a club convened and held in accordance with its constitution;
- (c) sell or hire, or offer for sale or hire, any equipment, goods, produce or merchandise;
- (d) operate any broadcasting or public address system or apparatus other than those employed or used by a life saving club in the performance of its functions as such;
- (e) advertise by any means anything whatsoever, or display or distribute any notice, pamphlet or document;
- (f) solicit, purchase or offer to purchase bottles;
- (g) operate any radio, record player or radiogram at such volume as to cause annoyance to other persons in the vicinity.

356. (1) A person shall not allow any animal or bird under his control to enter upon any beach under the control of the Port Authority. Animals and birds.

(2) Any animal found on any beach in contravention of this regulation may be removed and dealt with in accordance with the provisions of the Dog Act, 1976, or as the case may require, any existing law relating to the impounding of animals and any bird found on any beach in contravention of this regulation may be destroyed.

357. (1) Where the Port Authority sets aside areas in which fishing is prohibited, it shall exhibit signs indicating that fishing is prohibited between the signs. Fishing.
Amended by
G.G. 5/12/75,
p. 4390.

(2) A person shall not at any place within the boundaries of the Port, whether that place is one in which fishing is permitted or not—

- (a) clean fish or cut bait on any seat, handrail or stairway;

- (b) leave or deposit any fish, fish offal, burley or bait anywhere on land at any time or in the sea within 200 metres of any portion of the beach at which people are swimming or are likely to swim within twelve hours after such disposal;
- (c) without written permission of the Port Authority fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks.

Boats.

358. (1) Where the Port Authority sets aside areas or sites for the launching and beaching of boats at any place within the boundaries of the Port, it shall exhibit signs indicating that the area is one in which that action may be taken.

(2) The Port Authority may, by the erection of notices, prohibit the launching and beaching of boats elsewhere within the boundaries of the Port.

(3) The Port Authority may set aside areas in which boats may be left or parked when out of the water and no boat shall be left on the beach other than in an area so set aside.

(4) A person using a car or other vehicle to tow a boat to a launching site shall use the road set aside for that purpose, and after launching he shall withdraw the vehicle from that road to an area set aside for parking, or if there is no such area set aside, he shall remove the vehicle to the public road or to a public parking area.

Camping.

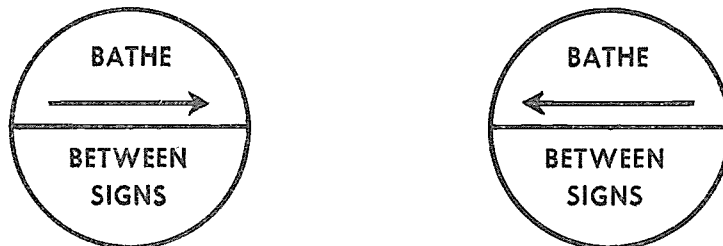
359. Unless written permission of the Port Authority to do so has been obtained at least twenty hours in advance, a person shall not within the boundaries of the Port—

- (a) camp or lodge at night in, or occupy as sleeping quarters, any stall, building, tent or structure of any kind;
- (b) erect any tent, camp, hut or other structure except a beach shade or windbreak for use during daylight and erected, dismantled and removed during the hours of daylight on the day of use.

Bathing.

Amended by
G.G. 5/12/75,
p. 4390.

360. (1) Within the portions of the boundaries of the Port where life saving services are provided, the authorised person who first commences duty each morning during the patrol season approved by the Western Australian State Centre of the Surf Life Saving Association of Australia, and during any additional period for which the Port Authority may maintain their paid Beach Inspector on duty, he shall, immediately upon commencing duty, select what in his opinion is the safest and most suitable part of the patrolled area to be set aside as a bathing area and shall thereupon define the limits of such bathing area by erecting at each extremity thereof either or both a red and yellow flag at least 750 millimetres square and a sign in the following form:—



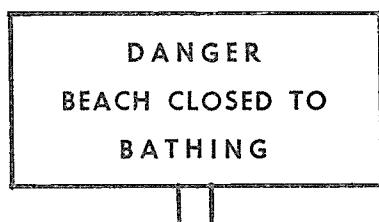
(2) The upper half of each sign shall be painted yellow and the lower half red with lettering in black and such lettering shall be at least seventy-five millimetres high.

(3) The sign shall have a minimum diameter of 600 millimetres and the lowest point thereof shall be not less than two metres and not more than three metres above the immediate ground level.

(4) The erection of such patrol flags or signs, or their re-erection as hereinafter provided, shall define the bathing area for the time being and denote that an officer of the Port Authority appointed as a permanent beach patrol or, as the case may be, a surf life saving club, is providing life saving services in that area.

(5) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that the limits of the bathing area should be altered, he may remove such red and yellow patrol flags or signs and re-erect them in another position within the patrolled area.

(6) If at any time having regard to prevailing conditions, an authorised person is of the opinion that conditions within the bathing area are so dangerous as to warrant that action, he may close the beach by removing such patrol flags or signs and erecting in a central position within the bathing area a sign in the following form:—



(7) The sign referred to in subregulation (6) shall be painted white with red lettering at least seventy-five millimetres high and shall be at least 900 millimetres in length by 600 millimetres in width and the lowest point thereof shall be not less than two metres and not more than three metres above the immediate ground level.

(8) During any time life saving services are not provided in the bathing area, an authorised person shall remove the patrol flags and signs referred to in this regulation.

(9) An authorised person may—

- (a) place any life saving gear or appliance in a position considered by him to be the most suitable;
- (b) set aside a roped enclosure not greater than four metres square for the exclusive use of members of a life saving patrol;
- (c) order the discontinuance of use within a bathing area of bathing appliances (either generally or a particular class) which, in his opinion, could cause inconvenience or danger to bathers;
- (d) require any or all persons to leave the water within the bathing area or any part thereof during the course of any rescue.

(10) During the presence in or near the bathing area of a shark or other danger, an authorised person may cause a shark alarm to be given; the signal for the shark alarm shall be the prolonged ringing of a shark alarm bell or a long blast on a shark alarm siren and the erection of a red and white quartered flag upon the lookout tower or some prominent position, or the holding of a red and white quartered flag stationary above the head, and when he is of the opinion that the danger has passed, such authorised person shall cause the signal of "all-clear" to be given by a short ringing of the shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red and white quartered flag.

(11) The Port Authority may set aside and designate by signs a part of the patrolled area (other than the bathing area) for use by persons using bathing appliances, either generally or of the particular class concerned, at any time during which the discontinuance of use of bathing appliances (either generally or a particular class) is ordered pursuant to paragraph (c) of subregulation 9 of this regulation, and the part so set aside may be defined by notice, flag or such other means as the Port Authority may deem necessary.

(12) Each member of a life saving patrol shall wear a red and yellow quartered swimming cap whilst engaged on patrol.

Areas for
lifesaving
competitions.

361. (1) The Port Authority may, from time to time, authorise a life saving club to—

- (a) temporarily set apart any part of the beach area for the holding of a life saving competition;
- (b) enclose a competition area with rope, hessian, wire or other means;
- (c) divide a competition area into sections, some of which may be set aside for use by the public and some of which may be set aside for competition use only, in which case such areas shall be clearly defined as to the nature of their respective uses;
- (d) prescribe the terms and conditions of entry of the public into such competition area, in which case the terms and conditions of such entry shall be clearly defined by notice erected at each end and every entrance to such competition area.

(2) During the period of such authorisation, a person shall not—

- (a) enter into or remain within such competition area except upon compliance with the conditions of admission indicated by notice at the entrance or entrances to such areas;
- (b) if he is a member of the public, enter upon any part of the competition area set aside for competition use; or
- (c) do any act or thing to create, or which may be likely to create, any interruption or interference to the smooth running of the competition.

Adequate
clothing.

362. (1) Any person bathing in water exposed to the public view or using the beach for sun-bathing in the public view, shall in order to secure the observance of decency, be properly and adequately clad.

(2) If a Beach Patrol Officer or inspector appointed by the Port Authority considers that the costume or other clothing of any person using any area within the boundaries of the Port is not proper and adequate to secure decency, he may order that person to don adequate clothing, and if that person refuses to do so, he may be removed from such area by that officer or inspector.

Conduct of
persons
bathing.

363. A person shall not—

- (a) swim out to sea to such a distance that, in the event of such person becoming in danger or difficulty the life of anyone attempting to rescue such person may be endangered;
- (b) bathe in any place that has, by notice erected by the Port Authority or by an authorised person, been declared as—
 - (i) closed to bathing;
 - (ii) dangerous; or
 - (iii) reserved for the launching and beaching of surf boats operated by a life saving club;
- (c) use a bathing appliance (either generally or of a particular class) in a bathing area where the use of such appliance has been prohibited, either by notice or the verbal order of an authorised person pursuant to regulation 360 of these regulations or use a bathing appliance in such a way as to cause danger, injury or annoyance to any other person;
- (d) fail to leave the water during the course of a rescue when required to do so by an authorised person;
- (e) fail to leave the water within the bathing area after a shark alarm has been given pursuant to subregulation (10) of regulation 360 of these regulations;
- (f) bathe within a bathing area after a shark alarm has been given and before the signal of "all-clear" has been given;

- (g) assist or attempt to assist in the use of any life saving gear or appliance or in any way interfere with its use unless requested or authorised so to do by any authorised person or a member of a life saving patrol;
- (h) interfere with, damage, or destroy any notices, life saving gear or appliance;
- (i) place any clothing, towel or any other object, matter or thing on any notice, life saving gear or appliance;
- (j) encroach upon any area in which any life saving gear or appliance is located or is being used or in which life saving or first aid treatment is being administered to any person;
- (k) obstruct any authorised person or member of a life saving patrol providing life saving services;
- (l) enter upon or loiter in any roped enclosure set aside for the exclusive use of members of a life saving patrol pursuant to subregulation (9) of regulation 360 of these regulations;
- (m) refuse to remove any beach umbrella, sunshade, beach coat or any other thing in his control that may impair the view of the bathing area from the roped enclosure set aside for the exclusive use of members of a life saving patrol pursuant to subregulation (9) of regulation 360 of these regulations;
- (n) unless he is a member of a life saving patrol on duty, wear a red and yellow quartered swimming cap in or upon any bathing area;
- (o) unless he is an inspector appointed by the Port Authority pursuant to these regulations, wear a badge bearing the words "Beach Inspector";
- (p) interfere in any way with any other person in the defined area.

364. (1) The Port Authority may appoint any of its members or employees to be a Beach Inspector under these regulations.

Beach
inspectors.
Amended by
G.G. 3/5/74,
p. 1457.

(2) The Port Authority may also appoint any member of a life saving club as a Beach Inspector under these regulations, provided that a member so appointed shall not prosecute any person for a breach of any provisions of these regulations but shall report such breach to the Port Authority for action by them.

(3) Any person appointed a Beach Inspector pursuant to subregulations (1) or (2) of this regulation, shall be given a certificate of his appointment and shall have issued to him a badge bearing the words "Beach Inspector" and the wearing of the badge or the production of it or of the certificate of appointment when exercising his authority under these regulations, shall be prima facie evidence of the appointment and authority of the person producing the same.

(4) Every member of the Western Australian Police Force shall have the powers of an authorised person under these regulations.

(5) Any Beach Inspector or authorised person who finds any person committing or attempting to commit a breach of any of the provisions of these regulations may demand from such person his name and current place of abode and usual place of abode, and shall report the fact of such breach and the name and place or places of abode of such person as soon as conveniently may be, to the Port Authority.

(6) Any person who refuses to state his name and place or places of abode to any Beach Inspector or any authorised person commits an offence against these regulations.

SECTION II.

Boating and Water Ski-ing Regulations.

365. All speed boats and motor boats that are within the boundaries of the Port shall be registered with the Harbour and Light Department in accordance with the provisions of the Navigable Waters Regulations.

Registration
of boats.

Identifica-
tion of boats.

366. All speed boats and motor boats that are within the boundaries of the Port shall exhibit the identification number allotted to them in accordance with the provisions of the Navigable Waters Regulations.

Inter-
pretation.
Subst. by
G.G. 3/5/74,
p. 1453.

367. (1) Subject to the provisions of regulation 351 of these regulations, a reference in this Section of this Part of these regulations to a motor boat is a reference to a motor boat that is a vessel, within the meaning of section 205 of the Western Australian Marine Act, 1948; and the word "owner" has the meaning provided by that section and the word "ownership" shall be construed accordingly.

(2) In this Section of this Part of these regulations—

"trick water ski-ing" means the sport or exercise of being towed over the water by a motor boat, without being continuously supported on the surface;

"water ski-ing" means the sport or exercise of being towed over water by a motor boat, so as to be supported on the surface by a ski or skis, an aquaplane or the feet; and "water skier" means a person engaging in water ski-ing or in trick water ski-ing.

Limits on
use of
motor boat
for water
ski-ing.

Added by
G.G. 3/5/74,
p. 1453.
Amended by
G.G. 5/12/75,
p. 4391.

367A. Subject to regulation 367B of these regulations, a person shall not, within the boundaries of the Port, drive, a motor boat at a speed exceeding eight knots, or water ski—

(a) without the approval of the Port Authority—

(i) in any water having a depth of less than three metres;

(ii) within forty-five metres of a river bank or low water mark;

(b) in or through a mooring area;

(c) within fifteen metres of a vessel under way;

(d) within forty-five metres of—

(i) a moored vessel;

(ii) a person in the water;

(iii) a jetty or wharf; or

(e) through an arch of a bridge.

Areas for
water
ski-ing.

Added by
G.G. 3/5/74,
p. 1453-4.

367B. (1) The Port Authority may, by notice published in the *Government Gazette*—

(a) limit the speed of any specified class or classes of motor boat, within the boundaries of the Port or within any specified area of the Port therein defined;

(b) define and set aside any area within the boundaries of the Port for the purpose of racing by speed boats of which the owners have been granted permission to race by the Port Authority;

(c) define and set aside, and impose conditions on the use of, any area within the boundaries of the Port for the purposes of water ski-ing and may, subject to such conditions as it sees fit to impose, permit the use of any waters mentioned in regulation 367A of these regulations, for that purpose; and

(d) define and set aside any area within the boundaries of the Port for the purpose of swimming only.

(2) A person shall not race a motor boat, or drive a motor boat towing a water skier within the boundaries of the Port, except in an area defined and set aside by the Port Authority for the purpose and where the Port Authority has imposed any conditions on the racing of speed boats, or on water ski-ing, in any such defined area, a person failing to comply with those conditions commits an offence.

(3) Where, under the provisions of this regulation, the Port Authority defines and sets aside any area within the boundaries of the Port for a specified purpose, it may, at the same time or any other time order that those waters be not used for any but the specified purpose; and a person shall not, thereupon, use those waters for any but the specified purpose.

367C. (1) A person shall not drive a speed boat towing a water skier unless he is at least 17 years of age and is accompanied, in the boat, by a person of at least 14 years of age.

Age limit for driver of speed boat towing water skier.
Added by G.G. 3/5/74, p. 1454.

(2) A person driving a speed boat towing a water skier shall maintain a constant lookout ahead and the person accompanying him, in the boat, shall maintain a constant watch over the skier or skiers being towed by that boat.

367D. (1) Subject to subregulation (2) of this regulation—

(a) a person under the age of 17 years shall not drive or operate a speed boat;

Age limit for driver of speed boat.

(b) the owner or person having the control of a speed boat shall not knowingly permit or suffer the speed boat to be driven or operated by a person under the age of 17 years.

Added by G.G. 3/5/74, p. 1454.
Subst. by G.G. 17/1/75, p. 126.

(2) Subregulation (1) of this regulation does not apply to or in relation to—

(a) a person under the age of 17 years but not under the age of 14 years driving or operating a speed boat when accompanied, in the boat, by a person of at least 21 years of age; or

(b) a person driving or operating a speed boat in, or in practice for, a competitive event, if the practice or event is under the proper control or supervision of an approved speed boat club or body that is conducting that practice or event with the permission of the Port Authority on a course in an area of the waters of the Port defined and set aside pursuant to paragraph (b) of subregulation (1) of regulation 367B of these regulations.

367E. Every person who—

(a) drives or operates a vessel; or

(b) water skis,

in a dangerous or negligent manner, is guilty of an offence.

Dangerous or negligent driving of vessel or water sk-ing.
Added by G.G. 3/5/74, p. 1454.

368. (1) A person shall not drive a motor boat towing a water skier or carry out any water ski-ing within the boundaries of the Port within forty-five metres of any vessel or buoy displaying a flag indicating "diver below".

Limits on motor boat in "diver below" area.

(2) A person shall not drive a motor boat at a speed exceeding eight knots within the boundaries of the Port within forty-five metres of any vessel or buoy displaying a flag indicating "diver below".

Substituted by G.G. 3/5/74, p. 1454.
Amended by G.G. 5/12/75, p. 4391.

368A. A person shall not drive a speed boat directly behind a water skier or another boat under way so as to approach within forty-five metres of such water skier or other boat.

Driving speed boat near water skier.
Added by G.G. 3/5/74, p. 1454.
Amended by G.G. 5/12/75, p. 4391.

368B. A person driving a boat about to take-off shall yield right of way to a speed boat coming in to land a water skier.

Priority in take-off area.
Added by G.G. 3/5/74, p. 1454.

Rope handles to be held by water skier.

Added by G.G. 3/5/74, p. 1454.

Amended by G.G. 5/12/75, p. 4391.

Trick ski-ing not to be within 90 metres of landing area.

Added by G.G. 3/5/74, p. 1454.

Amended by G.G. 5/12/75, p. 4391.

Ski-ing not to be within 30 metres of landing area.

Added by G.G. 3/5/74, p. 1454.

Amended by G.G. 5/12/75, p. 4391.

Duty of speed boat driver on landing skier.

Added by G.G. 3/5/74, p. 1454.

Amended by G.G. 5/12/75, p. 4391.

Speed boat not to approach within 25 metres of landing area.

Added by G.G. 3/5/74, p. 1454.

Amended by G.G. 5/12/75, p. 4391.

Driver not to ride gunwale.

Added by G.G. 3/5/74, p. 1454.

Ski to be retrieved.

Added by G.G. 3/5/74, p. 1454.

Use of vessels while intoxicated.

Added by G.G. 3/5/74, p. 1455.

368C. A person shall not permit a ski rope to trail within thirty metres of the shore of any area set aside for water ski-ing, unless the rope handles are held by a skier.

368D. A person shall not drive a speed boat towing a person or persons engaged in the exercise of trick water ski-ing so as to approach within ninety metres of any landing or take-off area.

368E. Except as otherwise provided by any notice published under the provisions of regulation 367B of these regulations, a person shall not drive a speed boat towing water skiers within thirty metres of the shore of any landing or take-off area, except for the purpose of landing or taking off water skiers.

368F. After landing a water skier, the driver of a speed boat that towed the skier shall continue to a distance of not less than sixty metres from the point of dropping such skier, where he shall stop and retrieve the ski line and if coming to shore he shall then drive the boat at a speed not exceeding eight knots and in a manner so as not to interfere with, or obstruct, any other boat towing a water skier.

368G. The driver of a speed boat landing a water skier shall not approach within twenty-five metres of the shore where the skier is to be landed.

368H. A person shall not, while driving a speed boat, sit on the gunwale or on the back of the driving seat.

368I. A water skier shall, immediately upon losing or intentionally discarding a ski, retrieve or cause to be retrieved such ski.

368J. A person shall not—

- (a) have control of any vessel;
- (b) attempt to operate any vessel; or
- (c) operate any vessel,

within the boundaries of the Port whilst under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the vessel.

- 368K. A person shall not use any area within the boundaries of the Port for the purpose of—
- (a) a slalom course or ski-jump unless prior approval in writing has been obtained from the Port Authority;
 - (b) a slalom course or ski-jump unless a safety zone surrounding such slalom course or ski-jump is defined by red marker buoys, each having a diameter of 200 millimetres and fitted with a 300 millimetre high orange triangular pennant;
 - (c) slalom ski-ing unless that person is wearing an approved buoyancy vest and in the event of attempting a ski-jump that person is wearing an approved vest and wet suit rubber pants; and
 - (d) slalom ski-ing or ski-jumping unless that person is permitted to use the slalom course or ski-jump by the person or club having the approval of the Port Authority to use the water for that purpose.
- 368L. A person shall not use a motor boat unless it is fitted with an efficient silencer approved by the Harbour and Light Department.
- 368M. A person shall not within the boundaries of the Port—
- (a) drive a boat at such a speed or in such a manner as to cause nuisance or damage to any person or to any other vessel or to any bank or property;
 - (b) navigate a boat in such a manner as to obstruct, impede or otherwise interfere with or endanger the safety of other vessels or persons;
 - (c) except in the case of an emergency, cause or permit a motor boat to emit smoke or vapour to such an extent as to cause danger, nuisance or annoyance to the public; or
 - (d) drive a motor boat through or under a bridge with more than one vessel in tow.
- 368MA. The person in charge of a vessel shall not permit any other person not engaged in activities required by the navigation of the vessel or the purposes for which that vessel is being used to remain in a position where any portion of his body is exposed to the risk of injury beyond the limits of the hull of that vessel.
- 368N. Except with the permission in writing of the Port Authority, a person shall not cause or permit any advertisement or sign to be carried by, or displayed on, a motor boat.
369. Every motor boat other than a motor boat propelled by an outboard motor of 13.5 kilowatt brakepower or less shall be equipped with a fire extinguisher that bears the stamp of the Standards Association of Australia and conforms to one of the following standards issued by that body—
- (a) AS A32, AS 1843, AS 1844 or AS 1845 (foam);
 - (b) AS A137 or AS 1846 (dry chemical);
 - (c) AS A138 or AS 1847 (carbon dioxide);
 - (d) AS A163 or AS 1848 (halogenated hydrocarbon).
- 369A. Every vessel shall, when proceeding outside protected waters, be equipped with a life jacket for each person on board, that—
- (a) bears the stamp of and conforms to Australian Standards ASZ 27 or AS 1512; or
 - (b) has been approved by the Marine Board of Victoria, or of the Department of Transport of the Australian Government, as a life jacket.

Ski-jumping.
Added by
G.G. 3/5/74,
p. 1455.
Amended by
G.G. 5/12/75,
p. 4391.

Silencer to
be fitted
on motor
boat.
Added by
G.G. 3/5/74,
p. 1455.

Motor boat
driver not
to cause
nuisance.
Added by
G.G. 3/5/74,
p. 1455.

Risk of
injury.
Added by
G.G. 24/12/75,
p. 4657.

Advertise-
ments
prohibited.
Added by
G.G. 3/5/74,
p. 1455.

Fire extin-
guishers.
Subst. by
G.G. 26/11/76,
p. 4792.
Amended by
G.G. 6/5/77,
p. 1328.

Life
Jackets.
Added by
G.G. 3/5/74,
p. 1455.
Amended by
G.G. 24/12/75,
p. 4657.

- Flares.
Added by
3/5/74,
p. 1455.
Subst. by
G.G. 24/12/75,
p. 4657.
- 369B. (1) Every vessel shall, while being navigated outside protected waters, be equipped with the following distress signals—
(a) not less than two red hand flares or not less than two parachute distress rockets; and
(b) not less than two orange smoke flares.
(2) Distress signals required by this regulation shall be maintained in a serviceable condition at all times, they shall be capable of functioning satisfactorily after immersion in water for one minute, and shall be of such a quality as to enable them to remain serviceable under good average storage conditions for a period of at least three years, the container of each distress signal shall be stamped indelibly with the date on which it is filled and in the case of—
(a) red hand flares, the flare shall be capable of emitting a red light of minimum luminous intensity of fifteen thousand candelas for not less than fifty-five seconds;
(b) parachute distress rockets, the rocket shall be capable of projecting a single bright red star to a minimum height of 230 metres which burns, while falling, with a minimum luminous intensity of twenty-five thousand candelas for not less than forty seconds;
(c) smoke flares, the flare shall be capable of emitting a dense volume of bright orange smoke for a period of not less than fifty-five seconds.
- Situation of equipment.
Added by
G.G. 17/1/75,
p. 126.
Subst. by
G.G. 26/11/76,
p. 4792.
- 369BA. (1) All the items of equipment required to be carried on board any vessel pursuant to regulations 369, 369A and 369B shall be—
(a) maintained in a serviceable condition; and
(b) situated so as to be readily accessible to all persons on board the vessel.
(2) Where any of the items of equipment referred to in regulations 369, 369A and 369B are stored under cover, the position of those items shall be clearly indicated by appropriate markings.
(3) All equipment required to be carried on board any vessel pursuant to regulations 369, 369A, 369B and 369C shall be produced to an authorised person on demand.
- Anchor and line.
Added by
G.G. 3/5/74,
p. 1455.
- 369C. Every vessel, when proceeding outside protected waters, shall be equipped with an efficient anchor and line.
- Unseaworthy vessels.
Added by
G.G. 3/5/74,
p. 1455.
- 369D. When under the circumstances for the time being prevailing, a vessel is unseaworthy, overloaded or insufficiently equipped or is in an unsafe position or locality, the person in charge of the vessel shall forthwith obey any demand or instruction given to him by an authorised person, relating to the removal of the vessel, to reducing the load thereof or to providing any additional equipment required therefor.
- Fuel in motor boats.
Added by
G.G. 3/5/74,
p.p. 1455-6.
- 369E. The following provisions apply to the storage and use of fuel in all motor boats, namely—
(a) fuel shall be carried in containers soundly constructed of metal or any other materials approved by the Harbour and Light Department and shall not, in any event be carried in plastic containers;
(b) subject to paragraph (c) of this regulation, the pipes leading from the fuel tank to the engine shall be of steel or copper, having all joints brazed and union faces ground and made of metal;
(c) a short length of flexible piping of some other material may be used with the approval of the Harbour and Light Department; and
(d) an efficient valve shall be fitted against the fuel tank outlet.

369F. Any engine compartment of a motor boat shall be adequately ventilated.

Ventilation of engine compartments.
Added by G.G. 3/5/74, p. 1456.

369G. (1) Every vessel solely propelled by oars, every sailing vessel of not more than 4.25 metres in length and every motor boat of not more than 4.25 metres in length, shall, while operating between sunset and sunrise, be equipped with an all round white light which shall be kept lighted and shall be displayed whenever the vessel approaches, or is being approached by, any other vessel in sufficient time to warn that other vessel so as to avoid the possibility of any collision.

Lights.
Added by G.G. 3/5/74, p. 1456.
Amended by G.G. 5/12/75, p. 4391.

(2) In this regulation, an all round white light means a white light visible all round the horizon at a distance of at least one mile.

369H. Where two motor boats approach the same jetty in the same direction under such circumstances that if they were to proceed on their courses a dangerous situation would arise the motor boat on the outer course shall give way to the motor boat on the inner course.

Priority on approaching jetty.
Added by G.G. 3/5/74, p. 1456.

370. (1) A person shall not organise, promote or conduct a race, display or regatta for vessels of any description or an exhibition of any form of aquatic sport, including water ski-ing on any of the waters within the boundaries of the port except with the written permission of the Port Authority, and in accordance with any conditions which it may impose, but this subregulation shall not apply to any carnival organised by a surf life saving club as approved by the Western Australian State Centre of the Surf Life Saving Association of Australia.

Organised regattas and sports.
Amended by G.G. 3/5/74, p. 1456.

(2) A person shall not navigate a vessel in such a manner or in such a position as to obstruct, impede or otherwise interfere with, or endanger the safety of boats or persons assembled or competing in events on the occasion of any form of aquatic sport, boat race, swimming carnival, regatta or other assembly for the purpose of entertainment within the boundaries of the Port.

(3) The person in control of a vessel shall on the occasion of any event mentioned in subregulation (2) of this regulation immediately obey any instruction regarding navigation given to him by an authorised person.

370A. An authorised person may at any hour of the day or night enter upon and inspect any boat within the boundaries of the Port and the equipment, machinery and gear in or about the boat.

Power to enter and inspect.
Added by G.G. 3/5/74, p. 1456.

370B. Every person who by act or omission contravenes the provisions of any regulation in this Section of this Part, or the provisions of any notice published under, and by virtue of, this Section of this Part, commits an offence and is liable on conviction to a penalty not exceeding two hundred dollars.

Offences.
Added by G.G. 3/5/74, p. 1456.
Amended by G.G. 26/11/76, p. 4792.

PART X.

371. Any person who fails to do anything required to be done or who does or attempts to do anything prohibited under these regulations commits an offence.

Offences.

372. Except where specific penalties are imposed, any person committing a breach of any of these regulations shall be liable to a penalty not exceeding two hundred dollars in respect of each such breach and in addition, any expense incurred by the Port Authority in consequence of the breach shall be paid by the person committing that breach.

Penalties.

Schedule A.
Amended by
G.G. 28/6/73,
p. 2480.

Schedule A.

SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST.

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

Bill of Lading No.	Shipper	Consignee	Marks and Nos.	Packages		Contents	Total Gross Weight Tonnes	Total Gross Measurement (cubic metres)
				Quantity	Description			

I (or/we) declare the above particulars to be correct.

.....
Master or Agent

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

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

Schedule B.
Fremantle Port Authority.
80-Tonne Floating Crane.
APPLICATION FOR HIRE.

Schedule B
Amended by
G.G. 28/6/73,
p. 2480;
G.G. 30/7/76,
p. 2427;
G.G. 29/7/77,
p. 2483.

To the Fremantle Port Authority:

We hereby make application for the hire of the 80-Tonne 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 Port Authority shall not supply nor accept responsibility for the safety of slings for the lifting of packages, and that the Port Authority 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 Port Authority shall not be liable for any amount in excess of the sum of two thousand dollars (\$2 000) 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-Tonne Floating Crane, and to be bound by the further conditions on the reverse side of this form.

Charges.

- (a) The Ordinary time hire rate prescribed in this application shall apply to the hours of hire during which the driver of the crane is paid at ordinary time rates of pay. For all other hours of hire the overtime rates of hire shall apply, the appropriate rate being decided by the respective rates of pay at which the driver of the crane is paid during those hours.
- (b) Appropriate Standing-by Rates prescribed in this application shall where applied be payable by the hirer and shall likewise be decided by the respective rates of pay paid to the driver of the crane during the hours in which Standing-by Rates are applicable.

Hire Rate	Standing-by Rate.
Ordinary time—	
\$90 per hour or part thereof	\$42 per hour
Overtime—	
\$110 per hour or part thereof	\$70 per hour
Minimum Charge—	

For each day or part of a day shall be as for four hours hire at the relevant hourly rates.

Additional Charges—
All towage of crane at cost.
Mooring services at scheduled rates.

For
Per.....
Date.....19.....

Witness

80-tonne 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 Port Authority, 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-tonne 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 Port Authority 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 Port Authority 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. The Port Authority may in its discretion, at any time and from time to time, and according to the circumstances of each particular case, waive hire charges for the crane and apply the relevant Standing-by Rate as prescribed in this application, such Standing-by Rate to be paid to the Port Authority by the hirer in lieu of the hire rates prescribed in this application.

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