



Western Australia

Albany Port Authority Regulations 1951

Compare between:

[08 Jul 1994, 00-y0-02] and [01 Jun 2001, 00-z0-05]

Western Australia

ALBANY HARBOUR BOARD ACT 1926

Albany Port Authority Regulations 1951

Chief Secretary's Department,
Perth, 14th February 1951.

C.S.D. 81/50

HIS Excellency the Governor in Executive Council has been pleased to approve of the resolution of the Albany Harbour Board passed by the said Board on the 14th day of September 1950, pursuant to the powers conferred by section 61 of the *Albany Harbour Board Act 1926*, repealing the regulations made under the said Act and published in the *Government Gazette* on the 21st day of March 1950, and making in lieu thereof the new regulations to operate and have effect as declared under the said Act and which said resolution is set forth in the Schedule attached hereto, and to declare that the said new regulations shall operate and have effect as aforesaid as from the date of the publication of this notice in the *Government Gazette*.

H.T. STITFOLD,
Under Secretary, Chief Secretary's Department.

Albany Harbour Board Act 1926

Albany Harbour Board — Resolution

The Albany Harbour Board constituted under and by virtue of the *Albany Harbour Board Act 1926* (No. 52 of 1926), doth hereby repeal the regulations made under the said Act and published in the *Government Gazette* on the 21st day of March 1950, and further doth hereby make the following regulations in accordance with the said Act namely —

1A. Citation

These regulations may be cited as the *Albany Port Authority Regulations 1951*.

[Regulation 1A inserted in Gazette 29 June 1990 p.3208.]

Interpretation

1. Interpretation

In the construction of these regulations, each of the following expressions shall have the meaning hereby assigned to it, unless such meaning be inconsistent with the subject matter or context in which the expression occurs: —

“**State**” means the State of Western Australia.

“**Act**” means the *Albany Harbour Board Act 1926* (No. 52 of 1926), as amended from time to time.

“**The Board,**” “**The Albany Harbour Board**”— shall mean the Albany Harbour Board constituted under the Act.

“**Members**”— The Albany Harbour Board Members appointed under the Act in Office for the time being.

“**Buoys,**” “**Beacons**” include all other marks and signs placed for the purpose of navigation.

“**Goods,**” “**Cargo**”— All wares and merchandise, and all chattels, live stock, and other things of whatsoever description.

“**Berth,**” “**Berthing**” means a position alongside any wharf or jetty or any vessel fastened to any wharf or jetty or to the shore; or at any mooring buoy or anchorage; and any vessel fastened to any wharf or jetty or shore or to any other vessel, or moored to any buoy or fixture, or anchored within the harbour, shall be held and deemed to be occupying a berth.

“**deadweight tonnage**” means the weight, in tonnes, of a vessel’s cargo, stores, fuel, passengers and crew when the vessel is loaded to its maximum summer loadline;

“**Gross Registered Tonnage**” means the gross registered tonnage of a vessel calculated or determined in accordance with

regulation 18A of the Ports and Harbours Regulations made under the *Shipping and Pilotage Act 1967*.

“**Harbor Master**” includes any person acting under the instructions of the Harbour Master.

“**Master**” includes every person having command, charge, or management of a vessel for the time being, and may also include the owners, or agent for the owners of any vessel.

“**Minister**” means the responsible Minister of the Crown charged with the administration of the Act.

“**Owner**” includes any person who is owner jointly with any other person, any joint stock company; and when used in relation to goods includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of goods.

“**Ship**” means every description of vessel used in navigation and not propelled exclusively by oars.

“**The Harbour,**” “**The Port**”— So much of the Harbour of Albany as is contained within the boundaries described in the Schedule to the Act, or as altered from time to time by the Governor.

“**Accountant**” includes any officer deputed by the members to carry out any duty on behalf of the Accountant.

“**Vessel**” means any ship, lighter (not being a licensed powder lighter), barge, boat, raft, or craft of whatever description, and howsoever navigated.

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

“**Engineer**” includes any person empowered to represent the Engineer.

“**Secretary**” means the Secretary to the Board appointed by the Governor, and includes any person empowered to act as Secretary during the temporary absence of such officer.

“**Shore**” means shore so far as the tide flows and reflows between low and high water marks.

“Wreck” includes jetsam, flotsam, lagan, and derelict.

“Wharf” includes pier, jetty, landing stage, quay, dock, slip and platform over which the members have jurisdiction.

“pilot” means a person approved by the Port Authority under section 16 (1) of the *Ports (Functions) Act 1993* as a pilot for the Port;

“piloting services” means the services provided by a pilot at the Port;

“Ships’ Slings,” “Ships’ Tackle,” “Ships’ Gear,” when used in connection with the handling of goods, shall include all cranes or other hoisting appliances hired or used for the purpose of or in connection with the handling of such goods.

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

“Consignee” shall mean the person to whom any goods are consigned, and shall include the owner of such goods, the agent for such owner, the agent for the sale or custody of such goods, the holder of any bill of lading or other document representing such goods, and any other person having any right, title, or interest in such goods.

“Consignor” shall mean the person consigning any goods, and shall include the owner, shipper, agent for the owner or shipper, and any other person having any right, title, or interest in such goods.

“Week,” “Day,” “Hour,” shall be taken to mean and include a portion of the week, day, or hour, when a whole week, day, or hour has not been required or used.

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular.

Words importing the masculine gender shall include the feminine.

“Coasting Vessel” means any vessel owned or registered within the Australian Commonwealth whose trade is exclusively confined to the ports of Western Australia.

“Foreign Vessel,” “Foreign-going Vessel,” “Oversea Vessel” shall mean and include every vessel used in any trade, other than a lighter coasting vessel, or Interstate vessel.

“Interstate Steamer,” “Interstate Vessel” means every steamer or vessel owned or registered within the Australian Commonwealth, and trading between any Australian State or New Zealand and this State, as also any steamer trading between Singapore as a terminal port and this State via the North-West ports of Western Australia.

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

“Inspector” means any Inspector appointed by the Albany members, and in section VI of these regulations means the Inspector, or any Sub-Inspector of Explosives under the *Explosives Act 1895*.

“Surveyor” means any officer or person appointed by the members to act as surveyors of vessels or goods.

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

[Regulation 1 amended by Gazettes 29 June 1952 p.1577; 6 July 1973 p.2620; 1 July 1983 p.2129; 6 August 1993 p.4286; 10 June 1994 p.2419; 8 July 1994 p.3345.]

Construction

[Heading inserted by Gazette 28 June 1991 p.3240.]

1B. Construction

On and after the date of the commencement of Part II of the *Currency Act 1963* of the Commonwealth, wherever in these regulations an amount of money is expressed either in words or figures in pounds, shillings or pence, or any combination thereof, then —

- (a) if opposite or following that amount there is specified in parentheses an amount either in words or figures purporting to be an amount of money expressed in terms of decimal currency, the amount so specified shall be substituted for the amount expressed in pounds, shillings or pence, or a combination thereof; and
- (b) if there is not opposite or following that amount such an amount specified in parentheses as is referred to in paragraph (a) of this regulation there shall be substituted for that amount a corresponding amount of money expressed in terms of decimal currency calculated on the basis of the equivalents specified in subsection (4) of section 8 of the *Currency Act 1963* of the Commonwealth;

to the intent that on and after that date every substitution made under and in pursuance of this regulation shall be a direct amendment of these regulations.

[Regulation 1B inserted as Regulation 1A by Gazette 1 September 1965 p.2571; amended as Regulation 1B by Gazette 28 June 1991 p.3240.]

Part — I

Section I

Conduct of Business

2. Conduct of Business

Meetings — The ordinary meetings of the members shall be held on the second and fourth Thursday in each month, or upon such other days and at such hour as shall from time to time be decided upon by the members. For the the conduct of Board business deemed necessary between ordinary meetings, a quorum of three members shall constitute a meeting.

[Regulation 2 amended by Gazettes 31 October 1952 p. 2633; 13 November 1953 p.2254; 13 August 1957 p.2435.]

2a. Remuneration of Members

For his attendance at each meeting of the Board, there shall, be payable to the Chairman the sum of seven guineas and to each other member the sum of five guineas together, in the case of any member not ordinarily resident within the Municipal District of Albany, with car, mileage allowance as payable to officers of the State Public Service.

Provided that the fees payable to the Chairman shall not in any one year exceed the sum of three hundred pounds and that those payable to any member other than the Chairman shall not exceed in any one year the sum of one hundred and fifty pounds.

[Regulation 2a inserted by Gazette 13 November 1953 p.2254; amended by Gazettes 13 August 1957 p.2435; 23 March 1965 p.899.]

3. Office Hours

The offices of the Board shall be open for the transaction of business between the hours of 9 a.m. and 5 p.m. from Monday to Friday, both inclusive.

Control and Guidance of Officers, and the Time and Mode of Accounting by Officers for Moneys Coming into Their Hands.

4. Receipt of Accountant to Collectors to be a Sufficient Discharge

Every collector, and every officer, clerk, or servant of the Board, who shall collect or receive any moneys for or on behalf of the Board, shall daily pay over same to the accountant of the Board, and the receipt of such accountant for the moneys so paid shall be sufficient discharge to said collectors, officer, clerk, or servant.

5. Duties of Account as to making Entries and Lodgments

The accountant shall make, or cause to be made, true entries in the books provided by the members for that purpose of all moneys or cheques paid to, or received by him for and on behalf of the Board, and he shall within twenty-four hours, or such other period as the members may direct. after the same shall have come to his hands pay the same moneys and cheques into the Commonwealth Bank of Australia at Albany, for transfer to the Treasury to the credit of an account to be called the "Albany Harbour Board Account".

[~~6.~~ — Regulation 6 repealed by Gazette 12 February 1960 p.320.]

7. Common Seal

The common seal of the Board shall be kept locked with two locks, of one of which locks the Chairman shall have a key, and of the other which locks the Secretary shall have a key, and a duplicate of each of such keys shall be lodged at such Bank as the members may direct, and the common seal shall be affixed by the Chairman of the members and one other of the members with the Secretary, or in the absence of such Chairman, by two members of the Board and the Secretary.

8. Disqualification for Becoming Surety

No member or officer of the Board, and no assessor auditor of the Board shall be received as a surety for any officer appointed by the members of the Board, or for the performance of any contract made with the Board.

9. Officers to Report Breaches of the Customs Act

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

10. Conduct of Officers

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

Section II

The Management and Conduct of Business at Meetings of the Members

11. General Conduct of Business

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

12. Minutes of Meetings to be Read at Next Subsequent Meeting

At every ordinary meeting of the members the first business thereof shall be the reading and putting a question for the confirmation of the minutes of the proceedings at the preceding meeting, and no discussion shall be permitted thereon except as to their accuracy as a record of the proceedings, and the said minutes of proceedings at the preceding meeting shall then be signed by the Chairman.

13. Order of Business at Ordinary Meetings

After the signing of the minutes, as aforesaid, the order of business of an ordinary meeting shall be as follows, or as near thereto as may be practicable: —

- (a) Reading of copies of letters sent by the authority of the members.
- (b) Reading letters received, and considering and ordering thereon.
- (c) Reception and reading of petitions and memorials.
- (d) Presentation of schedule of receipts and disbursements. Passing of accounts.
- (e) Presentations of reports of Chairman and of committees, and considering and ordering thereon. The postponed items of former reports of committee shall take precedence of new business brought up by committees.
- (f) Orders of the day, including subjects continued from proceedings of former meetings and any business the Chairman may think desirable, with the consent of the members.
- (g) Motions of which previous notice has been given.
- (h) Notices of motion for consideration at following meeting.
- (i) Receiving deputations.

14. Order of Business at Special Meetings

The order of business at special meetings shall be the order in which such business stands in the notice thereof.

15. Motions

All notices of motion shall be dated, signed, and given by the intending mover to the Secretary either at a meeting of the members or three clear days at the least prior to the holding of any ordinary meeting, and such Secretary shall enter the same in the notice of motion book in the order in which they may be received, and each member shall receive a copy of such notice of motion with the ordinary notice of meeting.

16. No Motion to be Proceeded with in Absence of Member Giving Notice of Same, Except by his Authority

No motion entered in the notice of motion book shall be proceeded with in the absence of the member who gave notice of the same, unless by some other member having authority from him to that effect.

17. Order, Etc., of Debate

Any member 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 member calling to order shall have been heard thereon, and the question of order disposed of, when the member in possession of the Chair may, subject to the ruling of the Chairman, proceed with the subject.

18. Motion not to be withdrawal Without Leave

No motion or amendment shall be withdrawn without the consent of the majority of the members present.

19. Motion to be Seconded

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

20. Mover of Motion

A member moving a motion shall be held to have spoken thereon; but a member merely seconding a motion shall not be held to have spoken upon it.

21. Priority of Members

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

22. Members not to Speak a Second Time on the Same Question

No member shall speak a second time on the same question, unless entitled to reply, or in explanation when he has been misrepresented or misunderstood.

23. Points of Order

The Chairman, when called upon to decide on points of order or practice, shall state the provision, rule or practice which he deems applicable to the case, without discussing or commenting on the same; and his decision as to order or explanation in each case shall be final.

24. Members not to Digress, Etc.

No member shall digress from the subject matter of the question under discussion, and all imputations of improper motives and all person reflections, shall be deemed highly disorderly.

25. Members Called to Order to Sit Down

A member called to order shall sit down, unless permitted to explain.

26. Member May Demand Documents

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

27. Voting

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

28. Motions, Etc., if Required, to be Reduced into Writing

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

29. If Amendment be Negatived, a Second One May be Moved

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

30. Mover of Motion to Have Right to Reply

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

31. Motion for Adjournment

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

32. Protests

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

33. Committees

Minutes of all proceedings of all committees shall be entered in the committee's minute book.

34. Meetings of Committees

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

35. Petitions to be Respectful

It shall be incumbent on every member presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the members.

36. To be Signed by Petitioners

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

37. Suspension of Rules

Any one or more of the rules and regulations relating to the management and conduct of business at the meetings of the members may be suspended for a special purpose by the consent of two-thirds of the members present.

37a. Allowances — Travelling

The following shall be the allowances payable to the Chairman, members or officers of the Board when travelling: —

Chairman or Members — In accordance with the scale of travelling allowances payable to officers in the State Public Service receiving a salary margin exceeding £525 per annum.

Officers — In accordance with the scale of travelling allowances payable to officers of the State Public Service.

[Regulation 37a inserted by Gazette 31 October 1952 p.2633.]

Payment of Revenue**38. Mode and Condition of Payment**

No tolls, rates, or charges due to the Board shall be paid to any person or persons whatsoever other than the members, or such of their officers or agents as are authorised to receive such revenue; and the receipt of any sum of money on behalf of the members by any person or persons other than the members, or such of their officers or agents as are authorised to receive such money, shall not be binding on the members in any way whatsoever. All money shall be paid in British currency to the Board at its office within the ordinary business hours of the Board.

39. Officer may Enter Vessels, etc.

The Secretary or other officer authorised by him for the collection of dues shall have the power, either alone or with other persons, to enter any vessel in order to ascertain the dues payable in respect of the vessel or of goods therein, and no person shall hinder or molest the said Secretary or other officer or persons as aforesaid, or refuse to allow him or them to enter or search any such vessel.

40. Charges to be Paid Before Clearance

All tolls, rates, or charges due under these regulations, or imposed by the Act, in respect of any vessel, shall be paid before such vessel is given her clearance from the port, and the collector of customs shall hold a notification from the Board that all such tolls, rates, or charges have been duly paid before such clearance is issued, and in the event of any such vessel leaving the port prior to the payment of any sums so due, the master of the said vessel, or in his absence from the port the owner or the agent of the said vessel, shall pay the amount so due, and shall also be liable to a penalty. It shall, however, be competent, but not compulsory for the Board in special circumstances to accept from the master, owner, or agent, a guarantee in writing that such dues shall be paid to the Board within 24 hours of the clearance of such vessel.

41. Liability for Goods Consigned from Ship

When goods are discharged out of any vessel into railway wagons, or on to any wharf or jetty, and again loaded on to railway wagons for consignment from such wharf or jetty, the master or agent of the said vessel or other person upon whose order the said wagons are supplied shall be held responsible for the payment of wharfage and other charges which may be incurred in respect of such goods.

42. Liability of Consignee and Consignor

Without in any way limiting sections 47 and 48 of the Act, consignees shall be liable for all wharfage and other charges on all inward cargo. Consignors shall be liable for all wharfage and other charges on all outward cargo: Provided, always, that this regulation shall not limit the right of the Board to recover such wharfage and other charges from any person (other than the consignee or consignor) who may be liable by law to pay the same.

43. Dues Payable by Vessels

Wherever any tolls, rates, or charges are by these regulations expressed to be payable by vessels, the same shall be payable by the owners, masters, or agents of such vessels, or other person or persons liable to pay the same.

Section IV**Contracts****44. Contracts to be Advertised**

Except in cases of emergency no contract for the execution of any work or for furnishing materials or labour, to the amount of £50 or upwards, shall be entered into, unless five days previous to the date thereof tenders for the same shall have been invited by advertisement published, in some newspaper circulating in Albany and also, if so decided, in Perth.

45. Tenders

All tenders shall be enclosed in a sealed envelope addressed to "The Secretary of the Albany Harbour Board Members," and marked "Tender for," as stated in such advertisement.

46. Deposit

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

47. Lowest Tender Need Not be Accepted

The members shall not be bound to accept the lowest or any tender.

48. Acceptance of Tender

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

Part II

Section I

Signals

PORT SIGNAL CODE

Meaning	Signal	
	Day	Night
Pilotage Signals, etc. —	Regulation No. 49	
Want Pilot	Flags P.T. or Flag G. International Code or Pilot Jack at foremast	(1) The pyrotechnic light commonly known as a blue light, shown every fifteen minutes. (2) A bright white light flashed or shown at short or frequent intervals just above the bulwarks for about a minute at a time. (3) The International Code Signal P.T. by flashing.
(No master of a vessel shall use or display, or cause or permit any person under his authority to use or display any of the aforesaid signals for a Pilot for any other purpose than that of summoning a Pilot, or shall use, or permit any person under his authority to use, any other signal for a Pilot)		
Pilotage Exemption	White Flag at mainmast head	

Meaning	Signal	
	Day	Night
Want Tug.....	(1) International Code Flags Y.A. (if more than one required, indicate number by International Code Flags); or (2) Two blasts of whistle — one prolonged and one short Regulation No. 50	Two blasts on whistle — one prolonged and one short.
Quarantine Signals, etc' —		
My ship is healthy and I request pratique	Flag Q. International Code	
My ship is "Suspect," <i>i.e.</i> , I have had cases of infectious diseases more than five days ago, or there has been unusual mortality among the rats on board my ship	Flag Q. and Q. (1st substitute) International Code	
My ship is "infected." I have not received pratique, <i>i.e.</i> , I have had cases of infectious diseases less than five days ago	Flag Q.L. International Code Regulation No. 51	Red light over white. (Only to be shown within the precincts of a port. The lights should not be more than six feet apart.)
In Distress Signals, etc. —		
In distress.....		

Meaning	Signal	
	Day	Night
(And any master of a ship who uses or displays, or causes or permits any person under his authority to use or display any of the said signals, except in the case of a ship 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)	(1) A gun or other explosive signal fired at intervals of about a minute	(1) A gun or explosive signal fired at intervals of about a minute.
	(2) International Code Signal NC	(2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
	(3) A continuous sounding with any fog signal apparatus	(3) Rockets or shells throwing stars of any colour or description, fired one at a time, at short intervals.
	(4) The signal S.O.S. made by radio telegraphy	(4) A continuous sounding with any fog signal apparatus.
	(5) The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball	(5) The signal S.O.S. made by radio telegraphy.
Want Medical Assistance.....	Flag W. International Code	
Want Police	Flags S.T. International Code and/or three short blasts followed by one long blast (S.T.) on whistle or siren	Two white lights shown vertically five feet apart from peak or other prominent place.

Meaning	Signal	
	Day	Night
Want Customs Officer .	Flags E.H.C. International Code Regulation No. 52	
Steering Signals, etc.: —		
Steering Sounds Signals Day or Night —		
When vessels are in sight of one another a steam vessel under way, in taking any course authorised by the steering and sailing rules for preventing collisions embodied in regulations made under the <i>Merchant Shipping Act 1894</i> , shall indicate that course by the following signals on her whistle, siren, or horn, viz.:		
I am directing my course to Starboard	One short blast.
I am directing my course to Port	Two short blasts.
My engines are going full speed astern	Three short blasts.

Meaning	Signal	
	Day	Night
My ship is out of control, keep clear	Four short blasts.
Vessel at anchor	Black ball at foremast or where it can best be seen	
Vessel swinging in river or narrow channel —		
Keep clear of me, I am swinging	Four short blasts (H.) on whistle or siren <i>Note.</i> — In addition, after a short interval, the International signal on whistle or siren indicating the movement of the ship's head or engines going astern should be given Regulation No. 53	
Miscellaneous Signals —		
Am carrying Mails	Flag Y. International Code at foremast head	
Explosives on Board	Flag B. International Code at foremast head or other prominent position	

Meaning	Signal	
	Day	Night
Inflammable Liquids on Board	Red flag with white circular centre	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.
Want Water	Flags Y.J. International Code*	
Want Lighter	Flags Q.N. International Code*	
Want Ash Boat	Flags F.S. International Code*	
	* If more than one required, indicate number by International Code Flags	
Artillery Practice — Keep clear of Firing Range	Flags I.B. International Code	
Port Closed (made at or near Signal Station at entrance of Port)	Signal consisting of three shapes shown vertically one over the other — The upper and lower shapes being circular and red and the middle shape triangular (apex up) and green	Signal consisting of three lights in a vertical line one over the other. The upper and lower lights red and the middle light green.

Note. — For details see Defence Department Notice to Mariners No. 9, published by Hydrographic Branch, Royal Australian Navy.

Caution when
Approaching British
Ports —

(1) Closing of Ports, entrance to Port prohibited	Three red balls disposed vertically	Three red lights disposed vertically
(2) Examination Service — Entrance to Port permitted	Distinguishing flag white over red horizontal surrounded by a blue border	Three white lights vertically disposed
Entrance to Port prohibited (Signal exhibited on examination steamer)	Distinguishing flag white over red horizontal surrounded by a blue border. Also three red balls disposed vertically	Three red lights vertically disposed

Note. — For details see Admiralty or Defence Department Notice to Mariners, No. 1 of each year

[53A.— Repealed by Gazette 8 July 1994 p.3345.]

54. Payment of Tonnage Rates

All vessels entering the Port shall, unless hereinafter exempted, pay the Tonnage Rates and berth hire charges prescribed by these Regulations.

[Regulation 54 inserted by Gazette 27 June 1952 p.1577; amended by Gazettes 20 February 1953 p.377; 8 July 1994 p.3345.]

55. Exemption from Payment

The following vessels shall be exempted from berth hire charges: —

- (1) All vessels of war.

- (2) All vessels owned by the Government of any of Her Britannic Majesty's States or Dominions, provided such vessels are not engaged in trade.
- (3) All vessels chartered on behalf of Her Majesty.
- (4) All vessels employed solely for mission work in connection with some religious body.
- (5) All vessels being solely pleasure yachts, not engaged in trade or plying for hire.
- (6) Fishing vessels of less than 35 metres length overall.

Where, however, in the cases of Nos. (4), (5) and (6) a wharf berth is occupied, it is competent for the Board to insist upon payment of the minimum charge referred to in regulation 60.

[Regulation 55 inserted by Gazette 27 June 1952 p.1577; amended by Gazettes 20 February 1953 p.377; 8 July 1994 p.3345.]

56. Certificate of Registry

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

[Regulation 56 inserted by Gazette 27 June 1952 p.1577.]

57. Computing time in Berth

For the purpose of assessing the berth hire charges under regulation 59, a vessel shall be deemed to occupy a berth as follows: —

- (a) Where such vessel uses a berth at a wharf or jetty or at a mooring buoy from the time when the first line is made fast until the last line is let go.
- (b) Where such vessel anchors in Princess Royal Harbour or King George Sound, for the actual time occupied in shipping and/or discharging cargo, and/or embarking or disembarking passengers.

- (c) A vessel which remains at anchor in Princess Royal Harbour or King George South, 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, from the time when the anchor is let go until the anchor is recovered.

[Regulation 57 inserted by Gazette 27 June 1952 p.1577; amended by Gazettes 20 February 1953 p.377; 1 September 1965 p.2572; 1 July 1983 p.2129; 8 July 1994 p.3345.]

58. Tonnage rates

- (1) The owner and master of a vessel that occupies a berth at the Port are jointly and severally liable to pay to the Port Authority the appropriate tonnage rate set out in subregulation (2).
- (2) The tonnage rate —
- (a) for a vessel, other than a vessel referred to in regulation 57 (c), is 30 cents for each tonne of the deadweight tonnage of the vessel, subject to a minimum charge of \$200.00; or
 - (b) for a vessel referred to in regulation 57 (c) is one cent for each tonne of the deadweight tonnage of the vessel, subject to a minimum charge of \$100.00.

[Regulation 58 inserted by Gazette 8 July 1994 p.3345.]

59. Berth hire charges

- (1) Subject to regulations 55, 60, 61, 62 and 63 and subregulation (2) —
- (a) the owner and master of a vessel that occupies a berth at the Port are jointly and severally liable to pay to the Port Authority a berth hire charge of \$825 for each 8 hour period, or part of such period, during which the berth is occupied by the vessel; and
 - (b) if the vessel has a cargo —

- (i) the consignor of the cargo (for cargo leaving the Port); or
- (ii) the consignee of the cargo (for cargo arriving at the Port),

is liable to pay to the Port Authority an amount equal to the berth hire charge payable under paragraph (a).

- (2) Charges under subregulation (1) are not payable in respect of a vessel referred to in regulation 57 (c).

[Regulation 59 inserted by Gazette 8 July 1994 p.3346.]

60. Rebates of Tonnage Rates

Subject to the conditions and exceptions specified in this Regulation and provided that a minimum charge as for 8 hours shall in all cases be payable, rebates of the berth hire charges under regulation 59 may be granted in accordance with the following provisions, namely: —

- (a) Where the vessel berths within Princess Royal Harbour under any of the following circumstances: —
 - (1) In distress or under duress.
 - (2) For fitting, refitting or repairs, in any of which circumstances the rebate allowable shall be 75 per cent.
 - (3) For orders or supplies, including bunkers for own use and is berthed for that purpose for a period not exceeding seventy-two hours, in which case the rebate allowable shall be 50 per cent.
- (b) Should such distress, duress, fitting, refitting or repairs necessitate the replenishment of supplies which otherwise would not have been required, or the discharging temporarily or otherwise of any cargo not originally intended to be discharged at the Port, the rebate of 75 per cent., as aforesaid, shall apply throughout the period of such operations.

- (c) Should the loading of supplies referred to in subparagraph (3) of paragraph (a) hereof necessitate the discharging and reshipping of cargo in order to comply with any Regulation of the Board, the rebate of 50 per cent., as aforesaid, shall apply throughout the period of such operations.
- (d) Where a vessel, occupying a wharf berth, requires prior to the commencement or subsequent to the completion of the ordinary work for which the vessel entered the port, to effect repairs or replenish supplies, then the rebate shall be at the same rate as for similar circumstances prescribed in paragraph (a) hereof, but only for the actual period so involved.
- (e) Where a vessel occupies a berth for a period in excess of that taken for the handling of cargo and/or 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 Princess Royal 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 berth hire charges 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 berth hire charges during the whole or any portion for the time in port shall, prior to or within, one hour 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, provided that where the circumstances arise during other than ordinary working hours the declaration

shall be made within one hour of the commencement of business on the next working day. In the absence of such declaration, and except as provided in paragraph (h) of this regulation full berth hire charges shall be payable.

- (h) The members may, in their discretion, at any time and from time to time and according to the circumstances of each particular case, allow such rebates of berth hire charges as they consider reasonable.

[Regulation 60 inserted by Gazette 27 June 1952 p.1577; amended by Gazettes 20 February 1953 p.377; 28 September 1956 p.2387; 1 September 1965 p.2572; 24 December 1975 p.4652; 8 July 1994 p.3346.]

61. Vessels free of berth hire charges in Certain Cases

- (a) When exceptionable weather conditions render it unsafe for any vessel (being ready for sea) to leave the Harbours, the Members may allow such vessel to be free of berth hire charges during the period of delay, provided that written application is made forthwith by the master or agent of the vessel and such written application is certified by the Harbour Master as to the adverse weather conditions.
- (b) Where any vessel enters the Port solely for the purpose of landing a sick or injured person and remains for such time only as may be necessary for that purpose, and provided that the master or agent of such vessel submits a written declaration as to the circumstances, the Members may, in their discretion, allow such vessel to be free of berth hire charges.

[Regulation 61 inserted by Gazette 27 June 1952 p.1579; amended by Gazettes 20 February 1953 p.377; 8 July 1994 p.3346.]

62. Coasting Vessels

Coasting vessels in commission, not exceeding 750 tons gross register, shall pay half the amount of berth hire charges prescribed for other vessels in like circumstances or like

positions. Vessels shall be deemed to be in commission until such time as the owners thereof notify the Board in writing that they intend to lay their vessels up. Vessels so laid up shall pay to the Board a special lay-up fee of \$1.20 per week.

[Regulation 62 inserted by Gazette 27 June 1952 p.1579; amended by Gazettes 20 February 1953 p.377; 28 September 1956 p.2387; 8 July 1994 p.3346.]

Tugs, Launches, etc.

63. Tugs, Launches, etc.

Hulks, tugs, passenger craft, licensed launches, lighters, barges, work boats and vessels engaged in professional fishing operations, other than fishing trawlers, are not liable to pay the berth hire charges under regulation 59 but shall each —

- (a) before the first day of July in each year, or thereafter on first entering the Port, pay as berth hire charges in respect of the year, or part thereof, ending on the thirtieth day of June next following —
 - (i) where the vessel has a gross registered tonnage of not more than 200 tons — \$50;
 - (ii) where the vessel has a gross registered tonnage of more than 200 tons — \$100; and
- (b) pay \$6 for each week, or part thereof, during which that vessel has, at any time, used any wharf, jetty, landing or other facility provided for the berthing or tying up of vessels.

[Regulation 63 inserted by Gazette 13 October 1978 p.3719; amended by Gazettes 1 July 1983 p.2129; 8 July 1994 p.3347.]

[~~64., 65., 66., 67., 68., 69., 70.~~ — Regulations 64, 65, 66, 67, 68, 69 and 70 repealed by Gazette 27 June 1952 p.1577.]

Section IV

Regulations Respecting Goods and the Charges Thereon

71. Regulations Respecting Goods and the Charges Thereon

Inwards Manifests to be Supplied and Certified to. — The master of every vessel arriving at the port Albany shall deliver at the office of the Board, prior to commencing to discharge cargo, two true, legible, and complete copies of the manifest of the said vessel, certified to by himself as being true and complete, containing the particulars indicated in the form set forth in Schedule A, and shall also furnish within forty-eight (48) hours a certified statement of all alterations (if any) which may be made in such manifest by reason of re-measurement of goods included therein or otherwise. Such alterations to a manifest shall not be recognised unless supplied prior to the goods affected thereby being removed from the premises of the Board. Should the master of any such vessel fail to furnish such information within the time specified, or should he furnish the Board with any information which is inaccurate in any material particular, or is not duly certified to as being true and complete, the said master, or in his absence from the port, the owner or agent of the vessel, shall be liable to a fine not exceeding one hundred pounds (£100). In the case of a vessel not discharging any cargo, a “NIL” manifest must be furnished.

[Regulation 71 amended by Gazette 28 September 1956 p.2387.]

Outwards Manifests. — The master of every vessel shall deliver at the office of the Board, prior to the clearance of the vessel in which outward cargo is shipped, unless otherwise arranged with secretary in writing, a certified copy of manifest giving true, legible, and complete particulars of such goods as will enable the amount of berthage and wharfage dues payable thereon to be readily computed. No person shall enter upon any wharf or jetty with goods for shipment, nor shall same be received into the shed for such purpose without the shipper, owner, or agent

having first delivered to the wharf manager a cart-note, boat-note, or other written document, as may be required by the Board, containing full and true account, with gross measurements or weights of such goods then under his immediate control. Any violation or attempted evasion of these provisions shall render the said master or person liable to a fine not exceeding one hundred pounds (£100). In the case of a vessel not shipping any cargo, a "NIL" manifest must be furnished. All manifests shall also show the quantity of coal or fuel oil bunkered.

[Regulation 72 amended by Gazettes 28 September 1956 p.2387; 6 July 1973 p.2620.]

Payment of Wharfage, etc.

73. Payment of Wharfage, etc

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

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

- (2) Outwards Cargo. — Wharfage and all other charges in respect of cargo to be shipped shall be paid prior to the said cargo being received by the Board. The consignor or owner of cargo shall hand to the Board a cart-note or such other written document as may be required which shall contain therein a full and accurate

description and the gross weights or measurements of all such cargo. The charges on all cargo described in each bill of lading shall be cleared by one payment, for which the official receipt of the Board must be obtained.

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

The Board may, at its discretion, accept from the consignor, owner, shipper or agent of the vessel in which the cargo is shipped a guarantee in writing that the wharfage and all other charges will be paid within 24 hours of the clearance of the vessel.

[Regulation 73 inserted by Gazette 1 September 1965 p.2573; amended by Gazette 8 July 1994 p.3347.]

Wharfage and Handling Charges on Cargo

73A. Wharfage and Handling Charges on Cargo

Subject to regulation No. 75A of these regulations, all goods discharged from, to be shipped on, or transhipped out of any ship within the port shall pay the wharfage charges set out in regulation 74, and the general provisions enumerated hereunder shall apply unless otherwise specified: —

[(a), (b), (c) deleted]

- (d) Extra handling charges will be made in all cases where cargo is subject to more than the ordinary handling as described in Regulation No. 96 of these regulations.
- (e) The outward wharfage rate on fuel oil loaded into a vessel as bunkers supplied for that vessel's own use, and upon which an inward wharfage rate has not been paid at this port, shall be, \$2.60 per kilolitre payable by the suppliers of the oil.

- (f) Live Stock — Where horses, cattle and other large stock are landed upon the wharves in boxes or crates which are not removed except for the purpose of reshipment, such receptacles shall be exempted from the payment of wharfage charges.

[(g), (h) deleted]

- (i) Racing yachts and boats (the property of visiting clubs) for regatta purposes only — Wharfage — nil, Handling Charges to be as arranged.
- (j) Ships' refuse (such as manure from cattle ships in cases where the Board permits it to be landed) — Wharfage — nil, Handling Charges to be as arranged.

[(k), (l) deleted]

[Regulation 73A inserted by Gazette 1 September 1965 pp.2573-74; amended by Gazettes 6 July 1973 p.2620; 24 December 1975 p.4652; 23 January 1976 p.150; 25 June 1976 p.2189; 13 October 1978 p.3719; 15 June 1979 p.1612; 27 June 1980 p.1960; 19 June 1981 p.2190; 25 June 1982 p.2124; 1 October 1982 p.3890; 1 July 1983 p.2129; 29 June 1984 p.1773; 8 July 1994 p.3347.]

74. Wharfage charges

- (1) Subject to regulation 96 and subregulation (2), the wharfage charge for cargo that arrives at or leaves the Port is \$1.00 for each tonne of cargo.
- (2) The wharfage charge —
- (a) for horses or cattle arriving at or leaving the Port is \$1.00 for each animal; and
- (b) for sheep, goats or pigs arriving at or leaving the Port is \$0.16 for each animal.

[Regulation 74 inserted by Gazette 8 July 1994 p.3347.]

[75. — Regulation 75 repealed by Gazette 19 June 1981 p.2191.]

75A. Rebates of Wharfage Charges

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

[Regulation 75A inserted by Gazette 28 September 1956 p.2387.]

[76. Regulation 76 repealed by Gazette 19 June 1981 p.2191.]

[77-79. Repealed by Gazette 8 July 1994 p.3347.]

[80. — Regulation 80 repealed by Gazette 29 June 1984 p.1773.]

[81-82. Repealed by Gazette 8 July 1994 p.3347.]

Computation of Wharfage Dues and Handling Charges. —

- (a) All wharfage 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 1000 kilograms, or the cubic metre, and the fractions of these units shall be charged on a *pro rata* basis excepting in the case of storage.
- (b) The Port Authority reserves 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.
- (c) Boats, launches, etc cubic measurement less
forty per cent

Cylindrical cargo..... cubic measurement on
external dimensions less
twenty per cent unless
weight is the greater

*[Regulation 83 inserted by Gazette 6 July 1973 p.2622;
amended by Gazettes 24 December 1975 p.4653; 29 June 1984
p.1773; 8 July 1994 p.3347.]*

84. Receipts, Etc., for Inwards Cargo

The receipts of the members to a ship for cargo landed (in cases where under these regulations cargo passes into the custody of the members as wharfingers) shall be based upon the outward appearances of the packages only, and shall bear the following endorsement: —“Received in apparent good order and condition; weight, contents, and values unknown, except where otherwise stated,” and if during the progress of discharge of cargo doubt shall be expressed by the wharf manager as to the condition of any package or packages, such package or packages shall be placed in a situation apart from other cargo, pending examination, and the Board’s tally of and receipt for such package or packages shall be that of a doubtful or damaged package, as circumstances and appearances dictate. Such package or packages shall be opened and examined by the consignee, but only in the presence of the wharf manager and the ship’s agent, as soon as it is possible, after being landed. The Board will, under no pretence whatsoever, be held responsible for the safe custody or the condition of such package or packages or of its or their contents.

In the event of the ship by its agent refusing to accept a receipt as indicated for such cargo, such cargo must be immediately returned on board by the ship, and shall not be again landed until it has been examined by the consignee, who shall take delivery direct from the ship.

85. General Responsibility of Members

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

86. Delay in Delivery of Goods

The member shall not be responsible for any claim arising from delay in the delivery of goods from any cause whatever.

87. Wrong Delivery

The members shall 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 ship, bear the same or similar marks.

88. Goods not to be Moved

No person shall remove from one vessel to another, or from any part of the wharf to any other part thereof, any goods or luggage without the authority of the wharf manager first had and obtained.

89. Goods not to be Handled in Wet Weather

No goods shall be landed or shipped in wet weather without the permission, in writing, of the wharf manager, at the request of the master or agent of the discharging or loading vessel; but the giving of such permission shall not throw upon the Board any liability for damage to such goods caused by being so landed or shipped or handled in wet weather. The determination of the wharf manager that the weather is wet shall be conclusive.

90. Goods Specially Treated by Government or, Other Authorities

The members 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.

91. Responsibility in Case of Fire, etc.

The Board shall not be responsible for loss of or damage to goods, while in their custody, by fire, water used in extinguishing fire, or vermin, nor for loss or damage to ironwork or such character of goods in an unprotected state which may be stacked on the wharves or jetties or any land under the jurisdiction of the Board, and any action of the members in endeavouring to temporarily cover or protect such goods shall not be held to cast upon them any liability for loss or damage as aforesaid.

[92. — Regulation 92 repealed by Gazette 27 June 1952 p.1577.]

93. Mode of Discharging or Loading

The master of every vessel shall give notice to the wharf manager of his intention to discharge or load before such work is commenced. No goods, livestock, or other material of any sort whatsoever shall be discharged or shipped, except at such times and places, and in such order and mode as may be directed and deemed expedient by the wharf manager for the proper

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

94. Contents of Packages

Notwithstanding the nature of the receipt given by the wharf manager for any goods passing into the custody of the members, the members 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 the goods without the packages being unpacked or opened.

95. Goods Handled out of the Ordinary Working Hours of the Port

Notwithstanding the nature of any receipt given by the wharf manager for goods passing into the custody of the members at times other than within the hours which are fixed in these regulations as the ordinary daily working hours of the port, the members shall not be liable for the condition of goods so handled.

96. Extra Handling Charges and Extra Charges on Special Cargo. —

- (a) The wharfage charges set out in regulation 74 shall include only the normal receiving, sorting, stacking and delivery of cargo, and the Secretary may make extra charges for handling packages over one tonne in weight, or of an awkward shape, or where extra labour is required or unusual risk is involved.
- (b) In all cases where extra wages are payable by the Board under an order or award of the Court of Conciliation and Arbitration, a Board of Reference, or other competent authority, for the handling of any special cargo, the extra cost of such shall be payable by the consignee or the consignor of such cargo.

[Regulation 96 amended by Gazettes 28 September 1956 p.2387; 6 July 1973 p.2622; 8 July 1994 p.3348.]

97. Goods Insufficiently Packed

Whenever in the opinion of the wharf 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 Board in additional risk in handling, an additional charge for labour shall be imposed on such goods of 20 cents per tonne on inwards and transshipment goods, and of 10 cents per tonne on outwards goods, and the members shall in no case be liable for damage to goods caused by or contributed to by insufficient packing or protection.

[Regulation 97 amended by Gazette 6 July 1973 p.2622.]

98. Goods Delivered in Special Manner

Where the consignee of any goods requires that they be delivered to him or to 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 wharf manager, such delivery involves special sorting or handling, the consignee shall pay to the Board the sum of 10 cents per tonne on the goods so actually sorted or handled, to cover any extra labour involved in such sorting or handling.

[Regulation 98 amended by Gazette 6 July 1973 p.2622.]

98A. Handling Charges in Special Cases

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

[Regulation 98a inserted by Gazette 29 August 1957 pp.2006-7; amended by Gazette 8 July 1994 p.3348.]

99. Vessel Not Ready for Cargo

Where a vessel is not ready to receive goods that have been brought down for direct shipment, and such goods have consequently to be stored in a shed, or for the convenience of the ship, or on account of doubtful weather or other cause are placed in any such shed, a charge of 15 cents per tonne shall be made to the ship to cover the cost of the additional labour involved, the cost of so conveying such goods shall also be paid by such ship. The usual storage rates shall also be charged against the aforesaid ship.

[Regulation 99 amended by Gazette 6 July 1973 p.2622.]

100. Discharge or Loading to be Continuous, or as Directed

The master of any vessel berthed at any wharf or jetty shall cause the discharge or loading of such vessel to be commenced and continued till completed, by working at such hours as the harbour master or wharf manager shall direct, provided that such direction shall not be in contravention of any customs law or regulation.

101. Passenger's Luggage

All passengers whose luggage does not appear on the manifest of the ship shall pay except where such luggage is carried by the passenger, sixpence per package to cover all wharfage charges. When a passenger's luggage appears on the manifest of the ship the passenger shall pay wharfage dues at the rate of 10 cents per tonne weight or measurement.

The term luggage shall not include commercial travellers' sample packages, theatrical companies' scenery and properties, furniture, or merchandise. The same charges shall apply to outwards-bound luggage. Free storage will be given for 48 hours after luggage is landed, but if luggage is left on the

premises of the Board for a longer time than 48 hours, the same storage rates as for ordinary cargo shall be charged.

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 members.

*[Regulation 101 amended by Gazettes 6 July 1973 p.2622;
8 July 1994 p.3348.]*

102. Kerosene, etc., Hulks

No hulk having kerosene, naphtha, petrol benzine, turpentine, or other inflammable oils or spirits in any form of packing on board shall lie at any wharf without expressed permission from the harbour master or secretary.

103. Noxious or Dangerous Goods

No goods or articles of any description which, in the opinion of the wharf manager, are noxious or likely to occasion damage to any wharf or shed shall be discharged or landed on any such wharf or placed in any such shed without the special permission, in writing, and under the direction of the wharf manager. And all goods of a dangerous, noxious, or inflammable nature which have been so landed shall be removed by the owner, agent, or consignee immediately upon being so landed, and such owner, agent or consignee failing to do so will be held responsible for any damage or loss that may accrue from any accident arising therefrom in addition to being liable to the penalty provided for breach of the regulations of the Board, and the Board shall not be responsible for any damage or loss which may accrue to such goods.

104. Cargo Deposited on Wharf

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

105. Goods not to be Landed or Shipped at other than Appointed Places

No cattle or goods shall be landed on, or shipped from any part of the foreshore of the harbour or any place or places other than the landing places appointed by the Board for that purpose without the consent in writing of the secretary of the Board, and in respect of all cattle or goods landed or shipped in pursuance of such permission the same charges shall be enforced as though the same had been landed or shipped at such landing places as aforesaid.

106. Working Hours

The working hours of the wharf shall be and include the hours from 8 a.m. till 12 noon, and from 1 p.m. till 5 p.m. on week days other than Saturdays.

107. Vessels Working Overtime

The master of a vessel desiring to work any hours not being working hours as defined above, shall give to the wharf manager two hours' notice, and on holidays twelve hours' notice of his desire so to do.

The cost over and above the ordinary cost of day work, or of labour and supervision, etc., employed by the Board during any hours not being working hours as defined in the preceding regulation, or on holidays, shall be paid for by the master or owners of the vessel, or the agent therefor, in addition to the usual charges. The extra cost of lighting to enable a vessel to work during any hours not being working hours, or on holidays as aforesaid, shall also be paid by the said master, owners, or agents.

[108.— Regulation 108 repealed by Gazette 28 September 1956 p.2387.]

109. Undue delays in the course of Working vessels to be paid for

The loss in wages and other costs of labour paid by the Board, due to delays during the course of working any vessel and not the fault of the Board, shall be paid to the Board by the master or owners of such vessel.

[Regulation 109 amended by Gazette 24 December 1954 p.2302.]

110. Heavy Goods Not to be Tilted or Thrown on the Wharves

Pig-iron, timber, stone, machinery, or heavy merchandise, or commodity of any kind shall not be tilted or thrown out of or from any vessel on to any wharf, jetty, or, conveyance, but the same shall be laid down by hand; and pig-iron and other heavy articles shall not be deposited upon any wharf or jetty except in accordance with the directions of the wharf manager.

111. Packages or Goods to Have Marked Thereon the Weight Thereof. —

- (1) Every package or article of a gross weight of one tonne or over intended for shipment as cargo shall, before being delivered to and received by the Board for the purpose of being loaded on to a ship have prominently marked thereon, or on a label securely attached thereto, in legible and non-erasable characters, not less than twenty-five millimetres in height, a statement of the approximate gross weight set out in tonnes of such package or article.
- (2) No package or article of cargo of a gross weight of one tonne or over shall be unloaded from any ship or vessel on to the jetty (or wharf) of the Board unless and until it shall have prominently marked thereon, or upon a label securely attached thereto, in legible and nonerasable characters, not less than twenty-five millimetres in height, a statement of the approximate gross weight set out in tonnes of such package or article.
- (3) Provided that —

- (a) in the case of articles such as logs, baulks of timber or other articles which by reason of their nature or place of consignment or despatch for shipment, or for any other good reason, it is not practicable to weigh, but which apparently weighs more than one tonne the gross weight of the article may be stated approximately within a limit of one tonne that is to say as follows: — “Over one but under two tonnes,” or as the case may be;
- (b) when it is neither practicable to weigh, nor to mark or label legibly any package or article as required by paragraph (1) or paragraph (2) of this regulation, and such package or article is sought to be unloaded from a ship or vessel which has conveyed the same from a place beyond Australia, and, if the package or article is not marked or labelled with the gross weight thereof to a limit of one tonne, as exemplified in paragraph (a) of this proviso, then before such package or article is unloaded from such ship or vessel on to the jetty (or wharf) of the Board, the master of such ship or vessel shall arrange for some competent person, on his behalf, to supply the officer in charge of such jetty (or wharf) with particulars of the approximate weight of such package or article if the same appears to weigh more than one tonne;
- (c) any consignor, master of a ship or vessel, or other person who delivers or unloads any package or article on to the jetty (or wharf) of the Board not marked or labelled in accordance with the requirements of this regulation, or who delivers or unloads any package or article which bears any mark or label purporting to be placed thereon or attached thereto in compliance with this regulation which is untrue or false in any particular, shall be guilty of an offence against this regulation, and on conviction shall be liable to a penalty not exceeding twenty pounds.

[Regulation 111 amended by Gazette 6 July 1973 pp.2622-3.]

112. Master Responsible for Proper Slinging of Goods

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

113. Cargo Hoisting Machinery Not Allowed on Wharves

No machinery for the purpose of hoisting cargo shall be placed upon or conveyed over any wharf or jetty, vested in the members, without the permission of the Board.

114. Machinery and Drivers to be Certificated

The owner or lessee of any machinery, being steam machinery, used on any vessel within the limits of the harbour, must produce to the secretary when required a certificate from the State Inspector of Machinery that such machinery is in good order. The person in charge of such machinery must be duly qualified and be the holder of an engine-driver's certificate of competency issued by the State Inspector of Machinery and must produce such certificate when required by the secretary.

115. Sorting or Packing on Wharves

No person shall sort any timber, or pack or repack or repair any goods, or screen any coal or other bulk goods on any wharf or in any store, without permission from the wharf manager, except as is provided for in the statutes relating to His Majesty's Customs.

116. No Goods Allowed on Roadways

No goods shall be placed on any roadway or other land adjoining a wharf or jetty without the permission of the wharf manager having first been obtained.

117. Goods Falling Overboard

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

118. Board not Bound to Find Storage Accommodation

The Board shall not be bound to find storage room for any goods, either in any shed or on any wharf or jetty. 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 Board to be stored in a shed, the Board shall not be held responsible for any loss or damage that may accrue to the goods by the elements or otherwise during the time they remain on the Board's premises.

119. Goods to be Removed from Sheds Within 48 Hours

Except where otherwise provided, all inwards goods placed in any shed, as well as all goods placed therein for the purpose of shipment, shall be removed therefrom within forty-eight (48) hours after having been so placed therein.

120. Goods to be Removed, or May be Sold

The wharf manager is empowered to take charge of and store cargo and goods if not removed from any jetty or shed by the consignee within the time or respective times limited for that purpose, or to cause the same to be conveyed to the King's

warehouse or delivered to the consignee at his expense and risk, or to remove the same to any of the premises of the Board, or other convenient place, and to keep the same until payment to the Board of the expenses of such removal and of the keeping of the goods, and all other charges due to the Board thereupon; and, in default of payment, on behalf of the Board to sell the same in the manner and at the time and in accordance with the powers provided by section 48 of the Act.

Storage Rates for Goods

121. Storage Rates for Goods

Where the Port Authority is requested to, and does, provide storage accommodation for goods discharged or loaded from or to a vessel, there shall be payable to the Authority as and by way of storage rent in respect of those goods —

- (a) for open storage accommodation — 50 cents per tonne or part thereof, per day, or part thereof;
- (b) for covered storage accommodation — \$1.00 per tonne, or part thereof, per day, or part thereof.

[Regulation 121 inserted by Gazette 29 June 1984 p.1773.]

[122., 122a.— Regulation 122 and 122a repealed by Gazette 29 June 1984 p.1773.]

123. Limitation of Value of Goods where Not Declared

The members shall not be liable for gold, silver, bullion, specie, watches, clocks, jewellery, precious stones, silk goods, quinine, precious metals, opium, bank notes, bonds or securities for money, paintings, sculpturing, or other works of art, beyond the sum of £10, nor beyond that amount for each package or parcel of any other kind of property (no matter what may be the contents thereof) unless the consignor or consignee of such article or articles or such package or parcel shall, in the case of outwards cargo or goods, before handing same to the custody of the members, and in the case of inwards cargo or goods, after

arrival of the ship at the port, and before the discharge of the cargo or goods is commenced, declare the nature and value of such article or package.

124. Limitation of Value of Goods

Without affecting, restricting, or limiting any other of these regulations, the members' liability for each package of goods coming into their custody shall be limited to the amount of any declaration of value made by a consignor or consignee of such goods, and the members may rely upon and the owner of such goods shall be bound by all statements, exceptions, and conditions endorsed on ships' receipts, bills of lading, and ship's manifest as to the value of such goods.

125. Goods Held for Examination by the Customs

Goods on prime entry which are detained for examination by the Customs officials, will be stored free from the time of passing of entry until examination is completed, but such free storage shall not exceed four days in all. Goods on warehousing entry requiring examination, and making up for Customs purposes shall have free storage in the sheds during the time this is done, but not exceeding four days in all. After the expiration of the free storage time, they shall be chargeable with storage at the general rate of storage. Satisfactory receipts must be given, to the Board for packages of goods which are in the custody of the Board before they are opened for examination. The Board shall not, on any pretence whatever, be held responsible for the safe custody of the contents of the packages of goods so opened or repacked. In case satisfactory receipts as aforesaid are refused the wharf manager shall at once remove the whole consignment of which such package or packages are a portion to the King's warehouse.

126. Persons Receiving or Retaining Goods not their own Property

No person shall take delivery from the Board or retain possession after delivery of any packages or goods of any description not his own property.

127. Claims in Respect of Cargo

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

128. Special Indemnity of Board Against Liability

- (1) Notwithstanding anything to the contrary contained elsewhere in these regulations, neither the Board nor any member of the Board shall be responsible or liable in any manner or in any respect or in any capacity for any damage, injury, or loss occurring in relation to any goods of any kind or description whatsoever whilst such goods are in the custody or under the control or power of the Board or its servants or agents, or upon the Board's premises, save and except where such damage, loss, or injury, is directly caused by the wilful and deliberate negligence of a servant or agent of the Board, the proof whereof shall lie upon the person making a claim against the Board in respect of such damage, loss, or injury. Provided that nothing in this regulation shall operate so as to prevent the Board from entering into a special agreement in writing with any person whereby, upon payment of a special consideration to be paid by such person to the Board, the Board will assume responsibility or, liability in respect of damage, injury, or loss of goods

specified in such agreement in accordance with the provision thereof, in the circumstances and to the extent stated therein.

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

Section V

Navigation

129. Masters' and Owners' Responsibility for Observance of Regulations

The master and owner of every vessel shall severally be responsible for the due performance and observance of such of the regulations of the Board as apply to such vessel at any time; and when any vessel is under the direction of a pilot, the said pilot shall be also responsible for the due performance and observance of the regulations; but the responsibility of the pilot shall in nowise relieve the master and the owner of the vessel of their responsibility.

129A. Ports (Model Pilotage) Regulations 1994 adopted

The *Ports (Model Pilotage) Regulations 1994*, as amended from time to time, are adopted by the Port Authority in accordance with section 36 (5) of the *Ports (Functions) Act 1993*.

[Regulation 129A inserted by Gazette 10 June 1994 p.2419.]

129AA. Application fees under Ports (Model Pilotage) Regulations 1994

The fees payable by applicants under the adopted regulations referred to in regulation 129A are as set out in Schedule D.

[Regulation 129AA inserted by Gazette 10 June 1994 p.2420.]

129AB. Validity of pilotage exemption certificates under the *Ports and Harbours Regulations*

A pilotage exemption certificate issued under the *Ports and Harbours Regulations* that was valid in respect of the Port immediately before 15 June 1994 shall be taken to be, on and after that date, a pilotage exemption certificate issued in respect of the Port under the adopted regulations referred to in regulation 129A and shall lapse, and may be revalidated, renewed or cancelled, in accordance with those regulations.

[Regulation 129AB inserted by Gazette 10 June 1994 p.2420.]

129B. Pilotage dues

- (1) Subject to subregulation (2), the master and owner of a vessel for which pilotage services are obtained are jointly and severally liable to pay to the Port Authority the pilotage dues set out in Part A of Schedule C that are appropriate to the deadweight tonnage of the vessel and the nature of the pilotage services obtained.
- (2) Payment of the appropriate tonnage rate set out in regulation 58 (2) in respect of a vessel includes payment for the pilotage of the vessel once into and once out of the Port.

[Regulation 129B inserted by Gazette 6 August 1993 p.4287; amended by Gazette 8 July 1994 p.3348.]

129C. Dues payable if pilot detained

- (1) If the services of a pilot are arranged for a vessel and the pilot is for any reason detained for any time beyond that reasonably required to provide pilotage services for the vessel, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the pilot detention dues set out in Part B of Schedule C.

- (2) Without limiting the generality of subregulation (1), a pilot is detained for a time beyond that reasonably required to provide pilotage services for a vessel if the pilot is —
- (a) detained because the vessel is not ready to leave its berth at the arranged time;
 - (b) detained because the vessel does not arrive at the pilot boarding ground at the arranged time;
 - (c) required to be taken into and detained in quarantine, whether afloat or ashore; or
 - (d) without the pilot's consent, taken to sea in the vessel.
- (2) If the services of a pilot are arranged for a vessel and that arrangement, with less than 2 hours notice having been given to the pilot, is cancelled by or on behalf of the owner or master of the vessel, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the pilot cancellation dues set out in Part C of Schedule C.

[Regulation 129C inserted by Gazette 6 August 1993 p.4287.]

130. Ships' Guns

All Vessels shall unshot their guns before entering the harbour, and no gun shall be fired from any merchant ship or vessel within the harbour, except in a *bona fide* case of distress.

131. Speed of Vessels in Harbour

The speed of any vessel navigating the harbour shall not exceed the rate of five knots per hour, and shall be still further reduced while passing any works in progress, or any dredge or other vessels employed in the execution of such works, so that such works or dredge or other vessel shall not be interrupted or damaged.

132. Steam Whistles

No steam whistle, siren, or horn shall be used on board any vessel within the harbour, or while moored alongside any wharf,

nor whilst swinging in the harbour, whether as a signal or 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; but a bell may be rung for a reasonable time previous to the departure of any steamer from the wharf.

133. Stranded Vessels or Other Impediments to Navigation

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

134. Rafts Not Allowed in the Fairway

No rafts of timber shall lie in the fairway or be moored or anchored in any spot not pointed out by the harbour master.

135. Rafts in the Harbour

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

136. Interference with Buoys, Beacons, etc.

No person shall trespass on, ride by, or, make fast to, damage, injure or otherwise interfere with any pile light, dolphin, buoy, or, beacon vested in the members.

137. Anchor Lights

All vessels at anchor, or fastened to a mooring buoy, or other fixture, shall from sunset to sunrise, exhibit a bright white light in a globular lantern, of not less than eight inches in diameter, and so placed as to show a clear, uniform and unbroken light visible all round the horizon, and at a distance of at least one mile. In cases of vessels over 100 feet in length, a second light shall be exhibited and the two lights shall be so located as to indicate the extremities of the vessel. This regulation shall not apply to vessels moored to the shore or any wharf, such vessels being provided for elsewhere in these regulations.

A — Lights When Under Way

138. Lights

Open boats, sailing boats, and lighters of more than two tons measurement and less than 28 tons, when under way shall not be obliged to carry the coloured side lights; but every such boat and vessel shall in lieu thereof have ready at hand a lantern with a green glass on one side and a red glass on the other side, and on approaching to or being approached by another vessel, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Every rowing or sailing boat not exceeding two tons measurement navigating the river at night shall be provided with a lantern of approved design, from which shall be temporarily exhibited a white light in sufficient time to prevent collision.

B — Anchor Lights for Boats

Every yacht, fishing vessel, launch, and every open boat, when at anchor between sunset and sunrise in an unauthorised anchorage, shall exhibit a white light visible all round the horizon at a distance of at least one mile.

C — Stern Lights

A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

139. Dredger Signals

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

- (a) When requiring any vessel approaching from seaward to keep the dredger on the starboard hand of such vessel and any vessel proceeding seaward to keep the dredger on the port hand of such vessel in passing —
 - (1) By day, a black triangle on the yardarm on the side to be passed;
 - (2) by night, a green light over a red light on the yardarm on the side to be passed.
 - (3) in fog, mist, or heavy rain, the Morse sound signal letter “A” at intervals of not more than two minutes on the dredger’s bell.
- (b) When requiring any vessel approaching from seaward to keep the dredger on the port hand of such vessel and any vessel proceeding seaward to keep the dredger on the starboard hand of such vessel in passing —
 - (1) By day, a red square on the yardarm on the side to be passed;
 - (2) by night, a red light over a green light on the yardarm on the side to be passed.
 - (3) in fog, mist, or heavy rain, the Morse sound signal letter “N” at intervals of not more than two minutes on the dredger’s bell.
- (c) When the dredger is blocking the channel —

- (1) by day, a green cone between two red balls, vertical at the masthead;
 - (2) by night, a green light, between two red lights, vertical at the masthead.
 - (3) in fog, mist, or heavy rain, the Morse sound signal letter "S" at intervals of not more than two minutes on the dredger's bell.
- (d) When a vessel may pass on either side of the dredger —
- (1) by day, a white flag on the masthead;
 - (2) by night, a green light on both yardarms.
- (e) When the dredger is unable to move, or is out of control —
- (1) by day, a red flag on the masthead;
 - (2) by night, a red light on both yardarms.

Self-propelling Dredgers — Not Anchored

Suction-dredgers under way when dredging and unable to manoeuvre as required by regulations in order to keep out of the way of other vessels, shall show light and shapes required by the International Regulations Article (4) (c) for vessels not under command, viz.: —

By night, three lights in a vertical line one over the other not less than six feet apart. 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 two miles. By day, where they can best be seen, three shapes, each not less than two feet in diameter, in vertical line one over, the other not less than six feet apart, the highest and lowest being globular in shape and red in colour, and the middle one diamond in shape and white.

Morse Sound Signals

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

- (1) Short ring — 1½ seconds duration.
- (2) Long ring — 4 seconds duration.
- (3) Interval between rings — 1½ seconds duration.

Anchor Lights on Dredgers

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

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

Size of Shapes

The diameter of the shapes shall not be less than two feet nine inches. The vertical height of the cone and cylinder shapes shall be one and a half times the diameter of their own base. The vertical distance between shapes or lights shall be between four and six feet.

Vessels to Observe Dredger Signals

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

- (3) Every vessel approaching a dredger from whatsoever direction, when such dredger is exhibiting the signal mentioned in paragraph (d) may pass on either side of the dredger.
- (4) Every vessel approaching a dredger from whatsoever direction when such dredger is exhibiting the signal mentioned in paragraph (e) must be navigated with all due precaution when passing such dredger.

[Regulation 139 amended by Gazettes 6 July 1951 pp.1945-46; 11 August 1964 p.2878.]

Berthing

140. Harbour Master to have entire Control of Anchoring and Berthing, and can remove Vessels

The harbour master or his deputy, or other officer acting for such harbour master, shall have the entire control of anchoring, berthing, and removing all vessels, lighters, boats, etc., coming to the wharves, and shall appoint the place where all such vessels, lighters, boats, etc., shall lie or take up anchorage within the harbour, and no vessel shall be so anchored or brought, or placed alongside of any wharf without his authority or contrary to his directions. Failing compliance with the directions of the harbour master the harbour master is empowered to forthwith remove the vessel at the risk and expense of the master or agents or owners of such vessel. The berthing master shall appoint the berth which each vessel shall occupy, and shall have power to remove any vessel from a berth or alter the berth of any vessel whenever he may deem it necessary, and upon his giving notice to the master, or owner or agent, of any such vessel that he may require to so remove, such master or owner or agent shall make all arrangements for such removal accordingly.

141. General Berthing Regulations. — The following regulations shall be enforced at all times.

- (a) No vessel shall be moored or fastened to any part of any wharves or jetties except to such bollards or other fastening as are or may be provided for the purpose; and no vessel shall lie alongside such wharves or jetties unless properly moored or fastened. All vessels so moored or fastened shall also be anchored or moored in such a manner as to relieve such wharves or jetties as much as possible from the weight of such craft.
- (b) No vessel shall be moored or so fastened as aforesaid except for the purpose of loading or unloading, nor for any longer period during the authorised hours than shall be reasonably required for such purpose.
- (c) Passenger boats may lie alongside the steps at any such wharves or jetties for such time as may be necessary to embark or disembark passengers.
- (d) All vessels lying alongside any such wharves or jetties shall, on the approach thereto of a passenger steamer, be hauled off if required, to a sufficient distance to enable such passenger steamer to disembark or embark passengers.
- (e) Any vessel may be permitted to lie alongside any wharf or jetty for the purpose of discharging and taking in cargo at all hours of the day and night consistent with these regulations.
- (f) In no case shall more than one tier of vessels lie alongside or be moored or fastened to any wharf or jetty, or to any other vessel lying alongside moored or fastened to any wharf or jetty, without the special permission of the harbour master, except in the case of passenger vessels, steam tugs, hulks and lighters engaged or about to engage in towing or the loading or unloading of passengers or cargo or stores, and in respect of which a general or special permission so to do shall have been obtained from the Board.

- (g) The Board may from time to time, give such general or special permission as aforesaid and revoke the same.
- (h) All vessels lying alongside any of the wharves or jetties shall provide and use suitable fenders, and shall likewise take such precaution as may be necessary, or directed, to prevent injury to the structure.
 - (i) All vessels shall be moored alongside the wharves and jetties in such position as may be indicated by the harbour master, who may, if necessary, direct the removal of other craft for that purpose.
 - (j) Such portions of the wharves or jetties as may from time to time be decided upon by the harbour master shall be allotted respectively to all vessels.
 - (k) When the harbour master may deem it unsafe, through stress of weather for a vessel to remain alongside any wharf or jetty, he shall direct the immediate removal of such vessel, and the master or other person in charge of such vessel shall remove such vessel accordingly.
 - (l) The harbour master shall have full power at any time to reserve any berth he may consider most suitable at the wharves for any man-of-war, or for any British or foreign mail steamer, or for any other vessel or purpose.
 - (m) For the purpose of assessing the tonnage rates payable, a vessel will be deemed to occupy a berth as follows: —
 - (a) Where such vessel uses a berth at a wharf or jetty or at a mooring buoy, from the time when the first line is made fast until the last line is let go.
 - (b) Where such vessel anchors in the harbour for the actual time occupied in shipping and or discharging cargo, and/or embarking or disembarking passengers.
 - (c) A vessel which remains at anchor in the 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.

141A. Mooring and unmooring charges

- (1) Subject to subregulation (2), the owner and master of a vessel are jointly and severally liable to pay to the Port Authority the charge set out in Part A of Schedule D for the mooring and unmooring of the vessel in the Port.
- (2) Payment of the appropriate tonnage rate set out in regulation 58 (2) in respect of a vessel includes payment for the vessel to be moored once and unmoored once in the Port.

[Regulation 141A inserted by Gazette 8 July 1994 p.3348.]

141B. Charges payable if providers of mooring or unmooring services are detained or services are cancelled

- (1) If —
 - (a) the service of mooring or unmooring a vessel is arranged by or on behalf of the owner or master of a vessel with the Port Authority; and
 - (b) the persons who are to provide the service are for any reason detained at the vessel for any time beyond that reasonably required to provide the service,

the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the appropriate detention charge set out in Part B of Schedule D.

- (2) If an arrangement referred to in subregulation (1) (a), with less than 2 hours notice having been given to the Port Authority, is cancelled by or on behalf of the owner or master of the vessel in respect of which the arrangement was made, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the appropriate cancellation charge set out in Part C of Schedule D.

[Regulation 141B inserted by Gazette 8 July 1994 p.3349.]

Vessels in Port

142. Authority of Water Police on Jetty

When any vessel is being brought alongside any berth the water police shall have authority to see that all that part of the wharf or jetty is kept clear for the purpose of working the lines and warps of the vessel with all possible facility.

143. Lights and Gangways on Vessels alongside Jetty and Wharves

Every vessel lying alongside any wharf or jetty shall, from sunset until sunrise, be provided with proper light and such appliances in the way of gangways and man-ropes as may, in the opinion of the harbour master be necessary for the convenience and safety of persons passing to and from such vessel.

144. Naked Lights Prohibited in Vessels' Holds

The use of flare-up lamps or naked lights of any sort or design whatsoever, in the holds of vessels lying at any of the wharves or jetties of the port, whether for the purpose of working cargo, or for any other purpose, is prohibited.

145. Lights on Vessels when Lying in Tier at Wharves

Every ship, lighter, barge, boat, raft, or craft of any description whatsoever which shall, between the hours of sunset and sunrise, lie in tier outside of any ship or other craft moored to the shore or to any wharf or mooring buoy or at anchor in the harbour, shall during those hours, exhibit on the side farthest from such ship or other craft, at the widest part of such ship, lighter, barge, boat, raft, or other craft as aforesaid, a bright light so placed as to show a clear and unbroken light completely round her off side from right ahead to right astern.

146. Safety Nets

Every vessel lying at any wharf or jetty shall have such a safety net suspended beneath the gangway or other appliance that may be rigged for the purpose of facilitating ingress and egress to the said vessel as will, in the opinion of the harbour master, prevent persons falling in the water in the event of their slipping off the said gangway or other appliance that may be rigged for the aforesaid purpose. All vessels shall also, while discharging or loading cargo at any wharf or jetty, suspend and keep suspended to the satisfaction of the harbour master a safety net or save-all of size, character, and so placed as to prevent the material (including coal, coke, ballast, refuse, ashes, or other material) being dealt with falling into the water. In the absence of such net or save-all, or in the event of any appliance used not proving efficient, the master or owner of such ship shall, in addition to committing a breach of these regulations, be liable for all loss or damage caused by such absence or want of efficiency.

147. Metal Disc on Hawsers, Ropes, and Springs

Every hawser, rope, or spring by which a vessel is made fast to the wharf, jetty, or shore shall, when required, be defended by at least one metal disc of such size and pattern as has been approved by the harbour master or health authorities, and every such metal disc shall, if not affixed to the satisfaction of the harbour master or health authorities, be removed to a position on the said hawser, rope or spring pointed out by them.

148. Openings at Ship's Side to be Closed at Sundown

All openings in the ship's side shall be closed at sundown, and all cargo skids shall be unrigged at sundown, except during such time as they are actually in use, when they shall be brightly illuminated.

149. Gangways to be Lighted

Every gangway fixed for the purpose of giving the crew access to the ship after dark shall be brightly illuminated by the best

available means, as long as such gangway is in communication with the shore, jetty, or wharf, and a watch shall be continually set upon the said gangway. If from any cause whatsoever no gangway or other appliance can be provided (if the non-existence of a gangway shall be prima facie evidence) then no person shall be allowed on or off the wharf or jetty to or from such vessel.

150. No Work to be Permitted on Sundays

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

151. No Shipwright's Work Permitted on Board Property

No person shall make, repair, dress, or scrape spars or masts or do any kind of carpentry, smithwork, boilermaking, sailmaking, or rigging work on or under any wharf or jetty, or in or under any shed, or hang or put up sails, masts, spars, or any other thing to or upon any of the beams or joists or any other part of any wharf or jetty, or shed, without the permission of the harbour master and wharf manager in writing.

152. Combustible Matter to be Heated in a Boat

No fire shall be lighted in or upon, under, over, or near any wharf, jetty, or shed, nor, without permission of the harbour master, upon any portion of the foreshore, and no combustible matter, such as pitch, tar, resin, or oil, shall be heated on board

any ship or vessel lying at any wharf or jetty, or at anchor in the harbour; and all combustible matter shall be heated in a boat astern at a proper distance from such ship or vessel; provided that no combustible matter shall be heated while such ship or vessel is lying alongside any wharf or jetty.

153. No Combustible Liquid to be Pumped into the Water

No oil, spirit, or inflammable liquid shall be pumped or discharged from any vessel, or tank into the waters of the port.

[154.— Regulation 154 repealed by Gazette 28 September 1956 p.2387.]

155. Deaths on Vessels

Should any seaman or other person die on board any vessel in the harbour, the master of such vessel shall cause the body to be brought on shore and interred.

156. Mooring Appliances and Fire-plugs to be Kept Clear

All goods or other articles landed or brought on or into any wharf, jetty, or shed shall be placed as the wharf manager shall direct, so as to keep the mooring posts or rings and all other appliances free. All fire alarms, fire-plugs, and electric connections shall be left clear, with a space of three (3) feet all round each, and there shall be left a passage of three (3) feet wide leading thereto.

157. Vessels at Owner's Risk

The Board takes no charge of vessels lying within the port, the safety of all such vessels, whether at an anchorage or moored alongside any wharf or jetty, or at any mooring buoy, is at all times at the sole risk of the masters or owners thereof. No instruction or direction given by the harbour master or other officer of the Board to the master of any vessel, and no act performed by the harbour master or other officer of the Board in

respect of any vessel, shall place any responsibility for the security or safety of any such vessel upon the Board.

158. Defective Moorings

The Board 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 Board.

159. Night Watchman

All ships above 75 tons register shall have a watchman on deck from sunset to sunrise, and all ships under 75 tons register shall have at least one man on board during the night.

The Board may in writing exempt any ship for such period and on such terms and conditions as the Board deems fit from compliance with this regulation.

[Regulation 159 amended by Gazette 27 October 1960 p.3305.]

160. Beaching Vessels

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

161. Water Police May Board Vessels

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

162. Vessels may be Hauled-off from Berth

After a vessel has been unloaded and sufficiently ballasted, the harbour master may require her to be anchored or moored clear of the other shipping.

163. Power of Harbour Master

In case of non-compliance with any of these regulations regulating the mode and place of mooring and anchoring vessels, and their position and government in the harbour, and their unmooring and removal within or without the harbour, the harbour master is hereby empowered to insure the observance of such regulations and for that purpose may moor, unmoor, place, or remove any vessel.

164. Crew Must Assist Harbour Master

In the performance of any such service for or in connection with any vessel by the harbour master, the master of the vessel and the crew thereof are required to give and afford to the harbour master all possible and assistance to affect the same.

165. Harbour Master may Make Fast and Loose Ropes, etc.

And, in effecting any such service or any other service in the execution of his duty, the harbour master is hereby empowered to make fast and attach any rope or other tackle to any vessel, and to cast off or loose any warp or rope, or unshackle or loose any chain by which any vessel is moored or fastened.

166. Harbour Master May Employ Assistance

And, if there is no crew on board of any vessel to be moved, placed, moored, or unmoored, or the crew, or tackle, or quantity of ballast on board such vessel is not sufficient to enable the harbour master to effect such removal, he is empowered to hire and employ such other assistance and other quantity of ballast as to him seems requisite, at the cost and charges of the master, agent, or owner of such vessel.

167. Expenses Recoverable

And such cost and charges, and all other costs, charges, and expenses incurred by the harbour master or the Board in or about insuring the due compliance with these by-laws, or any of them, shall be paid, on demand, by such master, agent, or owner to the Board.

168. Interference with Harbour Master

No person shall without the consent or authority of the harbour master cut or cast off any such rope or tackle so made fast and attached to any vessel as aforesaid, nor refuse to assist the harbour master, or interfere with him in the performance of his duty, or otherwise or in any other manner infringe these regulations.

169. Careening Vessels

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

170. Taking in Cargo

Vessels, after having discharged or taken in their cargo, shall remove to any berth or anchorage pointed out by the harbour master.

171. Discharging

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

172. Notice to be Given Before Removal

No master, officer, or other person in charge of any vessel shall remove such vessel from any mooring or wharf without due

notice having been given of such intended removal at the office of the harbour master.

173. Securing

Every master of a vessel shall, whenever required so to do by the harbour master, provide, make, and fix, under his directions, additional fastenings to make such vessel secure.

174. Anchors let go in Harbour to be Buoyed

No master of any vessel shall let go any anchor without a buoy being attached thereto; and every such master of such ship shall lift such anchor when required to do so by the harbour master.

175. Pipes Shall Not Discharge on to Wharves

The master of any vessel shall not allow any refuse, filth or excreta to be emptied from any discharge pipe, or from any water closet or latrine on such vessel, upon any portion of a wharf or jetty or steps belonging thereto, and all steam pipes shall be effectively screened. No water shall be allowed to be discharged from the scuppers of any vessel upon any portion of any such wharf or jetty or steps belonging thereto.

176. Fire

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

177. Harbour master may take emergency measures

The harbour master is hereby authorised and required, whenever in his opinion it is essential to take emergency measures for the

safety of the port and of the vessels therein and for the preservation of life and property —

- (i) to order the master of any vessel in the port to scuttle such vessel forthwith, and
- (ii) to give all necessary directions in relation thereto.

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

178. Fire Alarm

No person shall break, sound or in any other manner interfere with any electric or other fire alarm on the premises of the Board, except in order to give notice of an outbreak of fire.

179. Vessel and Gear to be Kept Free and Clear of Cranes, etc.

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

180. General Order

The Master of every vessel shall obey all lawful orders of the Harbour Master, and generally follow such directions as the weather, the crowded conditions of the Port, or other circumstances may render necessary or expedient, in the

judgment of the Harbour Master, for the safety and interest of the whole shipping.

[Regulation 180 inserted by Gazette 29 September 1956 p.2387.]

Section VI

Dangerous Materials, Explosives, etc.

181. Inflammable or Dangerous Matter not to be Placed in any Shed, Jetty, or on Wharf

Gasoline, benzine, naphtha, petroleum, kerosene, turpentine, casks, containing oils, and castor oil in cases, inflammable acids of any description, and vitriol in packages of any description, or any other matter or thing which may, in the opinion of the wharf manager, be of an inflammable or dangerous nature shall not, except as may be otherwise in these regulations expressly provided, be placed on any wharf or jetty or in any shed within the port other than those allotted for the purpose.

- (a) In these regulations, unless repugnant to the context, the expressions “**harbour master**,” “**wharf manager**,” “**master**,” “**vessel**,” “**wharf or jetty**,” shall bear the meanings given to the same under the heading “**interpretation**” in these regulations; and in addition —

“**Inflammable liquid**” shall mean petroleum, kerosene, and any oil, liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen or any similar substance and which has a true flashing point of less than 150 degrees Fahrenheit; and any other liquid which the Governor by proclamation in the *Gazette* declares to be an inflammable liquid.

“**Oil vessel**” shall mean any ship having on board or having lately had on board any inflammable liquid as cargo or part cargo, and includes a tank steamer or barge or other vessel fitted to carry inflammable liquid.

- (b) The master of an oil vessel, when nearing a wharf or jetty, and during the whole of the time that such vessel may be at the wharf or jetty, shall display at the foremost head or other conspicuous place clear of all obstructions so as to maintain a clear vision all round the horizon of at least one mile in ordinary weather, by daylight, the international code flag “B” and during all hours of darkness a red light of similar visibility clear of all other lights on the vessel.
- (c) The agents or master of any oil vessel intending to load or unload in bulk or containers a quantity in excess of 40 gallons of inflammable liquid shall, immediately on making fast to any wharf or jetty, give notice in writing to the harbour master of such intention, with particulars as to the quantity of inflammable liquid it is intended to load or discharge.
- (d) The master of an oil vessel shall not permit inflammable liquids to be discharged or loaded without first obtaining the written permission of the harbour master.
- (e) The master of an oil vessel shall moor his vessel only in such places as the harbour master shall from time to time direct, and he shall not remove his vessel therefrom, except for the purpose of leaving the wharf or jetty, without the written permission of the harbour master.
- (f) The master of an oil vessel having on board inflammable liquids other than as deck cargo, and all other persons concerned, shall observe and perform the following provisions, namely: —
 - (i) After the vessel is made fast to a wharf or jetty, all holds, tanks and spaces containing inflammable liquid shall be kept securely closed and fastened down, except when opened for the purpose of discharging.
 - (ii) An oil vessel with her cargo in bulk shall not be berthed until she is ready to load or discharge, and shall at all times continue and complete such loading or discharging with all possible despatch.

- (iii) No hold, tank or space containing inflammable liquid in containers shall be opened until all trucks or other vehicles into which such goods are to be loaded are placed alongside the vessel and all is in readiness to commence the work.
 - (iv) After the vessel is made fast to a wharf or jetty, all holds, tanks or spaces containing inflammable liquid shall be kept properly ventilated, to the satisfaction of the harbour master, and so as to disperse all dangerous vapour that may be generated by the cargo or collected or lie in such places.
 - (v) an oil vessel loading or unloading inflammable liquid in casks, barrels, or other receptacles or containers shall work her cargo or carry out any other work on board only as directed by the harbour master.
 - (vi) No inflammable liquid contained in casks, barrels, or other receptacles shall be loaded on any wharf or jetty from a vessel unless such casks, barrels, or other receptacles are staunch and free from leakage and are of such strength and construction as not to be liable to be broken or to leak.
 - (vii) No inflammable liquid shall be loaded or unloaded, except between the hours of sunrise and sunset, without the written permission of the harbour master.
 - (viii) Should it be desired to work at the general cargo during hours other than daylight hours while the oil vessel has on board, other than as deck cargo, inflammable liquid in containers or in bulk, it shall not be done or begun until the written permission so to do from the harbour master is obtained.
- (g) The master of an oil vessel shall not permit or suffer any unauthorised person to be on board the vessel while loading or unloading of inflammable liquid is in progress, and shall display and keep displayed at her main gangway while occupying any

berth at a wharf or jetty a conspicuous notice to the following effect: —

No Admittance

Oil Ship

No Smoking Allowed

- (h) During the loading or unloading of inflammable liquid no person shall smoke or heat any combustible matter, rivet or chip iron, or clean boilers or boiler tubes, or carry out other work likely to cause ignition on board the oil vessel or any other vessel lying alongside, nor shall any person engaged in such loading or unloading carry matches or other appliances for providing or capable of providing ignition.
- (i) From the time when tanks of an oil vessel are opened for the purpose of discharging or loading inflammable liquid in bulk and until such time as the operations of discharging or loading have been completed and the tanks have been thoroughly ventilated, no person shall use or permit, or suffer to be used, any fire or light, either on board or within 50 feet of such oil vessel, without the authority of the harbour master. This regulation shall not, however, prohibit the use of a safety lamp approved by the harbour master.
- (j) (1) Before any pumping operations of inflammable liquids are commenced, the master shall see that a competent signalling staff is in attendance both at the tank installation and on board the oil vessel, and that telephonic communication between the same points is established.
(2) A responsible person shall be detailed by the master for attendance on the wharf or jetty to superintend the opening and closing of valves and for patrol of the pipe line. Pumping operations shall not be commenced before the correct position of all valves has been verified by the harbour master.
(3) During the whole time that pumping operations are in progress, the staff referred to in this regulation shall be maintained. The

pipe line shall be efficiently patrolled and every precaution shall be taken to prevent any leakage.

- (k) While pumping is in progress the lids, screw caps, or other removable coverings of the tanks shall be kept securely fastened or screwed down, except so far as may be necessary to enable discharge of the inflammable liquid to proceed; but in such case immediately upon the removal of any lid, screw cap, or other covering, safety wire gauzes shall be properly fitted, or other efficient steps taken to prevent the ignition of the inflammable liquid or vapour. It shall be the duty of the master to observe this regulation and carry it into effect.
- (l) Subject to the approval in writing of the Harbour Master, inflammable liquid in bulk may be discharged in bulk into a tank ashore after sunset provided that the following conditions and such other conditions as may be prescribed by the members in special cases are complied with: —
- (1) Sufficient electric flood lighting of approved type shall be provided to give ample light for all operations.
 - (2) Arrangements shall be made by the master of the tank ship to ensure that there will be a sufficient staff of officers and men available at all times to ensure the efficient carrying on of the work, or to remove the vessel, if so required.
- (m) (1) When an oil vessel has completed discharging inflammable liquid in bulk, the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid. The satisfactory condition of the pipe line in this respect shall be verified by the harbour master.
- (2) Immediately discharge of the inflammable liquid is suspended or completed, all lids, screw caps, or other coverings shall be replaced, securely fastened down, and made gas tight.

- (n)
 - (1) The boiler or galley fires of an oil vessel carrying inflammable liquid in bulk shall not be alight from the time when the holds or tanks are first opened for purposes of discharge unless the written authority of the harbour master is first obtained.
 - (2) The master shall not allow any furnace, galley, or other fire to be alight on board his oil vessel while running water for ballast or other purposes into any tank, receptacle, or enclosure on the oil vessel which has contained inflammable liquids.
 - (3) No ballasting shall be allowed by the master until he is so permitted in writing by the harbour master, who shall lay down the conditions under which this work shall be carried out.
- (o)
 - (1) All pipe lines and connections thereto, flexible or otherwise, which may be permitted by the harbour master to be used between the oil vessel and the berth, shall at all times be kept in an oil and vapour-tight condition and shall not leak. Should any leakage occur, pumping operations shall be stopped at once.
 - (2) No inflammable liquid shall be allowed to escape, either directly or indirectly, into any waters of the port.
- (p) The master of every oil vessel carrying inflammable liquid in bulk shall, immediately on the oil vessel being berthed, have a steel wire hawser sufficiently strong to enable the oil vessel to be hauled away from the berth placed over the fore and aft ends of such vessel and made securely fast on board, and such hawsers shall remain so long as any inflammable liquid remains on board and until the oil vessel has been properly cleansed and ventilated.
- (q) The master of an oil vessel shall take all due precautions for the prevention of accidents by fire in the discharge of inflammable liquids, and he shall himself remain or cause a responsible officer to remain on board the vessel, together with a sufficient crew, during the whole time of discharge, or while any

inflammable liquid remains on board. The presence of the harbour master shall not relieve the master of this responsibility.

- (r) The master of the oil vessel shall, when required so to do by the harbour master, afford him every reasonable facility to inspect and examine the inflammable liquid on board such oil vessel, and all appliances in connection with same, so as to ascertain whether the provisions of these regulations are being observed and all other means taken towards general safety.

[Regulation 181 amended by Gazette 15 March 1957 p.788.]

182. Vessels not Obligated to Carry Dangerous Goods

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

183. Exempt explosives

Nothing in these regulations shall apply to any ship 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 any such ship of the same (that is to say): —

- (a) Explosives belonging to the first division of the sixth (ammunition) class.
- (b) The following explosives of the second division of fireworks, class, namely: —

Squibs, crackers, serpents, rockets (other than war rockets), maroons, stars, lances, wheels, Roman candles.

- (c) Other explosives; and in such quantities and under such authorities as may be from time to time approved by the inspector.
- (d) Explosives on any ships of war.
- (e) Explosives carried for a ship'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 ship 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 ship 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 kinds.

184. Maximum weight of explosives on board

No ship having more than 20 lb. of explosives on board arriving in or off, or being or remaining in the harbour of Albany, shall be permitted to anchor within half a mile of any ship, or within two miles of any wharf, jetty, or landing place.

185. Signals to be exhibited

The master or person in charge of every ship having explosives on board shall keep conspicuously exhibited at the foremast head, from sunrise to sunset, the red burgee, being letter "B" of the Universal 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; and every person in charge of a vessel shall observe due caution when approaching any ship having the gunpowder flag or lamp hoisted, and shall not approach any ship nearer than 200 yards unless duly authorised by an officer of the Board.

186. Shipping of explosives

No explosives shall be shipped on board any ship as cargo except in the quantities and according to the manner approved of or prescribed by the inspector.

187. Lighters to be licensed

All lighters conveying explosives either to or from ships, wharves, or other places, shall be duly licensed by the Board for that purpose, under such conditions as shall be prescribed in the license, and shall be subjected to all the regulations (as far as the same may be applicable) in force for the time being for the management of magazines.

188. Towing of lighters

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

189. No explosives on passenger vessels

Explosives shall not be conveyed in a ship whilst carrying or plying for passengers, unless the quantity be less than 5 lb., and the same be securely covered, and all due precautions be taken for the prevention of accidents by fire or explosion; but in no case shall there be conveyed in any ship whilst carrying or plying for passengers, any explosives of the 5th (fulminate) class, or any explosive of the 3rd division of the 6th

(ammunition) class, or any explosive of the 1st division of the 7th (firework) class.

190. Conveyance of mixed classes

No explosive of the 5th (fulminate) class and no explosive of the 6th (ammunition) class, which contains its own means of ignition, and no explosive of the 7th (firework) class shall be conveyed in the same ship 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.

191. Explosives to be protected from fire

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

192. Iron or steel to be covered

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

193. Matches

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

194. Stowing of explosives

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

195. No smoking

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

196. Conduct of person

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

197. Prevention of accidents

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

198. Conditions applying to loading and unloading of explosives

After the loading or unloading of explosives in or out of any ship 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.

199. Loading or unloading in streets etc.

No explosive shall be loaded or unloaded from any ship 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 of by the inspector.

200. Explosives not to be conveyed with other merchandise

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

201. Delays to be avoided

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

202. Fires, lights, water

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

coming into contact with such explosive. This clause shall not be construed to prevent the introduction of an artificial light of such construction, position, or character, or of safety matches of such character as not to cause any danger of fire or explosion.

203. Regulations to be exhibited

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

204. Lighters to have person in charge

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

205. Quantity to be conveyed

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

206. Space between lighters

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

207. General precautions

In the case of every ship loading or discharging explosives within the harbour of Albany —

- (a) an officer of the ship shall be constantly and exclusively in charge of the shipment, stowage, or discharge of such explosives;
- (b) all fires and lights shall be completely put out (except engine-room fires, which must be carefully banked with damp ashes). No smoking shall be allowed on board. This rule will apply to every ship alongside of or attached to any ship or licensed powder lighter loading or discharging any kind of explosives;
- (c) men selected to work in the magazine of the ship or boat must not have any matches, fuses, or knives 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 tarpaulins or other suitable covering;
- (e) all explosives must be passed from man to man, or rolled, and on no account shall any explosives be pitched, thrown, slung, or slid;
- (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 ship, 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 purpose or upon any pretence whatever on board a ship after such ship has on board more than 1,000 lb. of any explosives other than of ammunition whilst the ship is within the limits of the harbour of Albany.

208. Explosives to be marked

Every case containing explosives imported into Albany shall be marked in legible and indelible characters showing the date of its manufacture, the name of the explosive, and the word “explosive.”

209. Explosives to be inspected

No explosive shall be landed within the limits of the harbour of Albany unless such explosive shall have been previously inspected by the explosives inspector, or unless permission shall have been given by such officer.

210. Explosives stored in lighters

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

211. Explosives not to be loaded or unloaded at night

No explosive shall be put on board of or discharged from any ship or licensed powder lighter, except between the hours of sunrise and sunset.

Section VII

Watermen and Boatmen

212. Licensed Required

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

213. License Fee

The annual fee for a license shall be five shillings (5s.) and such license shall cover the period from the first day of July to the last day of June.

214. Form of Application

Every application shall be made in writing, addressed to the secretary, and shall be accompanied by letters and reputable and competent person, testifying to the sobriety and efficiency of the applicant.

215. Boat to be Surveyed

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

216. Boat to be Marked

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

217. Licensed Boat and Gear May be Inspected

The harbour master or surveyor may inspect or overhaul any waterman's boat or gear at any time he or they may think fit to

do so; and the members may, on the report of the harbour master or surveyor to the effect that any boat unfit to carry passengers, call upon any such boat owner to deliver up his license.

218. Boat and Landing Place to be Kept Clean

Watermen shall keep their boats and equipment clean and serviceable, and shall keep clean the landing place from which they ply, and every waterman shall, while afloat or on duty, at any wharf or stairs, obey any direction given by the harbour master.

219. Schedule of Fares

A licensed waterman shall not demand a higher charge or fare than is prescribed by schedule B; and every waterman shall have a copy of fares and regulations, and shall produce the same, on demand, to any person hiring his boat.

220. Badge to be Worn

Every licensed waterman shall wear a badge, of a pattern approved by the members, on the left arm of his coat, showing the number of his license; and he shall, on demand, produce his license to the harbour master, or to any police constable on duty within the harbour, or to any person hiring his boat.

221. Conduct of Waterman

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

222. License Not to be Lent

A waterman shall not lend his license to any other person.

223. License May be Temporarily Transferred

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

224. Watermen's Shelters

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

225. Penalty

For the violation or infringement of any regulation in this section, or for the neglect of any duty or obligation imposed thereby, the offender may be deprived of his license by the members, in addition to any penalty which may be adjudged against him in consequence thereof.

Section VIII

Bathing

226. Bathing from Wharves

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

227. Public Baths

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

228. Depth of Water

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

229. Life-saving Appliances

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

230. Experienced Attendant Required

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

231. Private Baths

The owners or occupiers of private bath-houses extending into the water of the harbour shall, if and when called upon to do so by the members, carry out and effect any alterations or additions to such bath-houses which, in the opinion of the said members, are necessary for the proper observance of decency: Provided that the preceding regulations under the heading "bathing" in this section shall not apply in the case of any lease or license granted prior to the coming into operation of the *Albany Harbour Board Act 1926*.

Section IX

232. Touting

No person shall, upon any wharf, or roadway within the harbour, tout for or solicit anyone to proceed as a passenger by any steamer, or to take up his or her residence at or to proceed to any boarding-house or hotel, or to entrust the landing or portorage of luggage or goods to any one person or firm.

233. Stray Boats to be Handed Over to the Secretary

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

234. Rubbish or Offensive Matter, etc. shall Not be put into Water

Penalty: Every person who unloads, puts, or throws into any part of the harbour or any shore or ground in the harbour below high-water mark at ordinary tides, any rubbish, earth, ashes, dirt, mud, or other matter, or allows any offensive matter to flow into the harbour, shall forfeit for every offence any sum not exceeding one hundred pounds (£100).

235. Dead Animals

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

236. Interference with Notice Boards

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

237. Defacement and Bill-posting Prohibited

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

238. Life-saving Appliances

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

239. Dragging or Grappling in the Harbour

No person shall, without the written permission of the harbour master, use drags or grapplings within the harbour for the purpose of lifting articles or things from the bed thereof, or which shall disturb the bed of the harbour.

240. Preservation of Order

For the preservation of good order, and for the convenience of shipping and public generally, all watermen, ferrymen, stevedores, steam-hoist drivers, porters, carters, and others, when on any wharf or jetty, whether employed on such wharf or jetty or not, shall be under the control of and obey the orders of the harbour master and wharf manager, and shall immediately leave such wharf if ordered to do so by them.

241. Riding and Driving upon Wharves or Approach Roads

No person shall ride any horse or other animal, or drive or impel any machine, including a bicycle, tricycle, velocipede,

perambulator, hand-cart, or motor-car on to or upon any wharf or jetty except with the permission of the wharf manager: Provided, however, that such machine may be taken across any such wharf to or from any ship moored thereto for the purpose of being loaded or unloaded thereat.

242. Disorderly Person

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

243. Smoking and Loitering

No person shall smoke in, under, or near to any shed, or loiter therein or thereunder, or upon any wharf or jetty, or lounge or sleep among the cargo placed in or under any shed or upon any wharf or jetty, or play at any game, or, without the written consent of the members, address any assemblage of persons in any shed or on any wharf or jetty or any approach thereto.

244. Nuisances

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

245. Yacht Moorings

All yachts, motor boats, and other craft of whatsoever nature anchored within the jurisdiction of the Board, shall keep clear of the fairway, and shall anchor or moor in such position as the harbour master may from time to time appoint.

246. Mooring Licenses

It shall be competent for the Board to enact from the owners of all private moorings a license fee of 5s. per annum to be computed as from the 1st July to the 30th June next following, but the Board do not accept any responsibility in regard to such moorings, or for damage which might be caused by or to the same.

247. Private Jetties

The Board may permit the erection of private jetties upon such rent, terms, and conditions as may be decided from time to time.

248. Boat Races

No boat race, procession of boats, will be permitted to take place in the harbour without the permission of the harbour master, who may impose such conditions as he may see fit for the safety of the public and the convenient navigation of the harbour; nor will any steamer be allowed to accompany any race unless the master or owner has previously obtained the written consent of the harbour master.

249. Auction Sales, etc.

No person shall hold any auction sale, sell, or expose for sale any goods on any wharf, jetty, landing place, or upon any land or premises owned or leased by the Board, nor carry on any retail trade thereon, without first having obtained permission from the Board in writing.

250. Removal of Material

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

251. Unserviceable Vessels to be Removed

In case there should be in the port any vessel which is not ordinarily used for sea service, and which the harbour master may have reason to believe is unsound or unsafe and likely to prove an obstruction to the navigation of the port, it shall be lawful for the harbour master, accompanied by such persons as may be appointed for that purpose, to visit, board, survey, and inspect the same at reasonable times in the daytime, and the

master or other person in charge thereof shall do all such acts as may reasonably be deemed necessary to enable the harbour master and such person or persons to ascertain the state and condition of such vessel, and if the harbour master and the majority of the persons accompanying him as aforesaid shall, after such survey and inspection, consider the said vessel in an unfit state for sea and likely to prove an obstruction to the navigation of the port, the harbour master shall give notice, in writing, to the master or owner thereof to remove the said vessel to such place as shall be named in the notice; and if, within seven (7) days of such notice being given to such master or owner, such vessel be not dealt with in accordance with the terms of the said notice, the harbour master may cause such vessel to be dealt with as he shall think fit and for that purpose the harbour master may cast off, unloose, or cut the rope, or unshackle or break the chain by which any vessel is moored or fastened; and all expenses thereof shall be paid to the Board by the master of such vessel, and in default of payment thereof the same may be recovered at law as a penalty, and such harbour master may detain such vessel for securing the expenses; and, on non-payment thereof on demand, may sell the same, and out of the proceeds of such sale pay such expenses: Provided that the harbour master shall in no case unloose or cut any rope, or unshackle or break any chain by which any vessel is moored or fastened, unless there be a sufficient number of persons on board to protect the same. Provided also that in no such case as aforesaid shall the harbour master order any such vessel as aforesaid to be taken to any place outside the port or harbour unless, in the judgment of such harbour master, there is no place within the port or harbour where she might lie without prejudice or risk of prejudice to the navigation and use thereof. (37 Vict., No. 14, Section 6.

252. Damage by Water from Ships

Masters of vessels lying alongside any wharf or jetty shall be responsible for all damage caused to goods laying on such wharf

or jetty by water used for washing down decks, or for any other purpose, upon such vessels.

253. Fire Alarms and Appliances

Any person breaking, sounding, opening, or in any way interfering with any electric or other fire alarm apparatus, or using without permission, or in any way interfering with, any apparatus for the suppression of fire, shall be liable to a penalty and for any loss or damage caused to the members thereby.

254. Wharves, etc., may be Closed

- (1) The Board may close any wharf or jetty or any portion of then, and exclude persons, either with or without vehicles, from the land and other premises, including the wharves and roads and other means of passage vested in or under the control of the Board, either completely or to such extent, for such periods and during such times as they consider necessary, and may prescribe the manner and place to be used by persons when leaving any part of the said land and other premises which are closed as aforesaid, and during all periods and times when any closure as aforesaid applies, no person shall enter upon any part of the land or other premises aforesaid which has been closed, except with the consent of the Wharf Manager and then only in the manner and at the place prescribed as aforesaid for such entry, and no person who has entered upon any part of the said land and other premises which has been closed as aforesaid shall depart therefrom, except in the manner and at the place prescribed as aforesaid for such departure.
- (2) Any person who, without the consent of the Wharf Manager, enters upon any part of the land or premises which has been closed as aforesaid, or who, with such consent so enters in a manner or at a place other than as prescribed by the Board for such entry, or who having entered a part of the said land and other premises which has been closed as aforesaid, departs therefrom in a manner or at a place other than as prescribed for such departure, shall be guilty of an offence.

[Regulation 254 inserted by Gazette 19 July 1956 p.1780-81.]

254a Vehicles may be Moved

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

[Regulation 254a inserted by Gazette 19 July 1956 pp.1780-81.]

255. Persons not allowed on Wharves, etc., Except on Business

No person shall enter or remain upon any of the wharves, roads, or other premises vested in or under the control of the Board, unless he has in the opinion of the Wharf Manager legitimate business to warrant his presence there. Any person refusing, when asked by the Wharf Manager, to state the nature of the business warranting his presence on any such wharf or road or other premises aforesaid, or any person refusing to leave such wharf or road or other premises aforesaid, when requested by the Wharf Manager so to do, shall be guilty of an offence.

[Regulation 255 inserted by Gazette 19 July 1956 pp.1780-81.]

256. Public Demonstration on Wharves or Jetties

No person shall ring any bell or gong, play any musical instrument, or walk or take part in any demonstration or procession of any kind, or make or deliver any speech or address, or sing any song or hymn likely to attract a crowd or assemblage of persons upon any wharf, without first having obtained permission from the wharf manager, and any persons so assembled or gathered, or standing together on the said

wharf, shall immediately upon being required so to do by the wharf manager, disperse, quit, and leave the said wharf and its approaches.

257. Children Not Allowed on Wharves

No child of tender years shall be allowed on any wharf or jetty.

258. Cargo Not to be Shipped at Landing Steps

No person shall land or ship any goods, except passengers' luggage of a portable nature, at or from any steps or landing place for passengers.

259. Fishing

No person shall fish from any wharf or jetty without the permission of the wharf manager first had and obtained. No person shall fish with rod, line, or otherwise from any public landing steps or place for landing passengers, nor shall place or use any fishing nets or other fishing gear thereat or thereon, or upon or under any wharf, jetty, or shed.

260. No Building Allowed on Jetty

No person shall erect, without special permission from the Board, any building, staging, or structure on any jetty wharf or landing place, and shall strictly abide by all conditions embodied in any such permission.

261. Climbing about Structures not Permitted

No persons shall clamber on or about the structure of any wharf below the deck level, or upon or about any crane or hoist, or on or over any gate or fence.

262. Tampering with Cranes, etc.

No person shall play or tamper with any crane or hoist, or make use thereof, without the permission of the wharf manager.

263. Tampering with Water Appliances

No person shall turn any valve or cock, or open or shut any fire-plug or hydrant, unless authorised by the wharf manager so to do.

264. Tampering with Electric Light or Power Mains, etc.

No person shall play, tamper, or in any way Interfere with any electric lights or fittings or any electric light or power mains within the harbour.

265. Complaints

All complaints against the harbour master or wharf manager, or any person under their direction, shall be made in writing to the Secretary.

266. Where Stock to be Landed

Live stock may be landed or shipped at wharves or jetties by permission being obtained from the wharf manager, and under the terms and conditions imposed by such authority. Application for such permission must be made at least 24 hours prior to the arrival of the vessel carrying the stock sought to be landed. No cattle shall be landed as aforesaid until all necessary precautions have been taken to insure their being at all times properly tended and under control. No stock, however, shall be landed before the master has made the declaration to the Customs authorities, and submitted the stock to inspection in terms of the *Stock Diseases Act 1895*, and any master neglecting to comply with the restrictions imposed by the said Act is liable under that Act to a fine not exceeding £200 and imprisonment for a term not exceeding six months.

267. Stock Vessels to Clean up

Every vessel after having discharged her consignment of live stock, in accordance with the last preceding regulation, shall at once proceed to the ballast ground and there clean up; and no

refuse of any kind whatsoever shall be put overboard into the waters of the harbour except within the limits of the said ballast ground. The Secretary may in his discretion allow a vessel to clean up her cattle decks at wharves or jetties, within the harbour, provided the work of cleaning up is commenced immediately the said stock are landed, and is carried on rapidly and continuously, and that all refuse is put into barges in such a manner that none of it is allowed to find its way into the water of the harbour, and that such barges are, as soon as filled, taken outside the harbour where directed by the harbour master, and there discharged and properly cleaned. Such permission shall not, however, relieve the master or owner of such vessel as aforesaid from any action that may be taken by the health authorities.

268. Ballast Ground

The ballast ground is as defined by the harbour master, on application through the Board.

269. Ballast

Ballast shall only be discharged from any vessel within the limits of the ballast ground. Ballast may be discharged into trucks at jetty or outside the limits of the harbour under the authority of the harbour master only.

270. Wharf Holidays

The following days shall be observed as holidays: — New Year's Day, Good Friday, Eight Hours' Day (known as "Proclamation Day"), Sovereign's Birthday, Christmas Day, and Boxing Day, and such other days as the Board may from time to time, by special resolution, declare to be holidays. The days on which the above holidays shall be kept or observed shall be determined (if necessary) by the members. The term "holidays" throughout these regulations shall mean all such days as aforesaid, whether specially named in this regulation or

declared to be holidays by any such special resolution of the Board as aforesaid.

271. Decaying Goods or Material Not to be Placed or Left on Wharves, Jetties, etc.

No person shall place or leave, or cause to be placed or left, upon any wharf or jetty, or in any shed, any vegetable or animal matters, or goods, or other things whatsoever which are in a state of decay of putrefaction any goods or other things whatsoever which are, in the opinion of the wharf manager, unfit to remain on any wharf or jetty, or in any shed, or harmful to other goods stored on or in such wharf, jetty, or shed, may be removed by the wharf manager, and the consignee and owner of such goods or other things shall, upon demand, repay the members the cost of such removal.

272. Tugs, Lighters, and other Vessels to be Licensed

No person shall within the harbour ply for hire or reward with a steamer, vessel, or boat of any description, or hold or let the same for hire or reward for towing, conveyance of passengers, goods, water, ballast, refuse, or any other commodity or thing, or for any purpose, unless and until a license for that purpose has been issued by the Harbour and Light Department, and even then only while such license remains in full force.

272A. Persons in breach of regulations to give name and address and leave premises when required to do so

A person shall, if and when required so to do by a member of the Police Force who reasonably believes that the person is on any wharf or other premises vested in the Port Authority in breach of regulation 240, 254, 255, or 256 of these regulations, give his name and address and if required by the member of the Police Force leave the wharf or such other premises or such part of the wharf or such other premises as may be specified by the member of the Police Force.

[Regulation 272A inserted by Gazette 5 April 1978 p.1021.]

272B. Persons in breach of regulations may be apprehended and removed from premises

A member of the Police Force may apprehend or remove or apprehend and remove from any wharf or other premises vested in the Port Authority a person who is committing a breach of regulation 240, 254, 255, 256, or 272A of these regulations.

[Regulation 272B inserted by Gazette 5 April 1978 p.1021.]

Section X

Penalties

273. Penalties

Any person making a breach of the foregoing regulations shall be liable to a penalty not exceeding one hundred pounds (£100) and, in addition to such penalty, any expense incurred by the members in consequence of the breach of any such regulation shall be paid by the person or persons committing such breach.

Cranes and Mechanical Appliances

274. Applications

Every person desiring to use any crane or any mobile cargo handling plant of the Board shall make application at the Office of the Board on the form provided, and, as far as possible the cranes or other appliances 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 Members shall not be bound to supply any crane or appliance at any time to any applicant.

All charges for hire shall be payable when making application, unless payment is guaranteed by the hirer, and shall be at the rates prescribed hereinafter.

The Secretary may at any time re-allocate the cranes or plant or remove a machine from any hirer if, in his opinion, conditions require such action.

[Regulation 274 inserted by Gazette 29 August 1952 pp.2006-07; amended by Gazette 29 June 1984 p.1774.]

275. Calculation of Hire

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

In the event of an applicant for hire of any crane or plant not being ready to make use thereof at the time mentioned in his application, he shall lose his turn if another applicant is waiting for or ready to use the crane or plant.

[Regulation 275 inserted by Gazette 29 August 1952 pp.2006-7; amended by Gazette 29 June 1984 p.1774.]

276. No liability for loss

The Members shall not be liable for any loss or expense incurred by applicants for cranes or plant owing to the machines not being available for hire at the time appointed.

[Regulation 276 inserted by Gazette 29 August 1952 pp.2006-07.]

277. Expenses to be paid

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

[Regulation 277 inserted by Gazette 29 August 1952 pp.2006-07.]

278. Responsibility of hirer

Hirers of cranes or other plant shall be responsible for and indemnify and keep indemnified the Members from and against all actions, claims, proceedings, demands, costs and expenses in respect of any loss, damage or injury caused or suffered by or through or arising out of the working of the crane or plant.

[Regulation 278 inserted by Gazette 29 August 1952 pp.2006-07.]

279. General responsibility

The Members will work the cranes or plant but will not supply nor accept any responsibility for the safety of slings for lifting cargo out of or into vessels. Where Members supply a driver for a crane or appliance hired, he 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 Members shall not be liable for any loss or damage whatever which may occur while such driver is operating the crane or plant 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.

[Regulation 279 inserted by Gazette 29 August 1952 pp.2006-07; amended by Gazette 29 June 1984 p.1774.]

[280.— Regulation 280 repealed by Gazette 29 June 1984 p.1774.]

281. Tampering with cranes

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

[Regulation 281 inserted by Gazette 29 August 1952 pp.2006-07.]

[282.— Regulation 282 repealed by Gazette 29 June 1984 p.1774.]

283. Scale of Charges for Hire of Cranes and Mobile Cargo Handling Plant.

Mobile cranes, fork lifts or tractors used in loading or unloading vessels, or in handling goods on wharves or in sheds or handling goods into or out of vehicles, or for other purposes approved by the wharf manager —

- (a) Mobile Cranes —
 - (i) stevedoring purposes, excluding driver, minimum of 4 hours — \$26 per hour;
 - (ii) nonstevedoring purposes, including driver, minimum of 2 hours — \$45 per hour;
- (b) Fork lifts and Tractors —
 - (i) stevedoring purposes, excluding driver, minimum of 4 hours — \$17 per hour;
 - (ii) non-stevedoring purposes, including driver, minimum of 2 hours — \$31 per hour.

[Regulation 283 inserted by Gazette 29 June 1984 p.1774; amended by Gazettes 24 June 1988 p.2016; 7 July 1989 p.2070; 29 June 1990 p.3209; 28 June 1991 p.3240.]

[284.— Regulation 284 repealed by Gazette 2 September 1983 p.3259.]

[285.— Regulation 285 repealed by Gazette 25 June 1982 p.2125.]

286. Charges for supply of water

The charge for the supply of fresh water to vessels shall be: —

- (a) in ordinary hours \$2.19 per kilolitre,
- (b) in overtime hours \$2.19 per kilolitre with operators time at cost.

[Regulation 286 inserted by Gazette 9 September 1977 p.3290; amended by Gazettes 13 October 1978 p.3721; 27 June 1980 p.1962; 19 June 1981 p.2191; 25 June 1982 p.2125; 24 June 1988 p.2016; 7 July 1989 p.2070; 29 June 1990 p.3209; 28 June 1991 p.3240.]

287. Charge for use of incinerator

The charge for the use of the incinerator shall be \$24 per hour or part thereof, labour, if requested \$24 per hour or part thereof excepting ships garbage.

[Regulation 287 inserted by Gazette 19 June 1981 p.2191; amended by Gazettes 25 June 1982 p.2125; 1 July 1983 p.2131; 7 July 1989 p.2071; 29 June 1990 p.3209; 28 June 1991 p.3240.]

Schedule A

Albany Harbour Board

INWARD MANIFEST

Vessel Master from

Entered at Customs House.....

.....

Trip vessel berth at Wharf

Marks and Nos.	Consignee	No.	Packages	Description	Weight		Measurement (cubic metres)	Remarks
					tonnes	(expressed to 3 decimal places)		

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

.....

(Master or Agent.)

Albany.....19.....

Note. — It shall be open to the Board to accept, instead of the above form of manifest, the manifest of any shipping company provided that such manifest contain the above declaration and sufficient information for the purposes of the Board.

[Schedule A amended by Gazette 6 July 1973 p.2623.]

Schedule B

Albany Harbour Board

WATERMAN'S FARES AND CHARGES

Running Lines —

	Per one hour.	Waiting time (per hour).
	£ s. d.	s. d.
Monday to Friday —		
8 a.m. to 5 p.m.	3 0 0	10 0
5 p.m. to 12 Midnight	3 5 0	10 0*
Midnight to 8 a.m.	4 4 0	10 0*
Saturdays, Sundays and Public		
Holidays.....	4 4 0	10 0*

* Plus penalty rates on wages paid.

Attendance, Vessels in Harbour —

	Per one hour.	Waiting time (per hour).
	£ s. d.	s. d.
Monday to Friday —		
8 a.m. to 5 p.m.	2 0 0	10 0
5 p.m. to 12 midnight	2 5 0	10 0*
Midnight to 8 a.m.	3 0 0	10 0*
Saturdays, Sundays and Public		
Holidays	3 0 0	10 0*

* Plus penalty rates on wages paid.

Attendance, Vessels in King George's Sound —

Albany Port Authority Regulations 1951
Schedule B

	Per two hours.	Waiting time	
	[Pound]	s.	d.
Monday to Friday —			
8 a.m. to 5 p.m.	4	10	0
5 p.m. to 12 midnight	5	0	0
Midnight to 8 a.m.	5	5	0
Saturdays, Sundays and Public			
Holidays	5	5	0

* Plus penalty rates on wages paid.

All above services are subject to the weather conditions being satisfactory, of which the harbour master shall be sole judge.

Harbour master's orders are always to be obeyed.

Schedule C

[regulations 129B and 129C]

PART A—PILOTAGE DUES

<i>Pilotage services</i>	<i>Deadweight tonnage of vessel</i>	<i>Charge \$</i>
1. Pilotage of a vessel into and out of the Port (charge applies once for both services)	Under 5001	1 500.00
	5001 to 20 000	2 000.00
	20 001 to 40 000	2 500.00
	40 001 to 60 000	3 000.00
	Over 60 000	3 500.00
2. Pilotage of a vessel from berth to berth within the Port	(Irrespective of the vessel's tonnage)	750.00

PART B—PILOT DETENTION DUES

1. Detention of pilot	\$450.00
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PART C—PILOT CANCELLATION DUES

1. Cancellation of pilot	\$450.00
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[Schedule C inserted by Gazette 8 July 1994 p.3349.]

Schedule D

regulations 141A and 141B]

PART A—MOORING AND UNMOORING CHARGES

1. Mooring and unmooring a vessel in the Port \$750.00
(charge applies once for both services)

PART B—DETENTION CHARGES

1. Detention charge — mooring a vessel \$375.00 per hour
2. Detention charge — unmooring a vessel \$225.00 per hour

PART C—CANCELLATION CHARGES

1. Cancellation charge — mooring a vessel \$750.00
2. Cancellation charge — unmooring a vessel \$450.00

SCHEDULE D—APPLICATION FEES UNDER *PORTS (MODEL PILOTAGE) REGULATIONS 1994*

[regulation 129AA]

- | <i>Nature of application</i> | <i>Fee payable</i> |
|---|--------------------|
| 1. Application for pilotage exemption certificate | \$530.00 |
- [Schedule D inserted by Gazette 8 July 1994 p.3350.amended by Gazette 10 June 1994 p.2420.]*

Notes

- ^{1.} This is a compilation of the Albany Port Authority Regulations 1951 and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Albany Port Authority Regulations 1951</i>	30 Mar 1951 pp.680-714 6 Jul 1951 pp.1945-6 31 Aug 1951 p.2365 14 Dec 1951 p.3400 27 Jun 1952 p.1577 29 Aug 1952 pp.2006-7 31 Oct 1952 p.2633 20 Feb 1953 p.377 17 Apr 1953 p.658 13 Nov 1953 p.2254 24 Dec 1954 p.2302 4 Nov 1955 p.2711 19 Jul 1956 pp.1780-1 28 Sep 1956 p.2327 21 Jan 1957 p.87 15 Mar 1957 p.788	

Citation	Gazettal	Commencement
	13 Aug 1957 p.2435	
	12 Feb 1960 p.320	
	27 Oct 1960 p.3305	
	11 Aug 1964 p.2879	
	23 Mar 1965 p.899	
	1 Sep 1965 pp.2571-81	
	16 Dec 1965 p.4161	
	6 Jul 1973 pp.2620-3	
	28 Jun 1974 pp.2262-3	
	24 Dec 1975 pp.4652-3	
	23 Jan 1976 p.150	
	25 Jun 1976 pp.2189-91	
	9 Sep 1977 pp.3288-90	
	5 Apr 1978 p.1021	
	13 Oct 1978 pp.3718-21	
	15 Jun 1979 p.1612	
	27 Jun 1980 pp.1960-62	
	19 Jun 1981 pp.2190-1	
	25 Jun 1982 pp.2124-5	

Albany Port Authority Regulations 1951

Citation	Gazettal	Commencement
	1 Oct 1982 p.3890	
	1 Jul 1983 pp.2129-31	
	2 Sep 1983 p.3259	
	21 Oct 1983 p.4270	
	29 Jun 1984 pp.1772-4	
	27 Jun 1986 pp.2167-68	
	26 Jun 1987 pp.2467-8	
	24 Jun 1988 p.2016	
	7 Jul 1989 pp.2070-71	
	29 Jun 1990 pp.3208-09	
	28 Jun 1991 pp.3240-41	
	16 Jun 1992 p.2507	1 Jul 1992
<i>Albany Port Authority Amendment Regulations 1993</i>	6 Aug 1993 pp.4286-8	6 Aug 1993
<i>Albany Port Authority Amendment Regulations (No. 2) 1993</i>	13 Aug 1993 pp.4405-6	13 Aug 1993
<i>Albany Port Authority Amendment Regulations 1994</i>	10 Jun 1994 pp.2419-20	15 Jun 1994
<i>Albany Port Authority Amendment Regulations (No. 2) 1994</i>	8 Jul 1994 pp.3344-50	8 Jul 1994
<u>These regulations were repealed by the <i>Port Authorities Regulations 2001</i> r. 122 as at 1 Jun 2001 (see <i>Gazette</i> 18 May 2001 p. 2486)</u>		