



Western Australia

Government Railways By-laws — By-law 89

Compare between:

[22 Dec 1944, 00-b0-02] and [12 Dec 2003, 00-c0-06]

Western Australia

GOVERNMENT RAILWAYS ACT 1904

WESTERN AUSTRALIAN GOVERNMENT RAILWAYS

~~IT is hereby notified, for general information, that His Excellency the Lieutenant Governor in Executive Council has been pleased to approve of the by-laws made by the Commissioner of Railways under paragraph (15) of section 23 of the *Government Railways Act 1904*, as set forth in the Schedule hereunder.~~

~~J.TOMLINSON,
Deputy Commissioner of Railways.~~

~~**Government Railways By-laws — By-law 89**~~

**Government Railways (Oil Vessels)
By-laws 1944 — By-law 89**

By-law No. 89 — By-laws relating to Oil Vessels

~~f~~ [\[Heading\]](#) amended by Gazette 22 December 1944 p.1329.]

1. Citation

These by-laws may be cited as the *Government Railways (Oil Vessels) By-laws 1944*.

2. Application

These by-laws shall apply only to wharves and jetties in the ports or harbours at Albany, Busselton, Esperance, Geraldton and Port Hedland which being connected with or forming part of a railway within the meaning of the Government Railways Act 1904, are by reason thereof under the control of the Commissioner of Railways.

3. Interpretation

In these by-laws, unless the context otherwise requires —

“Harbour Master” means the officer who, in relation to any port or harbour, is appointed as and exercises the powers and discharges the duties of harbour master under the provisions of the *Shipping and Pilotage Ordinance 1855*. “Inflammable liquid” means petroleum, kerosene and any oil, liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen, or any similar substance, and which has a true flashing point of less than 150 degrees Fahrenheit, and any other liquid which the Governor by a Proclamation published in the *Government Gazette* declares to be an inflammable liquid.

“Master” when used in relation to any vessel means the person having the command or charge, custody or control of such vessel for the time being. “Oil Vessel” means any ship, hulk, boat, barge, lighter, flat or craft of whatever kind or description and howsoever propelled which has on board or lately has had on board any inflammable liquid as cargo or part cargo. “Station Master” means an officer employed under the Commissioner of Railways in connection with a Government Railway who as part of his duties is directly in control of a wharf or jetty to which these by-laws apply. “Wharf” or “jetty” includes every structure to which oil vessels make fast or on which inflammable liquid is discharged or from which it is loaded.

4. Notice of intention to load or unload

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 of such intention both to the Station Master and the Harbour Master with particulars as to the quantity of inflammable liquid it is intended to load or discharge.

5. Permission required for loading or unloading

The master of an oil vessel shall not permit inflammable liquid to be discharged on to or loaded from a wharf or jetty without first obtaining the written permission of the Station Master and the Harbour Master.

6. Safety on oil vessels

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

- (a) 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.
- (b) An oil vessel with her cargo in bulk shall not be berthed at a wharf or jetty until she is ready to load or discharge and shall at all times continue and complete such loading or discharging with all possible despatch.
- (c) No hold, tank or space containing inflammable liquid in containers shall be opened until all trucks or other vehicles into which such liquid is to be loaded are placed alongside the vessel and all is in readiness to commence the work.
- (d) 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 Station Master and of the Harbour Master and so as to disperse all dangerous vapour that may be generated by the cargo or be collected or lie in such places. Provided that where

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the Harbour Master considers that as a measure of greater precaution certain things should be done in compliance with this paragraph which in the opinion of the Station Master are not necessary, the opinion of the Harbour Master shall prevail and the things required by him to be done as aforesaid shall be done accordingly.

- (e) An oil vessel loading or unloading inflammable liquid in casks, barrels or other receptacles or containers at a wharf or jetty shall work her cargo or carry out any other work on board only as directed by the Station Master and the Harbour Master.
- (f) No inflammable liquid contained in casks, barrels or other receptacles shall be landed on any wharf or jetty from an oil 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.
- (g) No inflammable liquid shall be loaded or unloaded at a wharf or jetty except between the hours of sunrise and sunset of any day without the written permission both of the Station Master and of the Harbour Master.
- (h) Should it be desired to work at the general cargo during hours other than daylight hours while the oil vessel is at a wharf or jetty and 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 has been obtained both from the Station Master and the Harbour Master.

7. Smoking, heating etc.

During the loading or unloading of inflammable liquid while the oil vessel is at a wharf or jetty 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 such oil vessel or at the said wharf or jetty; and no person engaged on such

loading or unloading whether on the vessel or on the wharf or jetty shall carry matches or other appliances or substances for providing or capable of providing ignition.

8. Fire

When an oil vessel is at a wharf or jetty, from the time when the tanks thereof 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 on the wharf or jetty within one hundred feet of the vessel without the authority both of the Station Master and of the Harbour Master. Provided that this by-law shall not prohibit the use of a safety lamp approved by the Station Master and the Harbour Master.

9. Signalling and communications

- (1) Before any pumping operations of inflammable liquid are commenced on an oil vessel at a wharf or jetty, the Master shall see that a competent signalling staff is in attendance both at the tank installation and on board the 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 operation shall not be commenced before the correct position of all valves has been verified by the Station Master and the Harbour Master.
- (3) During the whole time that pumping operations are in progress, the staff referred to in this by-law shall be maintained, and the pipe line shall be efficiently patrolled and every precaution shall be taken to prevent any leakage.

10. Lids, coverings etc. to be fastened

When an oil vessel is at a wharf or jetty and while pumping of inflammable liquid is in progress the Master of the vessel shall take measures to ensure that the lids, screw caps or other removable coverings of the tanks are kept securely fastened or screwed down except so far as may be necessary to enable the discharge of the inflammable liquid to proceed, but in such case the Master shall take measures to ensure that immediately upon the removal of any lid, screw cap, or other covering, safety wire gauzes are properly fitted or other efficient steps are taken to prevent the ignition of the inflammable liquid or vapour.

11. Pumping prohibited at night

When an oil vessel is at a wharf or jetty and permission has been granted by the Station Master and the Harbour Master for the pumping of inflammable liquid into or out of the oil vessel between the hours of sunset and sunrise of any day, if an interruption or stoppage of such pumping occurs such pumping shall not be recommenced until after the hour of sunrise next occurring after such interruption or stoppage.

12. Pipes to be checked by Harbour Master before disconnecting

- (1) When an oil vessel at a wharf or jetty 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, to the Station Master and the Harbour Master, cleared of all inflammable liquid.
- (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.

13. Boiler or galley fires

- (1) When an oil vessel carrying inflammable liquid in bulk is at a wharf or jetty the boiler or galley fires of such vessel 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 Station Master and also the Harbour Master is first obtained.
- (2) The Master shall not allow any furnace galley or other fires to be alight on board an oil vessel when the same is at a wharf or jetty while running water for ballast or other purposes into any tank, receptacle or enclosure on the vessel which has contained inflammable liquid.
- (3) While an oil vessel is at a wharf or jetty no ballasting shall be allowed by the Master thereof until he is so permitted in writing both by the Station Master and the Harbor Master who acting in consultation together shall lay down the conditions under which such work shall be carried out. Provided that where the Harbour Master considers that as a measure of greater precaution certain things should be done in compliance with this paragraph which in the opinion of the Station Master are not necessary, the opinion of the Harbour Master shall prevail and the things required by him to be done as aforesaid shall be done accordingly.

14. Pipes to be in good condition

When an oil vessel is at a wharf or jetty all pipe lines and connections thereto, flexible or otherwise, which may be permitted by the Station Master and the Harbour Master to be used between the oil vessel and the wharf or jetty 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 immediately.

15. Hawsers

The Master of every oil vessel carrying inflammable liquid in bulk and intending to berth at a wharf or jetty shall, immediately

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on the vessel being so berthed, have a steel wire hawser sufficiently strong to enable the vessel to be hauled away from the wharf or jetty placed over the fore and aft ends of such oil 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 or until the vessel has been removed from the wharf or jetty whichever of the said events shall sooner happen.

16. Prevention of accidents by fire

When an oil vessel is at a wharf or jetty the Master thereof shall take all due precautions for the prevention of accidents by fire on the discharge of inflammable liquid, and 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.

17. Station Master may inspect vessel

When an oil vessel is at a wharf or jetty the Master thereof shall when required so to do by the Station Master afford him every reasonable facility to inspect and examine the inflammable liquid on board the vessel and all appliances in connection with the same so as to ascertain whether the provisions of these by-laws so far as they apply are being observed and all other means taken towards the safety of the wharf or jetty.

18. Steam locomotives

When an oil vessel carrying inflammable liquid is at a wharf or jetty no steam locomotive working on such wharf or jetty shall be taken within one hundred feet of such vessel.

19. Cost of after hours inspections

All inspections by the Station Master in connection with oil vessels at wharves or jetties authorised or required by or under these by-laws when made during periods other than the ordinary working hours on such wharves or jetties shall be paid for by the

agents or Master of every such oil vessel at rates to be determined and declared from time to time by the Commissioner of Railways.

20. Working hours

The ordinary working hours on wharves or jetties to which these by-laws apply in connection with the discharge or loading of inflammable liquid from or into oil vessels shall be from 8 o'clock a.m. to 12 noon and from 1 o'clock p.m. to 5 o'clock p.m. on all week days except Saturday, and from 8 o'clock a.m. to 12 o'clock noon on Saturdays, except on such days as may be appointed holidays in relation to such wharves or jetties.

21. Fire extinguishers

While an oil vessel carrying inflammable liquid is at a wharf or jetty the Station Master shall cause to be provided and kept at a convenient place on the wharf or jetty alongside the vessel three fire extinguishers and one axe available for use in case of fire occurring on such vessel or on the wharf or jetty.

22. Watchmen

- (1) In addition to any watchman or patrolman which the Master of an oil vessel carrying inflammable liquid is required by these by-laws to provide while such vessel is at a wharf or jetty, the Station Master shall provide two competent watchmen whose duty it shall be to guard the vessel and the wharf or jetty during the full period when inflammable liquid is being loaded or discharged; and to carry out any other instructions which may be given by the Station Master to ensure general safety and immunity from danger of accident.
- (2) The Station Master shall make such arrangements as may be necessary to ensure that the watchmen provided as aforesaid shall not be required to work for a greater period than eight hours in any one shift.

23. Cost of providing watchmen

The costs and expenses incurred by the provision of watchmen by the Station Master under by-law 22 hereof as certified by the Station Master shall be borne and paid by and shall be recoverable at the suit of the Commissioner of Railways from the agents or Master of the oil vessel in connection with which the said watchmen are provided.

24. Wharf to be barricaded

- (1) The loading or unloading of inflammable liquid into or from an oil vessel at a wharf or jetty shall not be commenced until the Station Master has caused to be erected on the wharf or jetty a barricade efficient to prevent access to the vessel and pipe line hose connections by any unauthorised person, and until in accordance with by-law 22 hereof satisfactory provision has been made for watchmen to be in attendance to prevent the entrance of any unauthorised person and to take possession of matches and other prohibited appliances or substances from all persons passing through the barricade towards the oil vessel, and to assist generally in the enforcement of these by-laws.
- (2) Any barricade erected on a wharf or jetty in compliance with this by-law may be so erected as to enclose an area of the wharf or jetty extending to a distance not exceeding 100 feet past each end of the oil vessel and to the greatest distance from the side of the oil vessel not exceeding 100 feet which the width of the wharf or jetty may permit.

25. Entry to wharf prohibited while loading or unloading

While a barricade remains erected on a wharf or jetty no person (other than the Harbour Master) shall pass or be permitted or suffered to pass through such barricade towards the oil vessel without the written permission of the Master of the oil vessel or the Station Master.

26. Station Master or Harbour Master

- (1) Where in any of these by-laws provision is made requiring in certain circumstances that the permission or authority both of the Station Master and of the Harbour Master shall be obtained before the commencement or doing of any act, matter or thing or that the doing of any act, matter or thing shall be done subject to the direction or to the satisfaction both of the Station Master and of the Harbour Master, the Station Master and the Harbour Master shall act in co-operation after consultation and so as to avoid any conflict between their respective decisions.
- (2) In the event of the Station Master and the Harbour Master being unable to agree in relation to any matter in which they are both concerned under these by-laws and such matter is likely to involve the risk of damage to a wharf or jetty the decision of the Station Master shall prevail, save and except in cases where in these by-laws the contrary is expressly provided.

27. Regulations subject to *National Security Act 1939*

These by-laws shall apply and have effect subject to any regulations made under the *National Security Act 1939*, of the Commonwealth whilst such regulations remain in force.

Notes

¹- This is a compilation of the *Government Railways (Oil Vessels) By-laws —1944 - By-law-89* and includes the amendments referred to in the following Table.

Compilation table

| Citation | Gazettal | Commencement |
|---|--------------------------|-----------------------------|
| <i>Government Railways (Oil Vessels) By-laws —By-law-891944</i> ² | 17 Nov 1944 p. 1080-2 | 17 Nov 1944 |
| Renumbered 89 Erratum Notice | 22 Dec 1944 p. 1329 | 22 Dec 1944 |
| <u>These by-laws were repealed by the Government Railways Amendment and Repeal By-laws 2003 bl. 3 as at 12 Dec 2003 (see Gazette 12 Dec 2003 p. 5042)</u> | | |

² [These by-laws were published as By-law 88, they were renumbered as By-law 89 in Gazette 22 Dec 1944 p. 1329.](#)