

Western Australia

Bunbury Port Authority Regulations 1962

As at 01 Jul 2000

Version 00-y0-04

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Bunbury Port Authority Regulations 1962

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Notes

Western Australia

BUNBURY PORT AUTHORITY ACT 1909

Bunbury Port Authority Regulations 1962

Part I — General

1A. Citation

These regulations may be cited as the *Bunbury Port Authority Regulations 1962*¹.

[Regulation 1A inserted in Gazette 22 June 1990 p.3088.]

Division 1 — Interpretation

1. Interpretation

In these regulations, unless the context otherwise requires —

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

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

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

“**buoys**”, “**beacons**”, include all other marks and signs placed for the purpose of navigation;

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

“**cargo charges**” means berth hire, port infrastructure and cargo handling charges;

“**Chairman**” means the Chairman or acting Chairman of the Bunbury Port Authority;

“**consignee**” means the person to whom goods are consigned, and includes the owner of those goods, the agent for the

owner, the agent for the sale or custody of those goods, the holder of any bill of lading or other document representing those goods, and any other person having any right, title, or interest in those goods;

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

“Engineer” includes any person empowered to represent the Port Authority’s Engineer;

“explosives” means explosives as defined by the *Explosives and Dangerous Goods Act 1961*; and wherever in these regulations any explosive is distinguished as belonging to a particular class, or division of a class, reference is made to the classification of explosives in pursuance of the *Explosives and Dangerous Goods Act 1961*;

“General Manager” means the person holding or acting in the office of General Manager under section 18 of the Act;

“goods” includes all wares and merchandise, and all chattels, livestock, and other things of whatever description;

“Harbour Master” includes Assistant Harbour Master;

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

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

“master” includes every person having command, charge, or management of a vessel for the time being;

“navigational service charges” means the charges imposed under Part 1 Table 1 of Schedule 2;

“owner”—

- (a) when used in relation to goods, includes the consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of goods; and includes, also, the holder of any bill of lading or other document representing those goods and every person having or claiming any right, title, or interest therein or thereto; and
- (b) when used in relation to a ship or vessel, includes the holder of any share or interest in a ship or vessel whether beneficially or otherwise, and also the agent for the owner;

“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;

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

“products of the soil of the State” means such goods as the Port Authority may from time to time declare to be such products and, in any event, any grain, flour, agricultural, horticultural and farm produce grown, and coal mined, in the State;

“ship” means every description of vessel used in navigation and not propelled exclusively by oars;

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

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

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

“the Harbour”, “the Port”, means so much of the harbour of Bunbury as is contained within the boundaries described in the Schedule to the Act, as altered from time to time by the Governor;

“tonne” means (except where otherwise specifically described) 1000 kilograms or one cubic metre or one kilolitre, at the option of the Port Authority;

“tons”, “tonnage” and words of the like import, having reference to a vessel’s tonnage, mean the gross registered tons or tonnage as calculated in accordance with the British standard of measurement of registered tonnage;

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

“vessel” means any ship, lighter (not being a licensed powder lighter) barge, boat, raft, or craft of whatever description, and however navigated;

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

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

“**wharf**” includes pier, jetty, landing stage, quay, dock, slip, and platform over which the Port Authority has jurisdiction, and includes any shed erected thereon;

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

“**wreck**” includes jetsam, flotsam, lagan and derelict.

[Regulation 1 amended in Gazettes 8 June 1973 p.2075; 28 June 1991 pp.3241, 3245-6; 18 February 1992 p.877; 6 August 1993 p.4280; 10 June 1994 p.2421.]

Division 2 — Conduct of business

2. Ordinary meetings

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

[Regulation 2 amended in Gazette 28 June 1991 p.3246.]

3. Office hours

The offices of the Port Authority shall be open for the transaction of business between the hours 8 a.m. and 12 o'clock noon and between 1 p.m. and 5 p.m., from Mondays to Fridays, both inclusive, except upon such days or portions of days as may be declared holidays by any competent authority.

[Regulation 3 amended in Gazette 28 June 1991 pp.3245-6.]

4. General conduct of business

Proceedings of the Port Authority shall be governed by, and conducted in accordance with, the Standing Rules and Orders set out in Schedule 3.

[Regulation 4 amended in Gazette 28 June 1991 p.3246.]

5. Suspension of rules

Any rule mentioned in regulation 4 may be suspended upon the vote of at least two-thirds of the members present at any meeting of the Port Authority.

[Regulation 5 amended in Gazette 28 June 1991 p.3246.]

6. Meetings of committees

The Port Authority shall be convened within 10 days of its initial appointment by notice given by the General Manager and thereafter as required by the Chairman or any 2 members thereof.

*[Regulation 6 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.877.]*

[7, 8. Repealed in Gazette 28 June 1991 p.3245.]

Division 3 — Officers

9. Receipt of Accountant to collectors to be sufficient discharge

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

[Regulation 9 amended in Gazette 28 June 1991 p.3246.]

10. Duties of Accountant

The Accountant shall make, or cause to be made, true entries in the books provided by the Port Authority for that purpose of all moneys or cheques paid to, or received by the Accountant, for or on behalf of the Port Authority.

[Regulation 10 inserted in Gazette 28 June 1991 p.3245.]

11. Withdrawals from Bunbury Port Authority Account

- (1) Moneys may only be withdrawn from the Bunbury Port Authority Account by —
 - (a) cheque signed by 2 approved persons; or
 - (b) electronic transfer of funds authorized by a person approved in writing by the Port Authority.
- (2) For the purposes of subregulation (1) (a) the approved persons are —
 - (a) each Member;
 - (b) the General Manager; and
 - (c) any person approved in writing by the Port Authority.

[Regulation 11 inserted in Gazette 3 October 1995 p.4724.]

12. Common Seal

The common seal of the Port Authority shall be kept locked with 2 locks, one of which locks the Chairman shall have a key, and of the other of which locks the General Manager shall have a key, and a duplicate of each of such keys shall be lodged at such bank as the Port Authority may direct, and the common seal shall be affixed by the Chairman in the presence of one other of the members and the General Manager, or in the absence of the Chairman, by a member in the presence of another member and the General Manager.

[Regulation 12 amended in Gazette 28 June 1991 p.3246.]

13. Disqualification for becoming surety

A member or officer of the Port Authority or an assessor or auditor of the Port Authority, shall not be received as a surety for any officer appointed by the members of the Port Authority, or for the performance of any contract made with the Port Authority.

[Regulation 13 amended in Gazette 28 June 1991 p.3245.]

14. Officers to report breaches of the *Customs Act*

It is the duty of any officer or person in the employment of the Port Authority to report to the nearest officer of Customs anything coming under his notice or to his knowledge, whereby the general revenue may be defrauded, or the provisions of the *Customs Act* be violated.

[Regulation 14 amended in Gazette 28 June 1991 p.3245.]

15. Conduct of officers

Should any officer of the Port Authority divulge to any person not in the service of the Port Authority any particulars contained in any ship's manifest furnished to the Port Authority, 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 dismissal from the service of the Port Authority.

[Regulation 15 amended in Gazette 28 June 1991 p.3245.]

Division 4 — Contracts

16. 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 \$100 000 or upwards, shall be entered into by the Port Authority unless 5 days previous to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Bunbury or Perth or Australia.

[Regulation 16 amended in Gazette 28 June 1991 pp.3245-6.]

17. Tenders

All tenders shall be enclosed in a sealed envelope addressed to The General Manager, Bunbury Port Authority and marked "Tender for.....", as stated in such advertisement.

[Regulation 17 amended in Gazette 28 June 1991 p.3246.]

18. Deposit

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

*[Regulation 18 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.877.]*

19. Lowest tender need not be accepted

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

[Regulation 19 amended in Gazette 28 June 1991 p.3246.]

20. Acceptance of tender

Upon the acceptance of the tender, the General Manager shall notify the acceptance to the tenderer, who is thereupon 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.

[Regulation 20 amended in Gazette 28 June 1991 p.3246.]

Part II — Payment of revenue

21. Mode and condition of payment

- (1) Tolls, rates, or charges due to the Port Authority shall not be paid to any person or persons whomsoever other than to such officers or agents of the Port Authority as are authorized to receive revenue, and the receipt of any sum of money on behalf of the Port Authority by any person or persons other than such of its officers or agents as are authorized in that regard shall not be binding on the Port Authority in any way whatsoever.
- (2) All money shall be paid to the Port Authority, at its office within the ordinary business hours of the Port Authority.

[Regulation 21 amended in Gazette 28 June 1991 p.3246.]

22. Officer may enter vessel, etc.

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

[Regulation 22 amended in Gazette 28 June 1991 p.3246.]

23. Charges to be paid before clearance

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

r. 24

forthwith pay to the Port Authority any amount due and payable in respect thereof in terms of this regulation.

[Regulation 23 amended in Gazette 28 June 1991 p.3246.]

24. Guarantee for unpaid charges

Notwithstanding the provisions of regulation 23, the Port Authority may, at its discretion, accept from the master, owner or agent of any vessel sufficient guarantee for the payment of any moneys payable in respect of that vessel, within a time specified by the Port Authority and may upon the receipt of such guarantee give a clearance for that vessel to leave the port.

[Regulation 24 amended in Gazette 28 June 1991 p.3246.]

25. Liability for goods consigned from ship

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

[Regulation 25 amended in Gazette 28 June 1991 p.3246.]

26. Payment of charges

Notwithstanding anything in these regulations the Port Authority may recover any charge prescribed in these regulations from any person who may be liable by law to pay the charge.

[Regulation 26 inserted in Gazette 28 June 1991 p.3241.]

27. Dues payable by vessels

Wherever any tolls, rates, or charges are by these regulations expressed to be payable by vessels, they are payable by the

owners, masters, or agents of the vessels, or by any other persons liable to pay them.

27A. Rate of interest on overdue amounts

- (1) For the purposes of section 33 of the *Ports (Functions) Act 1993*, the rate of interest on an amount outstanding to the Port Authority is 3% greater than the rate of interest published from time to time by the Bank of Western Australia Ltd. as its overdraft reference rate.
- (2) In subregulation (1) —
“overdraft reference rate” means the base rate of interest used by the Bank of Western Australia Ltd. to determine the rates of interest payable on overdraft loans.

[Regulation 27A inserted in Gazette 3 December 1996 p.6688.]

Part III — Regulation of ships

Division 1 — Port signal code

28. Signals for pilots

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

By day—

- (1) The International Code Signal, “G.”
- (2) The International Code Signal, “PT.”
- (3) The Pilot Jack, hoisted at the fore.

By night—

- (1) The pyrotechnic light, commonly known as a blue light, shown every 15 minutes.
- (2) A bright white light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time.
- (3) The International Code Signal, “PT,” by flashing.

29. Penalty

The master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the pilots’ signals for any purpose other than that of summoning a pilot, or uses, or causes or permits any person under his authority to use, any other signal for a pilot, is liable for each offence to a fine not exceeding \$40.

[Regulation 29 amended in Gazette 28 June 1991 p.3246.]

30. Miscellaneous

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

Customs Officer Required. — International Code Flags, “E.H.C.”

Medical Assistance Required. — International Code Flag “W.”

Police Required. —

By day — International Code Flags, “ST.”

By night — 2 white lights shown vertically 5 feet apart, from peak or other prominent place.

Tug Boat Required

By day —

(1) International Code Flags, “YA” (if more than one required, indicate number by International Code Flags);
or

(2) 2 blasts on whistle, one prolonged and one short.

By Night — 2 blasts on whistle, one prolonged and one short.

Water Required — International Code Flags, “Y.J.”

Ash Boat Required — International Code Flags, “F.S.”

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

Mails on Board — International Code Flag, “Y”.

Explosives Aboard —

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

By night — A red light, of such character as to be visible all round the horizon, for a distance of 2 km, shown from a prominent position clear of all other lights on the vessel.

Inflammable Liquid Aboard (in excess of 1800 litres) —

By day — A red flag, not less than 1 m square, with a white circular centre 150 mm in diameter;

By night — A red light of such character as to be visible all round the horizon, for a distance of 2 km, shown at the

masthead or where it can be best seen, but not less than 6 m above the deck.

[Regulation 30 amended in Gazette 28 June 1991 p.3246.]

31. Signals of distress

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

By day—

- (1) A gun or other explosive signal, fired at intervals of about a minute.
- (2) The International Code Signal, “N.C.”.
- (3) A continuous sounding with any fog signal apparatus.
- (4) The signal SOS., made by radiotelegraphy.
- (5) The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

By night—

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

32. Penalty

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the signals defined in the preceding regulation, except in the case of a vessel in distress, is 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 as that in which salvage is recoverable.

Division 2 — Navigation

33. Masters' and owners' responsibility for observance of regulations

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

34. Guns or explosives not to be used

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

35. Speed of vessels in Harbour

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

36. Dredger signals

- (1) The master of a dredger moored within any part of the Harbour, shall whether the dredger is working or not, 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 its starboard hand, and any vessel

proceeding seaward to keep the dredger on its port hand, in passing —

By day — a Black Triangle on the yardarm on the side to be passed;

By night — a Green Light over a Red Light on the yardarm on the side to be passed; and

In Fog, Mist, or Heavy Rain — the Morse sound signal letter “A” at intervals of not more than 2 minutes, on the dredger’s bell;

- (b) when requiring any vessel approaching from seaward to keep the dredger on its port hand, and any vessel proceeding seaward to keep the dredger on its starboard hand, in passing —

By day — a Red Square on the yardarm on the side to be passed;

By night — a Red Light over a Green Light on the yardarm on the side to be passed; and

In Fog, Mist or Heavy Rain — the Morse sound signal letter, “N”, at intervals of not more than 2 minutes on the dredger’s bell;

- (c) when the dredger is blocking the channel —

By day — a green cone between 2 red balls, vertical at the masthead;

By night — a green light between 2 red lights, vertical at the masthead; and

In Fog, Mist, or Heavy Rain — the Morse sound signal letter “S” at intervals of not more than 2 minutes on the dredger’s bell.

- (d) when a vessel may pass on either side of the dredger —

By day — a white flag on the masthead;

By night — a green light on both yardarms; and

- (e) when the dredger is unable to move, or is out of control —
- By day* — a red flag on the masthead;
- By night* — a red light on both yardarms.
- (2) Self-propelling dredgers, under way when dredging, and unable to manoeuvre as required by regulations, in order to keep out of the way of other vessels, shall show lights and shapes required by the International Regulations, Article (4) (a) ², for vessels not under command, viz. —
- 2 black balls *by day* or 2 red lights *by night*, from where best seen.
- (3) The Morse sound signals hereinbefore in these regulations mentioned shall be made by the dredger's bell for the respective signals, viz. —
- short ring — 1 ½ seconds duration;
- long ring — 4 seconds duration; and
- interval between rings — 1 ½ seconds duration.
- (4) Without limiting any provision of this regulation, as to the displaying of other lights —
- (a) a moored dredger shall carry such anchor light or lights as are required to be carried by other vessels, according to their length; and
- (b) except where moored to the side of a dredger that is not clear, a white light shall be shown on the outer rail of a silt barge that is moored to the passing side of a dredger.
- (5) Where by this regulation a specified shape is required to be displayed —
- (a) the length of the side of a square or of the base of a triangle; or

- (b) the diameter of the base of a cone or cylinder or of the axis of a sphere,

shall be not less than 830 mm; and the height of a triangle, cone or cylinder shall be at least one and one half times the length or diameter of its base.

- (6) Any vessel approaching a dredger from any direction —
 - (a) shall pass it on the side indicated by a signal exhibited pursuant to this regulation;
 - (b) shall, where the dredger exhibits the “Channel Blocked” signal, not pass it, until a passing signal is exhibited;
 - (c) may, where the dredger is exhibiting a signal such as is mentioned in subregulation (1)(d), pass it on either side; or
 - (d) shall, where the dredger is exhibiting a signal such as is mentioned in subregulation (1)(e), be navigated, and proceed, with extreme caution, when passing it.

[Regulation 36 amended in Gazette 28 June 1991 p.3246.]

37. Steam whistles

A steam whistle, siren or horn shall not be used on board any vessel within the Harbour, while moored alongside any wharf or whilst swinging in the Harbour, whether as a signal of arrival or departure or for any other purpose whatever, except that laid down in the *Admiralty Regulations* in connection with fogs, to avoid collision, or as a signal to tugs; but a bell may be rung, for a reasonable time, prior to the departure of any steamer from the wharf.

38. Steering sound signals day or night

Where vessels are in sight of one another, a steamer under way, in taking any course authorized by the steering and sailing rules for preventing collisions, embodied in regulations made under *The Merchant Shipping Act 1894*, shall indicate that course by the following signals on her whistle, siren, or horn, viz. —

- (a) 1 short blast, meaning: “I am directing my course to starboard”;
- (b) 2 short blasts, meaning: “I am directing my course to port”;
- (c) 3 short blasts, meaning: “My engines are going full speed astern”;
- (d) 4 short blasts, meaning: “My ship is out of control, keep clear”.

39. Stranded vessels or other impediments to navigation

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

40. Rafts not allowed in the fairway

A raft of timber shall not be permitted to lie in the fairway or be moored or anchored, except in a spot indicated by the Harbour Master.

41. Rafts in the Harbour

- (1) Any raft lying in the Harbour shall, between sunset and sunrise exhibit a proper light on a pole 4 m high, fitted properly on one end or part of such raft.
- (2) In any case in which the raft is over 30 m in length, a light such as is mentioned in subregulation (1) shall be fitted and exhibited on each end of the raft.

[Regulation 41 amended in Gazette 28 June, 1991 p.3246.]

42. Interference with buoys, beacons etc.

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

[Regulation 42 amended in Gazette 18 February 1992 p.877.]

43. Anchor lights

- (1) Every vessel 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 200 mm 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 2 km.
- (2) In the case of vessels over 30 m in length, a second light shall be exhibited, and the 2 lights shall be so located as to indicate the extremities of the vessel.
- (3) This regulation does not apply to vessels moored to the shore or any wharf.

[Regulation 43 amended in Gazette 28 June 1991 p.3246.]

Division 2A — Pilotage

[Heading inserted by Gazette 6 August 1993 p.4280.]

43A. 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 43A inserted by Gazette 10 June 1994 p.2421.]

43AA. Application fees under Ports (Model Pilotage) Regulations 1994

The fees payable by applicants under the adopted regulations referred to in regulation 43A are as set out in Schedule 5.

[Regulation 43AA inserted by Gazette 10 June 1994 p.2421.]

[43B, 43C. Repealed in Gazette 20 June 2000 p.3037.]

Division 3 — Berthing

44. Harbour Master to have entire control of anchoring and berthing, and can remove vessels

The Harbour Master has the entire control of anchoring, berthing, and removing all vessels, lighters and boats, coming to the wharves, and shall appoint the place where any vessel is to lie or take up anchorage within the Harbour, and a vessel shall not be anchored, brought or placed alongside of any wharf, without the authority of, or contrary to the directions of, the Harbour Master; and failing compliance with the directions of the Harbour Master, the Harbour Master is empowered forthwith to remove the vessel, at the risk and expense of the master or owners thereof.

45. Notification of arrival at Port

Notification of expected arrival time of every vessel shall be given to the Port Authority 24 hours before its arrival.

[Regulation 45 amended in Gazette 28 June 1991 p.3246.]

46. General berthing regulations

The Master of any vessel in the Port shall observe the following provisions unless otherwise required by the Harbour Master, that is to say —

- (a) a vessel shall not be moored or fastened to any part of any wharf except to such bollards or other fastening as

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are, or may be, provided for the purpose; and a vessel shall not lie alongside a wharf, unless properly moored or fastened; and every vessel so moored or fastened shall also be anchored or moored in such a manner as to relieve the wharf, as much as may be possible, from the weight of the craft;

- (b) a vessel shall not be moored or fastened to a wharf, except for the purpose of loading or unloading, or for any longer period during the authorized hours than may reasonably be required for that purpose;
- (c) passenger boats may lie alongside the steps at any wharf for such time as may be necessary to embark or disembark passengers only;
- (d) any vessel lying alongside a wharf shall, on the approach thereto of a passenger steamer, be hauled off, if so required, to a sufficient distance, to enable the passenger steamer to disembark or embark passengers;
- (e) any vessel may be permitted to lie alongside a wharf for the purpose of discharging and taking in cargo, at any hour of the day and night consistent with these regulations;
- (f) except with the permission, or by the direction, of the Harbour Master a vessel shall not lie alongside any other vessel then moored or fastened to a wharf; but this regulation does not apply to any tug engaged, or about to be engaged, in towing or to any hulk or lighter engaged, or about to be engaged, in the unloading of passengers or cargo with the general or special permission of the Port Authority, which the Port Authority may, from time to time, give and revoke;
- (g) a vessel lying alongside a wharf shall provide and use suitable fenders; and shall take such precautions as may be necessary, or directed, to prevent injury to the wharf;
- (h) a vessel shall be moored alongside a wharf in such position as may be indicated by the Harbour Master,

who may, where necessary, direct the removal of other craft for that purpose;

- (i) the Harbour Master may, from time to time, allot any part of any wharf to any vessel;
- (j) where the Harbour Master thinks it unsafe, for any reason, for a vessel to remain alongside a wharf, he shall direct the immediate removal of that vessel; and the master or other person in charge of the vessel shall remove it, accordingly;
- (k) the Harbour Master has the power at any time to reserve any berth at a wharf he may consider suitable for a man-of-war, for any British or foreign mail steamer or for any other vessel or purpose; and
- (l) the master or agent of every vessel requiring a berth within the Port shall make application to the Port Authority on the form provided.

[Regulation 46 amended in Gazette 28 June 1991 p.3246.]

Division 4 — Vessels in port

47. Authority of Water Police

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

48. Lights and gangways on vessels alongside wharves

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

49. Naked lights prohibited in vessel's holds

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

50. Lights on vessels when lying in tier at wharves

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

51. Safety nets

- (1) Every vessel lying at a wharf 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 vessel, as will, in the opinion of the Harbour Master, prevent persons falling in the water in the event of their slipping off the gangway or other appliance.
- (2) Every vessel shall, while discharging or loading cargo at a wharf, have, and keep, suspended, to the satisfaction of the Harbour Master, a safety net or saveall of such size and character, and so placed, as to prevent any material (including coal, coke, ballast, refuse, ashes, or other material) being dealt with falling into the water.
- (3) In the event of the failure to provide a net or saveall, or of any appliance used not being efficient or sufficient for its purpose, the master or owner of the ship shall, in addition to committing a breach of these regulations, be liable for any loss or damage caused by that failure or want of efficiency.

52. Metal disc on hawsers, ropes and springs

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

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

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

54. Gangways to be lighted

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

55. No work to be permitted on Sundays

Except as may be permitted by Customs authorities or as may be necessary for the safety or cleanliness of a ship, work shall not be carried out in any ship in the Port on a Sunday.

56. No shipright's work permitted on Port Authority property

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

57. Combustible matter to be heated in a boat

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

58. Clearing of wharf berth

- (1) The removal of stages, planks, gangways, horse boxes, trams or other gear used in the loading or unloading of a vessel is the responsibility of the master and shall be done to the satisfaction of the Wharf Manager; and in the event of the removal not being promptly effected and to the satisfaction of the Wharf Manager, it may be effected by the Port Authority, at the expense of the owners of the vessel.
- (2) The cleaning up of excessive cargo spillage of whatever nature may be done by the Port Authority, at the expense of the consignor or the consignee, as the case may be.

[Regulation 58 amended in Gazette 28 June 1991 p.3246.]

59. Deaths on vessels

Where any seaman or other person dies on board a vessel in the Harbour, the master of that vessel shall cause the body to be brought on shore and interred.

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

All goods or other articles landed or brought on, or into, any wharf or shed shall be placed as the Wharf Manager directs and, in any event, so as to keep mooring posts, rings and all other appliances free; and all fire alarms, fire-plugs, and electric

connections shall be left clear, with a space of one metre around each, and with a passage one metre wide leading thereto.

[Regulation 60 amended in Gazette 8 June 1973 p.2075.]

61. Vessels at owner's risk

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

[Regulation 61 amended in Gazette 28 June 1991 p.3246.]

62. Defective moorings

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

[Regulation 62 amended in Gazette 28 June 1991 p.3246.]

63. Night watchman

Every ship above 75 tons register shall have a watchman on deck, from sunset to sunrise, and any ship under 75 tons register shall have at least one man on board, during the whole of the night.

*[Regulation 63 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.877.]*

64. Beaching vessels

A vessel shall not be beached or grounded in the Harbour, without permission being first had and obtained from the Harbour Master; and any vessel that takes ground or is stranded, from any cause, shall be removed by the owner, when called upon to do so, by the Harbour Master.

65. Water Police may board vessels

For the purpose of seeing that all or any of these regulations are properly carried out, every Water Policeman in uniform shall have access to a vessel, at any hour of the day or night, and shall be allowed and is authorized 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.

66. Vessels may be hauled off from berth

- (1) After a vessel has been unloaded and sufficiently ballasted, the Harbour Master may require it to be anchored, or moored, clear of other shipping.
- (2) Any vessel having discharged, or taken in, her cargo, shall remove to such berth or anchorage as may be required by the Harbour Master.

67. Power of Harbour Master

- (1) For the purposes of this regulation the term —
“berthing regulation” means any of these regulations affecting the manner and place of mooring or anchoring of vessels, or the positioning, management or government of vessels in the Harbour, or the unmooring and removal of vessels to a position within or without the Harbour; and
“subject vessel” means any vessel in respect of which there has been a breach of, or any non-compliance with, a berthing regulation.

- (2) In any case of a breach of, or a non-compliance with, a berthing regulation the Harbour Master may, for the purpose of giving effect to that regulation —
- (a) make fast and attach any warp, rope, wire, chain, shackle or other tackle to, and moor or anchor, the subject vessel;
 - (b) cast off or loose any warp, rope, wire, chain, shackle or other tackle from, and unmoor, move and position, the subject vessel;
 - (c) call on either or both the master and crew of the subject vessel to give and afford him such assistance as he may require for any of the purposes of this regulation and that master and crew shall, thereupon, afford him the assistance so required; and
 - (d) in the event of there being no, or insufficient, crew, rope or other tackle or quantity of ballast in, or aboard, the subject vessel, employ, hire or obtain such assistance, rope, tackle or ballast as may appear to him necessary or expedient in the circumstances.
- (3) Any person who —
- (a) cuts or casts off any rope or tackle attached to or made fast to any subject vessel by, or under the direction of, the Harbour Master;
 - (b) being the master or a member of the crew of a subject vessel refuses any assistance called for by the Harbour Master, for any of the purposes of this regulation; or
 - (c) obstructs, or interferes with, the Harbour Master in the performance of his duties,
- is guilty of an offence against these regulations.
- (4) Any expense incurred by the Harbour Master, pursuant to the provisions of subregulation (2), shall be borne, and be payable on demand to the Port Authority by the master, owner or agent of the subject vessel.

[Regulation 67 amended in Gazette 28 June 1991 p.3246.]

68. Careening vessels

Any master requiring to careen, heave down or haul his vessel on shore, for the purpose of inspection or repairs, shall apply to the Harbour Master for permission therefor; and a person shall not make fast any boat or vessel to any wharf, buoy, beacon or other property of the Port Authority, for the purpose of heaving down or careening that boat or vessel, unless so permitted or directed by the Harbour Master.

[Regulation 68 amended in Gazette 28 June 1991 p.3246.]

69. Discharging

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

70. Notice to be given before removal

A master, officer, or other person in charge of a vessel shall not remove the vessel from any mooring or wharf, without due notice having been given of that intended removal at the office of the Harbour Master.

71. Securing

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

72. Anchors let go in Harbour to be buoyed

The master of a vessel shall not let go any anchor without a buoy being attached thereto; and every master shall lift anchor, when required to do so by the Harbour Master.

73. Pipes shall not discharge on to wharves

- (1) The master of a vessel shall not allow any refuse, filth or excreta to be emptied from any discharge pipe or from any water closet or latrine on the vessel, upon any portion of a wharf or steps belonging thereto, and all steam pipes shall be effectively screened.
- (2) Water shall be not allowed to be discharged from the scuppers of any vessel, upon any portion of wharf or steps belonging thereto.

74. Scuttling of vessels

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

[Regulation 74 amended in Gazette 28 June 1991 p.3246.]

75. Fire

- (1) In the case of an outbreak of fire in, or on board, any vessel in the Port, it is the duty of any person, being an officer or member of the crew or an officer or other person employed by the Port Authority and discovering the outbreak, to give an alarm by means of the nearest electrical signal provided for that purpose

and that person shall forthwith give notice of the outbreak to the Harbour Master and to the Wharf Manager.

- (2) Any person, being an officer or member of the crew of a vessel in, or on board of, which there is an outbreak of fire or being an officer or other person employed by the Port Authority shall give such assistance in extinguishing the fire as the Harbour Master may direct.
- (3) A person shall not break, sound or in any manner operate or interfere with any electrical or other fire alarm on the premises of the Port Authority, except in the case of an outbreak of fire.

[Regulation 75 amended in Gazette 28 June 1991 p.3246.]

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

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

77. General order

The master of every vessel in the Port shall obey all lawful orders of the Harbour Master and such directions as, in the opinion of the Harbour Master, the weather, the conditions of shipping in the Port or other circumstance may render necessary or expedient for the safety of, and in the interest of, shipping.

78. Certificate of Registry

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

[Regulation 78 amended in Gazette 28 June 1991 p.3246.]

Part IV — Navigational services charges

[Heading inserted in Gazette 28 June 1991 p.3241.]

79. Payment of navigational services charges

All vessels entering the Port shall, unless hereinafter in these regulations exempted, pay the navigational services charges prescribed by these regulations.

[Regulation 79 amended in Gazette 28 June 1991 p.3241.]

80. Exemption from payment

Vessels of war of any nationality and vessels owned by the Government of any of Her Britannic Majesty's States or Dominions, if not engaged in trade, shall be exempt from the payment of navigational services charges.

[Regulation 80 amended in Gazette 28 June 1991 p.3241.]

81. Computing time in berth

For the purpose of assessing the period over which any navigational services charges are payable, a vessel shall be deemed to occupy a berth where that vessel —

- (a) uses a berth at a wharf, or at a mooring buoy, — from the time when the first line is made fast until the last line is let go; or
- (b) anchors in the harbour, — during the actual time occupied in shipping or discharging cargo, or both, and embarking or disembarking passengers or both.

[Regulation 81 amended in Gazette 28 June 1991 p.3242.]

82. Navigational services charges

Navigational services charges shall be in accordance with Part 1 Table 1 of Schedule 2.

[Regulation 82 inserted in Gazette 28 June 1991 p.3242.]

83. Vessel occupying more than one berth

Should a ship occupy more than one berth, the navigational services charges shall be based on the aggregate of the periods during which berths have been occupied.

[Regulation 83 inserted in Gazette 10 June 1971 p.1924; amended in Gazette 28 June 1991 p.3242.]

[84, 85. Repealed in Gazette 28 June 1991 p.3242.]

86. Vessels free of navigational services charges in certain cases

- (1) Where exceptional weather conditions render it unsafe for any vessel (being then ready for sea) to leave the Harbour, the Port Authority may allow that vessel to be free of navigational services charges, during the period of delay thereby occasioned, if written application therefor is forthwith made by the master or agent of the vessel and the application is certified by the Harbour Master, as to the adverse weather conditions.
- (2) 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, if the master or agent of that vessel submits a written declaration as to the circumstances, the Port Authority may, in its discretion, allow the vessel to be free of navigational services charges.

[Regulation 86 amended in Gazette 28 June 1991 pp.3242 and 3246.]

[87, 88. Repealed in Gazette 28 June 1991 p.3242.]

Part V — Goods and charges thereon

Division 1 — Computation of charges

89. Computation of wharfage handling, etc.

- (1) All cargo charges shall, except where otherwise provided, be computed on their weights or measurements or the weights and measurements given in the ship's manifest, bill of lading, or other shipping document for that cargo, but it is competent for the Port Authority, at its own option, to proceed on the basis of the tonne of 1000 kilograms, or the cubic metre, or the kilolitre, and the fractions of these units shall be charged on a *pro rata* basis excepting in the case of storage.

[(2) repealed]

- (3) In every case the gross weight or gross measurement shall be that applicable and the Port Authority reserves the right, at any time, to demand that goods be reweighed or remeasured in the presence of an officer of the Port Authority and at the expense of the owner of the cargo.

- (4) Charges on goods enumerated hereunder shall be computed on the basis following, that is to say —

boats, launches, etc.	cubic measurement less 40%;
cylindrical cargo, except otherwise stated	cubic measure on external dimensions less 20% unless the weight is then greater;
oil and inflammable liquids in bulk (fuel lighting and lubricating) bales	per kilolitre;
skins — in bales	3 to the tonne;
wool — in bales	2 to the tonne.

*[Regulation 89 amended in Gazettes 8 June 1973 p.2075;
28 June 1991 p.3246.]*

90. Inward manifests to be supplied and certified to

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

[Regulation 90 amended in Gazette 28 June 1991 p.3246.]

91. Outward manifests

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

[Regulation 91 amended in Gazettes 8 June 1973 p.2075; 28 June 1991 pp.3242 and 3246; 18 February 1992 p.877.]

92. Payment of cargo charges, etc.

- (1) All cargo charges or other charges incurred and payable, in respect of a cargo discharged or shipped, are payable to the Port Authority, forthwith upon permission being given by a competent officer of the Port Authority for the discharge or shipment thereof; but the Port Authority may, at its discretion and in the case of outward cargo only, accept from the consignor, owner, shipper or agent of the vessel in which the cargo is shipped a guarantee in writing that the cargo charges or other charges will be paid within 24 hours of the clearance of the vessel.
- (2) Inward cargo shall not be delivered to the consignee or owner thereof and outward cargo shall not be delivered to the vessel in which it is intended to be shipped, until the receipt of the Port Authority for the payment of all cargo charges and other charges in respect of that cargo have been issued to the consignee or owner or to the shipper or master of the vessel in which the cargo is to be shipped, as the case may be.

[Regulation 92 amended in Gazette 28 June 1991 pp.3242 and 3246.]

93. Cargo and handling charges

- (1) The cargo charges and other charges prescribed by this regulation shall be paid on any goods discharged from, or to be shipped in, or transhipped out of, any vessel in the Port.
- (2) Except as otherwise provided by this regulation and subject to regulations 200, 200A and 201, cargo charges are those set out in Schedule 2.

[Regulation 93 inserted in Gazette 1 September 1965 pp.2583-4; amended in Gazettes 8 June 1973 p.2076; 31 October 1975 p.4055; 16 January 1976 p.73; 26 January 1979 p.231; 26 June 1981 p.2429; 18 June 1982 p.2015; 1 October 1982 p.3891; 28 October 1983 p.4378; 28 June 1991 p.3242.]

94. Cargo charges

- (1) The cargo charges payable on inwards cargo, outwards cargo and transhipment cargo are as set out in Schedule 2 Tables 2, 3 and 4.
- (2) Where the discharge and reshipping of transhipment cargo is not at the same shed in the Port, 2 cargo handling charges are payable.

[Regulation 94 inserted in Gazette 28 June 1991 p.3243.]

[95, 96. Repealed in Gazette 28 June 1991 p.3243.]

97. Extra handling charges and extra charges on special cargo

- (1) The rates of handling charges prescribed by these regulations include charges for the usual and customary receiving, sorting, stacking and delivery of cargo only, and the Port Authority may prescribe an additional charge for handling packages of over one tonne or of an awkward shape or where extra labour is required or unusual risk is involved; but that additional charge shall in no case exceed an additional 50 per cent of the scale prescribed by these regulations for goods of the category so handled.
- (2) Where extra wages are payable by the Port Authority, under an order or award of a court or other competent authority, for the handling of any special cargo, the extra cost thereby occasioned shall be borne and be payable by the consignee or the consignor (as the case may be) of the cargo.

*[Regulation 97 amended in Gazette 8 June 1973 p.2076;
28 June 1991 p.3244.]*

98. Charges on vessel's stores, etc.

- (1) Materials and equipment passing over the wharves and to be used for the repair or refitting of a vessel, its machinery or equipment, whilst that vessel is in the Port and all consumable

stores, excepting fuel oil loaded into a vessel for the vessel's own use, are exempt from cargo charges.

[(2) repealed]

- (3) Where any materials, equipment or stores shipped for a vessel's own use are handled by the Port Authority, the owners of the vessel shall pay to the Port Authority handling charges, as for cargo of a like nature.

[Regulation 98 amended in Gazette 8 June 1973 p.2076; 26 January 1979 p.231; 28 June 1991 pp.3243 and 3246.]

Division 2 — Handling and custody of cargo

99. Services covered by cargo charges

- (1) Cargo charges levied on inward cargo, except where in these regulations otherwise provided, include charges for receiving from ship's slings, tallying and delivering that cargo to the tail or side or any vehicle; but do not include charges for loading the cargo on any vehicle.
- (2) Inward cargo shall not be deemed to be in the custody of the Port Authority, until such time as the sling by which the cargo is discharged is released from any ship's tackle or, if not discharged by sling, then until the cargo is deposited upon a wharf or jetty in the Port or upon a vehicle supplied by the Port Authority for that purpose.
- (3) Cargo charges levied on outward cargo, except where otherwise in these regulations provided, include charges for receiving that cargo at any of the Port Authority's sheds and delivering it to the sling of a ship wherein it is to be shipped.
- (4) Outward cargo shall be deemed to be in the custody of the owners of any ship when that ship's tackle is attached to the sling by which the cargo is to be shipped, or, if not shipped by sling, then upon the cargo being taken clear of the wharf or jetty from which it is shipped in the Port.

- (5) The providing of labour and services for which cargo charges may be levied is in the discretion of the Port Authority.

*[Regulation 99 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.877.]*

100. Cargo assigned from ship's slings in railway wagons

- (1) Every consignee requiring cargo consigned to him to be loaded direct from a ship's slings into railway wagons shall give notice to the Wharf Manager of that requirement, before 8 a.m. of the day upon which the cargo is to be discharged and, at the same time, satisfy the Wharf Manager that he has completed arrangements with the master of the ship to have the cargo so discharged; and every consignee shall indemnify the Port Authority against loss or damage to cargo so handled before the work is undertaken.
- (2) In the event of cargo, required to be discharged as in subregulation (1), being discharged, before the railway wagons have been run alongside the ship for the purpose of direct loading, or in absence of any indemnity against loss or damage to that cargo, the cargo will be run into and stacked in the Port Authority's sheds, or otherwise dealt with at the option of the Port Authority; and, if the cargo is afterwards required to be loaded into railway wagons, an extra labour charge shall be paid by the consignee for conveying the cargo to the side of the railway wagons.
- (3) Where the consignee requires loading in railway wagons to be done during hours outside the working hours of the Port Authority, the consignee shall pay the additional cost of labour employed due to the work being performed at overtime rates.
- (4) The Port Authority may, notwithstanding the giving of the indemnity in subregulation (2), refuse to handle cargo direct from ship's slings into railway wagons, where, owing to the character of the ship's gear, or any other reason, that work is, in the opinion of the Wharf Manager, dangerous.

- (5) Where cargo to which this regulation refers is, for any reason, handled into sheds, or on to any wharf in the Port, the cargo charges properly applying to that method shall be borne and be payable by the consignee of the cargo.

*[Regulation 100 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p. 877.]*

101. Receipts for cargo landed in to railway wagons

In the case of cargo landed direct into railway wagons or delivered to railway wagons on a wharf at which that cargo has passed into the custody of the Port Authority, the consignee of the cargo shall give a receipt to the Port Authority for the cargo before it is permitted to be removed from the confines of the Port; and the Port Authority is not responsible for the safe custody of any cargo, after that cargo has been loaded and is ready for removal.

[Regulation 101 amended in Gazette 28 June 1991 p.3246.]

102. Receipts, etc., for inwards cargo

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

consignee, in the presence of the Wharf Manager and of the ship's agent, as soon as possible after being landed, and the Port Authority is not responsible for the safe custody or the condition of that package or those packages or of its or their contents.

- (4) In the event of the ship, by its agent, refusing to accept a receipt for any cargo given in terms of this regulation, that cargo shall forthwith be returned on board by the agent of the ship, and shall not be again landed, until it has been examined by the consignee, who shall take delivery direct from the ship.

[Regulation 102 amended in Gazette 28 June 1991 p.3246; 18 February 1992, p. 877.]

103. General responsibility of Port Authority

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

[Regulation 103 amended in Gazette 28 June 1991 p.3246.]

104. Delay in delivery of goods

The Port Authority is not responsible for any claim for loss arising from delay in the delivery of any goods, however occasioned.

[Regulation 104 amended in Gazette 28 June 1991 p.3246.]

105. Wrong delivery

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

[Regulation 105 amended in Gazette 28 June 1991 p.3246.]

106. Goods not to be moved

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

107. Goods not to be handled in wet weather

Goods shall not 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; and the giving of that permission does not throw upon the Port Authority any liability for damage to the goods caused by being so landed or shipped or handled in wet weather and any determination of the Wharf Manager that the weather is wet is conclusive.

[Regulation 107 amended in Gazette 28 June 1991 p.3246.]

108. Goods specially treated by Government or other authorities

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

[Regulation 108 amended in Gazette 28 June 1991 p.3246.]

109. Responsibility in case of fire, etc.

The Port Authority is not responsible for loss of or damage to goods, while in their custody, occasioned by fire, water used in extinguishing fire, or vermin, or for loss or damage to ironwork or goods of that character in an unprotected state that may be stacked on any wharf or on any land under the jurisdiction of the Port Authority; and any action of the Port Authority in endeavouring temporarily to cover or protect those goods shall not be held to cast upon it any liability for loss or damage.

[Regulation 109 amended in Gazette 28 June 1991 p.3246.]

110. Mode of discharging or loading

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

[Regulation 110 amended in Gazette 28 June 1991 p.3246.]

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

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

goods, responsible for the condition of the goods so passing into its custody.

[Regulation 111 amended in Gazette 28 June 1991 p.3246.]

112. Goods insufficiently packed

Whenever, in the opinion of the Wharf Manager, any goods are wholly unprotected or so packed as to require additional labour in the handling thereof or to involve the Port Authority in an additional risk in the handling thereof, the Port Authority may levy an additional handling charge in an amount not exceeding 50% of the scale fixed by these regulations for the class of goods so handled; and, in any event, shall not be liable to any damage occasioned those goods by reason of the insufficiency of their packing or protection.

[Regulation 112 amended in Gazette 28 June 1991 p.3246.]

113. Goods delivered in special manner

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

[Regulation 113 amended in Gazette 28 June 1991 p.3246.]

114. Vessel not ready for cargo

Where any goods accepted by the Port Authority for direct and immediate shipment cannot then, for any reason beyond the control of the Port Authority, be shipped and those goods are, for the convenience of any vessel or consignor, or by reason of bad weather or other cause, required to be stored by the Port Authority in any of its sheds, the consignor of the goods or the owner of that vessel, as the case may be, shall pay to the Port

Authority cargo charges, in accordance with the scale applying to goods of that category, for each occasion that the goods are required to be handled, together with storage charges as by these regulations provided.

*[Regulation 114 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p. 877.]*

115. Discharge or loading to be continuous or as directed

The master of any vessel berthed at a wharf shall cause the discharge or loading of that vessel to be commenced and continued till completed, by working at such hours as the Harbour Master or Wharf Manager may direct, but such a direction shall not be given in contravention of any Customs law or regulation.

116. Weight of package or article to be marked thereon

The master of a vessel shall not discharge, and a consignor shall not deliver for shipment, any package or article of one tonne or more, unless the package or article has the weight marked thereon in legible characters of not less than 25 millimetres in height; but where it is not practicable to weigh any package or article of which the weight is more than one tonne the gross weight of the package, or article may be stated approximately, within a limit of one tonne that is to say “over one but under 2 tonnes” or as the case may be.

[Regulation 116 amended in Gazette 8 June 1973 p.2076.]

117. Cargo deposited on wharf

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

118. Working hours

The working hours of the Port shall be and include the hours from 8 a.m. till 12 noon and from 1 p.m. to 5 p.m. on Mondays to Fridays, except upon such days as may be appointed holidays.

119. Vessels working overtime

- (1) The master of a vessel requiring to work any hours, not being working hours as defined in these regulations, shall give to the Wharf Manager 2 hours' notice and, on holidays, 12 hours' notice of that requirement.
- (2) The cost over and above the ordinary cost of day work or of labour, supervision, and services provided by the Port Authority, during any hours, not being working hours as defined in these regulations, or on holidays, shall be paid by the master or owners of the vessel, or the agent therefor, in addition to the usual charges.
- (3) The extra cost of lighting to enable a vessel to work during any hours, not being working hours, or on holidays, shall be paid by the master, owners, or agent to whom that service is provided.

[Regulation 119 amended in Gazette 28 June 1991 p.3246.]

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

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

[Regulation 120 amended in Gazette 29 June 1991 p.3246.]

121. Heavy goods not to be tilted or thrown on the wharves

Pig-iron, timber, stone, machinery, or heavy merchandise or commodities of any kind shall not be tilted or thrown out of, or

from, any vessel on to a wharf or conveyance, but shall be laid down by hand; and pig-iron and other heavy articles shall not be deposited upon any wharf, except in accordance with the directions of the Wharf Manager.

122. Master responsible for proper slinging of goods

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

123. Sorting or packing on wharves

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

124. No goods allowed on roadways

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

125. Goods falling overboard

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

[Regulation 125 amended in Gazette 18 February 1992 p.877.]

126. Limitation of value of goods, lost or damaged

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

127. Limitation of the amount of liability for goods

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

[Regulation 127 amended in Gazette 28 June 1991 p.3246.]

128. Limitation of value of goods

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

[Regulation 128 amended in Gazette 28 June 1991 p.3246.]

129. Passenger's luggage

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

[Regulation 129 amended in Gazette 28 June 1991 p.3246.]

130. Persons receiving or retaining goods not their own property

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

[Regulation 130 amended in Gazette 28 June 1991 p.3246.]

131. Claims in respect of cargo

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

- (a) in the case of cargo landed or alleged to have been landed from —
 - (i) a sailing vessel, before that vessel leaves Port; or
 - (ii) a steamer, within 4 days of that steamer leaving the Port; and
- (b) in the case of outward cargo, within 24 hours of the departure from the Port of the vessel within which that cargo was intended to be shipped.

[Regulation 131 amended in Gazette 28 June 1991 p.3246, 18 February 1992 p.877.]

132. Special indemnity of Port Authority against liability

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

person whereby, upon payment of any special consideration to the Port Authority, the Port Authority assumes responsibility or liability in respect of damage, injury, or loss of goods specified in such agreement, in accordance with the provision thereof and to the extent therein stated.

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

[Regulation 132 amended in Gazette 28 June 1991 p.3246.]

Division 3 — Storage of cargo

133. Port Authority not bound to find storage accommodation

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

[Regulation 133 amended in Gazette 28 June 1991 p.3246.]

134. Storage, period of

- (1) Except where otherwise by these regulations provided, any inward goods placed in a shed in the Port and any goods placed therein for the purpose of shipment shall be removed therefrom, within 16 working hours after having been so placed.

- (2) Any goods on prime entry that are detained for examination by Customs officials, may be stored free from the time of passing of entry until examination is completed, but a free storage period shall not exceed 4 days in all.
- (3) Any goods on warehousing entry requiring examination and making up for Customs purposes may have free storage in a shed during any time of examining and making up not exceeding 4 days in all.
- (4) Upon the expiration of the free storage time, by this regulation provided, goods are chargeable for storage, at the general rate of storage hereinafter by these regulations provided.

135. Goods to be removed or may be sold

The Wharf Manager is empowered to take charge of, and store, any cargo or goods not removed from a wharf or shed by the consignee within the time or respective times limited for that purpose, to cause the cargo or goods to be conveyed to the Queen's warehouse or delivered to the consignee at the consignee's expense and risk or to remove the cargo or goods to any of the premises of the Port Authority or other convenient place, there to keep possession of the cargo or goods, until payment is made to the Port Authority of the expenses of the removal and keeping and of all other charges due to the Port Authority thereon; and, in default of payment, the Wharf Manager is empowered, on behalf of the Port Authority, to sell the cargo or goods in the manner, at the time, and in accordance with the powers, provided by section 48 of the Act.

[Regulation 135 amended in Gazette 28 June 1991 p.3246.]

136. Storage rates for goods

- (1) Where any goods are not removed from any wharf or shed, within the time specified in these regulations, there shall be (subject to and as hereunder mentioned) payable to the Port Authority, as and by way of storage rent in respect of those goods, charges at the rates set forth in Schedule 2.

- (2) The storage rate on transshipment cargo and on cargo landed and reshipped is \$0.10 per tonne or part thereof, per week, for a maximum period of 2 weeks, whereafter the rates prescribed for transit cargo become payable, except where the goods are actually reshipped during the third week of storage, in which event the rate of \$0.10 per tonne shall continue to apply for the third week.
- (3) Nothing in this regulation prevents the Wharf Manager from removing any goods or ordering their removal as by these regulations provided, at any time after the time thereby appointed for their removal.

*[Regulation 136 amended in Gazette 8 June 1973 p.2076;
28 June 1991 p.3246.]*

137. Extension of prescribed storage period

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

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

- (2) Where any place is set apart for the placing of goods awaiting shipment, the Wharf Manager may grant such extensions of the period prescribed for the removal of goods as he is empowered to grant under the provisions of subregulation (1).

- (3) Without limiting the provisions of subregulation (1) or (2), the Wharf Manager may, at his discretion, in lieu of extending the prescribed period, determine that some lesser rate or rates of storage charges than those prescribed by these regulations, shall be payable in respect of goods, whether awaiting shipment or delivery, that have not been removed in the prescribed period.

138. Limit of storage

Goods shall not be allowed to remain in any shed or upon any wharf for a longer period than 4 weeks, and if any goods so remain without the consent of the Port Authority, the Wharf Manager may remove them to Queen's warehouse (in the case of goods liable to custom duty), or to any of the premises of the Port Authority or other convenient place, and retain the goods under the provisions of section 27 of the Act and for the purposes enumerated in that section.

[Regulation 138 amended in Gazette 28 June 1991 p.3246.]

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

Where any free goods remain, without the permission of the Wharf Manager, upon any wharf or on the approaches thereto or in any shed in the Port, for a longer period than by these regulations allowed, it shall be lawful for the Wharf Manager to open and examine the goods, before they are dealt with under the provisions of section 27 of the Act, or otherwise according to law.

140. Special charge to clear sheds or wharves

When notice is given to the owner, shipper, consignee, or ship's agent of any goods that no storage room is available after the date stated by the notice, the goods shall be forthwith removed; and should the goods remain 24 hours after the date fixed by notice they shall be chargeable at the rate of \$0.20 per tonne or part thereof per day or part of a day.

[Regulation 140 amended in Gazette 8 June 1973 p.2076.]

Part VI — Inflammable liquids and oils

141. Exemptions

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

[Regulation 141 amended in Gazette 28 June 1991 p.3246.]

142. Interpretation

In this Part, the following expressions shall have the meanings assigned to them, that is to say —

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

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

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

“cargo” includes bunker coal;

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

- “competent analyst”** means a member of the Institute of Chemistry of Great Britain and Ireland or of the Australian Chemical Institute, with special knowledge of inflammable liquids and oils, or any other competent person approved by the Port Authority;
- “fire”** means fire of every description and includes means of ignition;
- “flashing point”** means the true flashing point of a liquid, as obtained by Abel’s close test apparatus or by any apparatus that has been established by Act of Parliament for the purposes of determining the true flashing point of inflammable liquids;
- “hatchway”** means any opening into a hold, not being an opening protected to prevent communication of fire;
- “hold”** when applied to a vessel, means any hold between deck, shelter deck, tank, or other covered place where cargo or fuel may be stowed;
- “in bulk”** with respect to oil and inflammable liquids, means such as are conveyed in quantities exceeding 405 litres in any one container and are intended to be transferred by pipe line or hose;
- “inflammable liquid”** includes any oil, liquid or spirit having a true flashing point of less than 56°C, and also any substance that the Governor, by proclamation, declares to be inflammable liquid;
- “inflammable liquid ‘group A’ ”** means any inflammable liquid that has a true flashing point of less than 27°C;
- “inflammable liquid ‘group B’ ”** means any inflammable liquid that has a true flashing point of not less than 27°C;
- “oil”** means oil of any description, having a true flashing point of not less than 56°C;
- “tank”** means any tank, compartment, or space which contains or has contained any oil or inflammable liquid, or any sludge deposit or residue therefrom;

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

“wire gauze” means a gauze made of copper or brass wire of not less than 0.397 mm diameter and having not less than 28 meshes to the lineal 25 mm.

[Regulation 142 amended in Gazette 28 June 1991 pp.3245 and 3246.]

143. General regulation applying to all vessels

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

oil terminal, depot, storage tank, oil pipe line or any other apparatus or place used for the storage or handling of oil or being the servant or agent of any of the foregoing persons and engaged in or on any of the foregoing places or things, to prevent the escape, flow or drainage of any oil, inflammable liquid or liquid derived from oil, shale or coal, directly or indirectly, into or upon any waters, land or vessel in the Port; and none of the persons in this subregulation mentioned shall permit or suffer any escape, flow or drainage as therein described.

- (6) Oil in bulk or inflammable liquid shall not be loaded or unloaded in the Port, unless notice of intention in that regard has first been given to, and a permit therefor obtained from, the Harbour Master who may however, in the case of intraharbour traffic, dispense with the requirement of notice and issue a permit to load and unload any oil or inflammable liquid, for a period of time fixed by him.
- (7) Heating, boiling or burning of any pitch, tar, resin, turpentine, spirits, inflammable liquid, oil, refuse, rubbish or other combustible matter in or on any vessel is prohibited; and the heating, boiling or burning of any such substance removed from a vessel on any wharf or on any place, within 16 m of any wharf, is prohibited, except in such place and in such manner as may be approved of by the Harbour Master.
- (8) Inflammable liquid shall not be conveyed, loaded or unloaded on, into or from any vessel, unless that inflammable liquid is contained in tanks, drums, tins or other containers from which, in the opinion of the Harbour Master, the inflammable liquid cannot escape, in the form of liquid or vapour.
- (9) Except in the case of vehicular ferries, —
 - (a) a person shall not ship or send in any vessel a motor driven vehicle, machine or boat using inflammable liquid, unless the tanks thereof and all engine

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- connections are empty and free from that liquid or any vapour thereof;
- (b) a motor driven vehicle, machine or boat, shipped or carried in a vessel, shall not have stored, placed or packed therein any inflammable liquid, whether enclosed in a separate container or otherwise; and
 - (c) the master shall not knowingly receive or carry on board his vessel any motor-driven vehicle, machine or boat in respect of which the requirements of this subregulation have not been complied with.
- (10) The Harbour Master may, as shall appear to him expedient, in the interests of safety, require any of the provisions of this Part to be complied with by the master or owner of any vessel then anchored, moored or berthed within 30 m of a vessel loading, unloading or carrying bulk oil or inflammable liquids; and that master or owner shall comply with that requirement.
- (11) The following precautions shall be taken against injurious fumes and explosion in tanks on vessels, that is to say —
- (a) until a certificate of test has been obtained, a person shall not bring or permit to be brought near, or take into, any tank or part of a vessel that has been used for the carriage of oil or inflammable liquid a naked light, fire, or lamp (other than an approved electric lamp) or apparatus of any kind for producing a light or spark, nor enter that tank, except for the purpose of testing the atmosphere or for the necessary preliminary cleaning;
 - (b) where the cargo last contained in any tank was inflammable liquid “group A”, a fresh certificate of test shall be obtained, daily, before work is commenced or continued therein; and where, during the course of work, any pipe or joint in the tank is broken or any other risk arises of inflammable liquid or vapour therefrom entering the tank, work therein shall be suspended, until a further certificate of test has been obtained;

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

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

*[Regulation 143 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.877.]*

144. Vessels with oil in bulk

The master and owner of any vessel conveying, loading or unloading oil in bulk shall, in addition to complying with the requirements of regulation 143, ensure that every pipe, valve, hose or other appliance used for the transference of oil is suitable for that work and is kept in good condition and free from leakage; and that master and owner shall take every precaution to prevent the escape of oil into inland and tidal waters of the Port.

145. Vessels with inflammable liquid

- (1) The provisions of this regulation shall be observed by the master, owner and agent of every vessel upon which inflammable liquid in any quantity exceeding 1800 litres is conveyed, loaded or unloaded, within the Port.
- (2) The master, owner or agent of the vessel shall give at least 24 hours notice to the Harbour Master of the intention to convey, load or unload inflammable liquid, within the Port, and

of the quantity of inflammable liquid to be conveyed, loaded or unloaded.

- (3) While within the Port, there shall be displayed, on the vessel, at the masthead or other conspicuous place, but not less than 6 m above the deck, so as to be clear of all obstructions and clearly visible in all directions, a red flag of not less than 1 m square, with a white circular centre 150 mm in diameter, by day, and a red light of a design approved by the Harbour Master, by night; but if the vessel is a barge that cannot reasonably comply with the foregoing requirements, then the master or owner of that barge shall display in a conspicuous position above the deck a red flag of metal, not less than 450 mm square, with a white circular centre 150 mm in diameter, by day, and an all round red light of a design approved by the Harbour Master, by night.
- (4) A copy of these regulations shall be obtained and placed in such a prominent part of the vessel as to be readily seen and read by the officers and crew.
- (5) A person, other than those actually engaged in the work of loading or unloading inflammable liquid, shall not be allowed on the vessel, without the permission of the master.
- (6) A person shall not smoke in or on the vessel, during the loading or unloading of inflammable liquid.
- (7) A locomotive in which steam is generated by combustion in open fires shall not enter or be permitted to enter on railway tracks within 16 m of any vessel carrying inflammable liquid.
- (8) Immediately a vessel carrying inflammable liquid has been berthed, a steel wire hawser, sufficiently strong to enable the vessel thereby to be hauled away from the wharf, shall be placed over both the fore and aft ends of the vessel, and those hawsers shall be maintained there, during the whole of the time the vessel remains alongside the wharf.
- (9) Except with the permission of the Harbour Master, a vessel shall not be berthed alongside any wharf, unless it is ready to

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discharge and to continue discharging, and arrangements have been made by the consignee immediately to receive, the inflammable liquid.

- (10) A responsible officer of the vessel shall be on duty, day and night, and be responsible for giving effect to these regulations.
- (11) All inspections necessitated by the requirements of this Part, other than during the ordinary working hours of the Port, whether carried out aboard the vessel or ashore, shall be at the expense of the master, owner or agent of the vessel.
- (12) Inflammable liquid shall not be loaded or unloaded on or from the vessel, during the hours between sunset and sunrise, unless a permit in writing therefor shall first have been obtained, in each instance, from the Harbour Master; and all the conditions of such permit shall be duly observed.
- (13) Approved fire extinguishers and other approved material shall be provided and so distributed about the vessel as to be available for dealing with any inflammable liquid that may be spilled or ignited.
- (14) An iron or steel hammer or other instrument capable of causing a spark shall not be used for the purpose of opening or closing hatches or tank lids of the vessel and, except with the written approval of the Harbour Master, chipping, scraping or hammering of iron or steel on the vessel is prohibited when any hold that contains, or has recently contained, inflammable liquid is open, or while there is any inflammable liquid on deck.
- (15) A vessel (other than a self-propelled vessel) carrying inflammable liquid shall not be navigated, except in tow of, or attended by, an efficient tug propelled by mechanical power, and not more than 2 such vessels shall be towed together at any one time, either abreast or in train; and a vessel (other than a self-propelled vessel) carrying inflammable liquid shall not be towed alongside a tug, unless with the permission in writing of, and then upon such conditions as shall have been imposed by, the Harbour Master.

- (16) A tank used for conveyance of inflammable liquid on a vessel shall, as far as practicable and applicable —
- (a) be solidly constructed of steel and shall not exceed a capacity approved by the Harbour Master;
 - (b) be firmly attached to strongly constructed supports;
 - (c) be efficiently screened from any engine on the vessel, by a fire-resisting shield placed at least 150 mm from the tank and carried up above the tank and down below it, and so that the exhaust of the engine shall be wholly in front of that shield, where the engine is in front of the tank, or wholly behind that shield, where the engine is behind the tank;
 - (d) have all vent pipes and vacuum relief valves effectively protected by wire gauze;
 - (e) be provided with effective earthing to prevent accumulation of static electricity;
 - (f) have the bottom end of each fill pipe carried down near to the bottom of the tank to form a liquid seal;
 - (g) have all fill pipes, dip pipes and other openings of the tank fitted with screw caps, bolted covers or other means of closing, gastight, at all times when those fill pipes, dip pipes or other openings are not in use for filling or dipping;
 - (h) have all vent pipes properly protected at the outlets by wire gauze and have the outlets not less than 4 m above deck and made weatherproof; and
 - (i) not be filled with inflammable liquid to more than 95% of its capacity and be marked in a permanent manner to indicate the level at which that percentage of its capacity is occupied.
- (17) Without prejudice to the provisions of regulation 143, the Port Authority may, at the expense of the owner of any vessel, employ watchmen to guard the vessel and the wharf at which it is moored, during the whole of the time that any inflammable

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fluid remains in or upon the vessel; and those watchmen shall thereupon be empowered to enforce any of these regulations made, and any instruction of the Harbour Master given, to ensure the general safety of the Port and the immunity of persons and property from the danger of accident.

[Regulation 145 amended in Gazette 28 June 1991 pp.3246 and 3247.]

146. Vessels with inflammable liquid otherwise than in bulk

- (1) This regulation applies to every vessel carrying inflammable liquid, other than in bulk.
- (2) Notices, warning the crew and every person on board or coming on board the vessel that smoking or any practice likely to cause fire is prohibited, shall be displayed in conspicuous positions on the vessel and on its gangways.
- (3) Every hold containing inflammable liquid, in drums, tins or other packages, shall be thoroughly ventilated before, and during, the time the inflammable liquid is being unloaded.
- (4) Every hold from which any inflammable liquid in drums, tins, or other packages has been unloaded shall be thoroughly ventilated and the bilges shall, thereupon, be carefully cleaned by the removal of any liquids by hand pumps, suitable wooden bailers and by swabbing, and shall thereafter be suitably ventilated; and a fire or unauthorized light shall not be permitted at or near that hold, until a certificate of test has been obtained.
- (5) Any inflammable liquid loaded on the vessel shall be properly and securely stowed, to the satisfaction of the Harbour Master.
- (6) Proper and efficient ventilation for the place of stowage of the inflammable liquid shall be provided and, when required by the Harbour Master, outlet ventilators, passing through the deck and terminating just below the deck, and inlet ventilators, extending to the bottom of the holds from above the upper deck, shall be

- fixed and all outlet and inlet ventilators shall be covered with wire gauze.
- (7) After inflammable liquid has been stowed in a hold, it shall be securely battened down.
- (8) Every package containing inflammable liquid shall be properly marked or branded to indicate the nature of the inflammable liquid; and all inflammable liquid 'group A' shall be marked "Highly Inflammable".
- (9) Sufficient hatch coverings and other coverings as may be required by the Harbour Master shall be provided by the master or owner of the vessel.
- (10) Every hold that contains, or has recently contained, inflammable liquid shall, except when inflammable liquid or other article is being loaded into or unloaded from that hold or that hold is being cleansed and ventilated, be closed, gastight, as far as practicable.
- (11) A permit in writing shall be obtained from the Harbour Master to load or unload general cargo into or from a vessel carrying inflammable liquid, after sunset; and the following precautions shall be taken, that is to say —
- (a) every hold containing inflammable liquid shall be securely battened down; and
 - (b) cargo shall not be loaded into or unloaded from a hold unless the hold is separated, by watertight and gastight bulkheads, decks, battened down hatchways or other means, from every place on the vessel in which vapour from the inflammable liquid is likely to be present.
- (12) The stowing of inflammable liquid below deck in a wooden vessel is prohibited; but a limited quantity of that liquid may be carried as deck cargo on the weather deck of any wooden vessel, if the inflammable liquid is stowed at a safe distance from the galley, crew's quarters and openings leading into any machinery or boiler spaces.

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147. Tank ships

- (1) The master of every tank ship carrying inflammable liquid shall not permit the vessel to enter the Harbour, until specially authorized in writing by the Harbour Master and then only if the master of the vessel is in possession of a copy of these regulations; and the master shall not, except with the written permission of the Harbour Master, permit wire ropes to be used in the mooring of the vessel.
- (2) The loading or unloading of inflammable liquid from a tank ship shall not be commenced, until a barricade efficient to prevent access to the vessel and pipe line hose connections, by any unauthorized person, has been erected to the satisfaction of the Harbour Master and until a watchman has been stationed at each opening of the barricade, to prevent the entrance of any unauthorized person and to take charge of matches from every person entering the barrier.
- (3) Before entering the Harbour, all matches shall be collected by the master from any member of the crew and other person on the tank ship having them; and a person shall not smoke or bring matches or other means of making a fire or light on to the vessel, while it is within the Harbour.
- (4) Without prejudice to, and in addition to, any requirement of these regulations for a responsible officer to be in charge of a vessel, there shall, at any time that a tank ship has inflammable liquid on board, be a responsible member of the vessel's engine-room staff and a crew available to assist the officer in charge, in case of emergency and to operate fire pumps or other fire extinguishing appliances.
- (5) From the time that the tank or any hold of a tank ship carrying inflammable liquid is first unsealed or opened for the purpose of loading or unloading inflammable liquid and until every tank or hold has been closed and sealed down, a fire or light, other than any fire or light approved by the Harbour Master, shall not be lit or used either on board the vessel or on shore, within 16 m of

any place at which the inflammable liquid is being loaded or unloaded; but where the Harbour Master is satisfied that the construction of the vessel and the situation of any fire is such that no serious hazard will be created thereby, he may permit the use of boiler fires for the purpose of supplying power necessary for the working of machinery or appliances, for the unloading of inflammable liquid or for heating galley appliances; but those fires or lights of any description shall not be permitted on any vessel while the tanks are open, or unsealed for the purpose of loading inflammable liquid.

- (6) Except during inspection or when samples or ullage measurements are being taken, wire gauze shall be fitted over all openings of every tank that contains, or has recently contained, inflammable liquid in bulk; but the lids, screw caps or other coverings shall not be removed from any tank or other receptacle containing, or recently containing, inflammable liquid, in respect of which pumping operations are not in progress.
- (7) Pipes, hoses, pumps and other appliances used for the transferring of inflammable liquid in a tank ship shall be maintained free from leakage and gastight, to the satisfaction of the Harbour Master and, unless otherwise authorized, on the completion of loading or unloading, all gear shall be thoroughly freed from inflammable liquid and the hoses shall be disconnected from the shore pipe lines.
- (8) The following precautions in the loading or unloading of inflammable liquid in bulk shall be taken, that is to say —
 - (a) hoses constructed to be resistant to inflammable liquid and maintained in good order, and none other, shall be used for connecting from ship to shore installation;
 - (b) a non-return valve shall be placed immediately behind the connection between hose and shore installation pipe and, where required by the Harbour Master, at the shore end of the wharf also; and pumping operations shall not

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- be commenced before the correct position of all valves has been verified by the Harbour Master;
- (c) whenever pumping ceases temporarily, every valve on ship and shore pipe line shall be closed and every pipe line under a wharf shall be thoroughly cleared of inflammable liquid, by flushing with water, and shall be kept full of water;
 - (d) on completion of loading or unloading, the connections or connection to the shore pipe line shall not be broken, until the pipe line has been completely and satisfactorily cleared of all inflammable liquid for the whole of its length; and the condition of the pipe line in this respect shall be verified as satisfactory by the Harbour Master;
 - (e) every opening in the tanks shall be closed gastight, immediately on suspension or completion of loading or unloading;
 - (f) the master of a tank ship shall see that a competent signalling staff is in attendance, both at the tank installation and on board the ship, and that telephonic communication between those points is established;
 - (g) pipelines and hoses shall not be coupled or uncoupled or otherwise interfered with until —
 - (i) permission to do so has been given by the Harbour Master;
 - (ii) a representative of the Port Authority is present;
 - (iii) a satisfactory electrical connection has been made between the tank ship and the shore pipelines by means of a suitable continuous bonding cable remaining intact, until all hoses have been disconnected from the tank ship at the completion of discharging or loading, the shipboard connection being made first and disconnected last;

- (iv) approved equipment and tools for the purpose are available;
 - (v) a drain cock, such as will enable controlled draining of hoses and pipes before they are disconnected, and a test cock, to ensure that only water is in the hoses and pipes, prior to disconnection, has been fitted at points required by the Harbour Master; and
 - (vi) all inflammable liquid therein is cleared by pumping water as provided by paragraph (c);
 - (h) every coupling, uncoupling or other work on hoses, pipes and fittings shall be carried out under approved supervision, as may be required by the Port Authority's representative;
 - (i) the rate of loading inflammable liquid shall be such as may be required by the Harbour Master and any directions given by him for other safety measures to be taken for that loading shall be strictly observed; and
 - (j) arrangements shall be made by the master of the tank ship, to ensure that there is a sufficient staff of officers and men available, at all times, by day and by night, to ensure the efficient carrying on of the work or to remove the vessel, if so required.
- (9) Subject to the approval in writing of the Harbour Master, inflammable liquid in bulk may, after sunset, be unloaded into shore tanks and, in special circumstances only, loaded into tank ships, if the following conditions and such other conditions as may be prescribed by the Harbour Master, in special cases, are complied with, that is to say —
- (a) unless circumstances render it unavoidable, pipelines and hoses shall not be coupled, uncoupled or otherwise interfered with, except in daylight; and
 - (b) sufficient electric floodlighting of an approved type shall be provided to give ample light for all operations.

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- (10) Immediately it becomes known that repairs or alterations are necessary to any tank in which oil or inflammable liquid has been conveyed, application shall be made to the Harbour Master for permission to undertake that work; but repairs or alterations involving operations, such as welding, cutting, boring, soldering or hammering that may produce heat or be liable to cause ignition of inflammable vapours, shall not be commenced until the permission of the Harbour Master, in writing, has been obtained, and then not until measures prescribed by regulation 143 (11) and (12) have been taken.
- (11) An inflammable liquid tank ship shall leave the Harbour, as soon as possible, following completion of loading or discharging.
- (12) Where it is necessary for an inflammable liquid tank ship to replenish bunker supplies, that operation shall be allowed within the Harbour only after permission therefor in writing being obtained from the Harbour Master.

*[Regulation 147 amended in Gazette 28 June 1991 p.3241;
18 February 1992 p.877.]*

148. Inflammable liquid on wharves or in sheds

- (1) A person shall not deposit any inflammable liquid or cause to allow any inflammable liquid to be deposited on any wharf or in any shed on any wharf or on or in any place within 16 m of any wharf or on any vessel, without the permission of the Harbour Master; and a person shall not deposit any inflammable liquid or allow any inflammable liquid to remain on any wharf or place within 16 m of any wharf, during the hours between sunset and sunrise, unless he shall first have obtained the permission in writing of the Harbour Master therefor.
- (2) Except with the permission of the Harbour Master, a greater quantity of inflammable liquid than that which may be handled in a period of one hour, with the means of transport then available, shall not be placed on any wharf.

- (3) Inflammable liquid shall not be handled or deposited upon any wharf or in any place within 16 m of any wharf, until notice boards, not less than 1.6 m by 1 m in size, and bearing the words —

“This vessel handling INFLAMMABLE LIQUID — NO SMOKING”,

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

- (4) Where inflammable liquid is kept, handled, exposed or lying anywhere on premises under the jurisdiction of the Port Authority, other than in properly constructed fuel tanks of a vessel, boat, aircraft, motor vehicle or mechanically operated appliance or under such safety precautions as may be approved by the Harbour Master in writing, a person within 16 m of the inflammable liquid shall not smoke or have in his possession or under his control any fire, means of ignition or light, other than an approved safety lamp.
- (5) A fire, light, telephone or electrical apparatus (other than electric filament lamps or self contained lamps, heaters, cookers or other types of safe apparatus, so designed, constructed and maintained as to be incapable of igniting inflammable vapour) shall not be used within 16 m of any premises under the jurisdiction of the Port Authority wherein inflammable liquid is kept, handled, exposed or lying, unless the inflammable liquid is contained in properly constructed fuel tanks of a vessel, boat, aircraft, motor vehicle or mechanically operated appliance or except where safety precautions approved by the Harbour Master in writing are in operation.

[Regulation 148 amended in Gazette 28 June 1991 p.3247.]

Part VII — Noxious, dangerous and inflammable materials and explosives

149. Noxious or dangerous goods

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

[Regulation 149 amended in Gazette 28 June 1991 p.3246.]

150. Vessel not obliged to carry dangerous goods

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

vessel may refuse to take on board any parcel or package that he suspects may contain goods of a dangerous nature, and may, to satisfy himself of the contents thereof, require any parcel or package to be opened in his presence.

151. Exemptions

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

- (a) explosives belonging to the first division of the sixth (ammunition) class;
- (b) the following explosives of the third division of fireworks class, namely —
 - squibs, crackers, serpents, rockets (other than war rockets), maroons, stars, lances, wheels and roman candles;
- (c) other explosives in such quantities and under such authority as may from time to time be approved by the Inspector;
- (d) explosives on any vessels of war; or
- (e) explosives carried for a vessel's own use, and in such quantities as are necessary to meet the requirements of law for signalling purposes, if those explosives are kept, while the vessel is in Port, in a magazine of copper or other suitable material, and if, where 2 or more of the following explosives are in the vessel, they are kept in separate and completely enclosed receptacles in the magazine, namely —
 - gunpowder, rockets, sound signal rockets, blue lights, Holmes lights and pyrotechnic signals of any other kind.

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152. Signals to be exhibited

- (1) The master or person in charge of a vessel having explosives on board shall keep conspicuously exhibited at the foremast head, from sunrise to sunset, the red burgee, being letter "B" of the International Code, and from sunset to sunrise, in addition to the lights ordinarily required for navigation purposes, a red light, in such a position as to be above the ordinary lights, showing a clear, uniform and unbroken light all round the horizon, visible on a clear night at a distance of 1 km.
- (2) The person in charge of a vessel shall observe due caution when approaching another vessel exhibiting the flag or signal prescribed by this regulation and shall not approach within 200 m thereof, unless duly authorized by an officer of the Port Authority.

[Regulation 152 amended in Gazette 28 June 1991 pp.3246 and 3247; 18 February 1992 p.877.]

153. Shipping of explosives

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

154. Lighters to be licensed

A lighter conveying explosives to or from vessels, wharves or other places shall be duly licensed in accordance with the provisions of the *Western Australian Marine Act 1948*³, under such conditions as may be prescribed in the licence by the Chief Inspector of Explosives, and shall be subject to any regulation (as far as the same may be applicable) in force for the time being for the management of magazines.

155. Towing of lighters

A powder lighter having explosives on board shall not be towed by a high-pressure open—decked steamer of which the furnaces

are exposed, nor by any steamer with a towline of less than 18 m in length.

[Regulation 155 amended in Gazette 18 February 1992 p.877.]

156. No explosives on passenger vessels

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

157. Conveyance in mixed classes

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

158. To be protected against fire

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

159. Iron and steel to be covered

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

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160. Matches

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

161. Stowing of explosives

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

162. No smoking

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

163. Conduct of persons

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

164. Prevention of accidents

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

165. Conditions applying to loading and unloading of explosives

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

166. Explosive not to be conveyed with other merchandise

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

167. Delays to be avoided

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

168. Fires, lights, water, etc.

- (1) Whenever a vessel or powder lighter is conveying explosive, due provision shall be made by the master and owner for preventing the introduction into that vessel or lighter of fire,

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

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

169. Regulations to be exhibited

The owner of every vessel or powder lighter into, from or on which explosive exceeding 50 kg is loaded, unloaded or conveyed who employs any person for the purpose of that loading, unloading or conveyance shall, by furnishing copies of this Part, or by affixing copies thereof in some place where they may conveniently be read, or by any other means, take such measures as may be necessary to acquaint every person so employed with the provisions of this Part.

[Regulation 169 amended in Gazette 28 June 1991 p.3246.]

170. Lighters to have person in charge

Every powder lighter conveying explosives shall be in the exclusive charge of, and constantly attended by, some competent person; and that person shall not have charge of more than one lighter; and where more than 2 500 kg of explosives are on, or are being conveyed in, a powder lighter, there shall be 2 persons continuously on board that lighter.

[Regulation 170 amended in Gazette 28 June 1991 p.3246.]

171. Quantity to be conveyed

The quantity of explosives to be conveyed in any one powder lighter shall not exceed such quantity as may be allowed by the

licence, except under any special conditions that may be authorized by the Inspector.

172. Space between lighters

Where 2 or more vessels or powder lighters are conveying explosives, or are travelling together, a space of at least 50 m shall be kept between them, unless any circumstance renders it impracticable to maintain that distance.

[Regulation 172 amended in Gazette 18 February 1992 p.877.]

173. General precautions

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

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- (iii) has determined the load of explosives to be carried in any net approved by him,
he may authorize the loading or discharging of explosives in the loads determined by him in any net approved by him but, in the absence of that authorization, the explosives shall be loaded or discharged by passing them from man to man, by hand, or by rolling them; and they shall not in any case be pitched, thrown or slid; and, in any event, the directions of the Inspector as to the loading or discharging of explosives shall be obeyed;
 - (f) a person shall not be allowed to work aloft or in those parts of the rigging that may be near to a magazine;
 - (g) any person, having the charge of the loading or discharging, shall exercise special care in the selection of men for that work to ensure that none is affected by drink and a person so affected shall not be engaged for that work;
 - (h) where at any time the loading or discharging of explosives is discontinued before completion, the person in charge of the vessel engaged in that loading or discharging shall cause the hatches of the vessel to be closed and covered with tarpaulin and shall not permit or suffer any person to remain, and no person shall remain, in any hold or magazine in that vessel, at any time during which the loading or discharge is discontinued.
- (2) Except as approved by the Inspector, paraffin, naphtha, petroleum or other volatile oil shall not be used in any vessel or lighter in the Port, as long as that vessel or lighter has on board more than 500 kg of any explosives other than of ammunition and while the vessel is within the limits of the Port.
- (3) The provisions of subregulation (1) (b) apply to every vessel alongside of, or attached to, a vessel or powder lighter loading or discharging any explosive.

[Regulation 173 amended in Gazette 28 June 1991 p.3247.]

174. Explosives to be marked

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

175. Explosives to be inspected

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

176. Explosives stored in lighters

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

[Regulation 176 amended in Gazette 28 June 1991 p.3246.]

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

177. Application

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

178. Installation and repairs

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

[Regulation 178 amended in Gazette 28 June 1991 p.3246.]

179. Construction

Every pipeline installed in the Port shall —

- (a) comprise only such pipes, valves, flanges and ancillary fittings as comply with the relevant requirement of British Standards, British Institute of Petroleum Safety Codes or American Petroleum Institute Specification for Line Pipe in operation at the time of the making of these regulations or such other specification as the Port Authority may approve;
- (b) wherever practicable, have welded joints and, where welded joints are not practicable, have flanged or other joints approved by the Port Authority;
- (c) where supported by a wharf or jetty, be adequately secured to that wharf or jetty, with provision made for expansion, movement and anchorage;
- (d) where any of its valves or outlets are placed below the deck of a wharf or jetty, be provided with covered access openings in that deck;
- (e) on any wharf or jetty, be fitted with a stop valve, at the outer or seaward end, and with a non-return valve, immediately behind any connection to a flexible hose and at the shore end of the wharf or jetty;
- (f) at any control point, have a rising spindle gate valve of a type approved by the Port Authority;
- (g) if used for the transmission of any inflammable liquid having a flash point of less than 56°C, be bonded and earthed in a manner approved by the Port Authority;
- (h) when not operating, have the outer or seaward end on any wharf or jetty or the end of any hose connected thereto closed off, by fitting thereto either a screwed cap or a blank flange, properly secured and fastened by at least 4 bolts;
- (i) be, and have the control valves, marked as may be required by the Port Authority;

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- (j) where not situated on a wharf or jetty, be, wherever practicable, laid and supported above ground at a height of not less than 150 mm; but so as not to rest directly on wood;
- (k) be protected against corrosion and damage by the elements;
- (l) if laid under water, be afforded cathodic protection, if so required, and in a manner approved, by the Port Authority;
- (m) where laid under any railway track, road or street or where likely to be subject to heavy loading, be installed in accordance with the plans and specifications of the "Recommended practice on form of agreement and specifications for pipeline crossings under railroad track", issued by the American Petroleum Institution (A.P.I. Code No. 26) and in operation at the time of making these regulations or in accordance with any other specification in regard to steering or culverting that may be approved by the Port Authority;
- (n) where laid in any ground the surface of which is subject to loading or vehicular traffic, have at least 2 feet of approved cover above the pipe, excluding flanges, and be provided with covered access pits to valves and have any flanged joint readily accessible;
- (o) when first installed, be tested, in sections not exceeding the distance between consecutive flanged joints, over the whole of its length with water, maintained at a pressure of 2064 kpa for a minimum period of 30 minutes, in each test; and
- (p) have provision for the relief of any excess pressure occasioned by temperature variations, when the pipeline is full of liquid.

[Regulation 179 amended in Gazette 28 June 1991 pp.3246 and 3247; 18 February 1992 p.877.]

180. Electrical equipment

Any electrical equipment on any oil wharf or located within 16 m of a shore terminal valve in a pipeline shall comply with the Standards Association Standard C.C.1 — Part I — 1961 — (S.A.A. Wiring Rules) and shall be inspected at least once in every period of 6 months to ensure continued compliance with that standard.

[Regulation 180 amended in Gazette 28 June 1991 p.3247.]

181. Maintenance and operation

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

- (a) every underground pipeline, between any wharf or jetty and a place of storage, shall be examined at intervals not exceeding 3 years and a certificate shall be given to the Port Authority showing —
 - (i) that the pipeline has been examined and whether that examination was by visual, pressure or metal thickness test; and
 - (ii) if such is the case, that the pipeline is in good order and condition;
- (b) every pipeline and its fittings shall be inspected, prior to each occasion of its use, and shall, at least once in every 3 months, be tested under working conditions to a pressure of at least 25% in excess of the maximum pressure under which it is intended ordinarily to operate the pipeline;
- (c) every valve or ancillary appliance used in pumping operations shall, before each occasion of pumping, be inspected to ensure certainty of operation;
- (d) every flexible hose to be used in connection with any pipeline to which this Part applies shall —

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- (i) be of approved quality with a safe working pressure of at least 688 kpa;
 - (ii) be fitted with Turk's Heads of hemp or sisal rope or with other approved means of protection, at intervals of 1 m of its length;
 - (iii) have incorporated in the hose a metallic plate on which shall be engraved the number and the safe working pressure of the hose and the owner's name except that the Port Authority may approve any alternative method by which those particulars shall be exhibited;
 - (iv) be fitted with 0.081 mm copper wire mechanically connected to the metallic fittings at either end in such manner as to ensure electrical connection between any vessel and the pipeline to which the hose is connected, except that the Port Authority may approve any alternative method by which that connection is assured;
 - (v) be properly and adequately supported to prevent chafing or kinking during pumping operations; and
 - (vi) be tested under working conditions to at least 25% in excess of the maximum working pressure under which it is intended to be operated, at least once in every 6 months, and the result of every such test shall be recorded in a register that may be examined by the Port Authority when it so requires and, in any event, a report of those tests shall be provided to the Port Authority in January and July in each year;
- (e) every pipeline used for the transmission of any liquid derived from petroleum, coal or shale, having a flash point of not less than 56°C, shall —

- (i) be provided with a drip-tray or a drum of a type approved by the Port Authority, at the seaward end of that pipeline; and
 - (ii) be maintained in good condition and free from leakage; and every precaution shall be taken to prevent any liquid escaping into the waters of the Port;
- (f) every pipeline, valve, hose or ancillary appliance used for the transmission of inflammable liquids, having a flash point of less than 56°C, shall —
 - (i) be maintained free from leakage and gas-tight;
 - (ii) be tested at intervals of not less than 12 months, to ensure that it is properly bonded and earthed as may be required by the Port Authority; and
 - (iii) unless otherwise authorized by the Port Authority, be freed of all inflammable liquid and have any hose disconnected from the shore pipeline, upon the completion of any operation of loading or discharging;
- (g) the velocity of flow of liquid in any pipeline shall be restricted to that of 900 mm of the narrowest bore of that pipeline, per second —
 - (i) for a period of 30 minutes after pumping has commenced or recommenced or for a period sufficient to clear the pipeline twice, whichever is the longer, in either case where the liquid has a flash point of less than 56°C or the pipeline has been cleared by water; or
 - (ii) until the fill pipe is covered where the liquid is being pumped into empty tanks;
- (h) at any time during which liquid derived from petroleum, shale or coal is being pumped to or from any vessel in the Port —

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- (i) the pipeline then in use shall be continuously patrolled throughout the whole of its length, to ensure the detection of any leakage from it;
- (ii) every terminal valve then in use on the wharf or jetty and any control valve in use in that vessel shall, in each case, be manned by a person competent to close the valve whenever emergency or expediency may require;
- (iii) a boat, barge or other small craft shall not be moored or remain nearer than 16 m of that vessel and the master of the vessel shall maintain a lookout to ensure compliance with the provisions of this subparagraph;
- (iv) a naked light, matches or other means of ignition shall not be brought within 16 m of any terminal valve then in use and any torch or other artificial light used within that distance shall be of flameproof construction, except that the Port Authority may approve any alternative type of light which shall, in any event, be mounted at least 8 m above the level of the wharf or jetty;
- (v) a watchman or watchmen approved by the Port Authority shall be stationed at that vessel, as the Harbour Master may require;
- (vi) both at the time of, and during any period in which preparation is being made for, that pumping, the master or a representative of the master of that vessel and a representative of the owner of the installation to or from which the liquid is being, or is to be, pumped shall be present at the point of discharge or intake; and each of those persons shall ensure that sufficient firefighting equipment of a type approved by the Port Authority is there present available and capable of dealing with any outbreak of fire that

may occur within the ambit of his own operations; and

- (vii) the master of that vessel shall ensure that a sufficient complement of officers and men is in the vessel to enable the pumping operations to be efficiently carried out and, if the circumstances should require, to remove the vessel from its mooring;
- (i) pumping operations shall not be commenced in the Port, except with the approval of, and subject to any conditions imposed by, the Port Authority; and where, in the opinion of the Port Authority, it is not in the interest of safety that pumping be continued, the Port Authority may order it to be discontinued and every person shall comply with that order;
- (j) whenever pumping operations are temporarily suspended, the valve on the vessel and on the shore pipeline, then in use, shall be closed; and
- (k) on the completion of pumping operations, every pipeline, outside the storage installation, used for the transmission of inflammable liquids having a flash point of less than 56°C shall be cleared of that liquid by flushing with water and thereupon be kept filled with water; but the Port Authority may exempt a person from compliance with the requirements of this paragraph, in the case of an underwater pipeline that was used for the transmission of any crude oil having a flash point of not less than 27°C.

[Regulation 181 amended in Gazette 28 June 1991 pp.3246 and 3247; 18 February 1992 p.877.]

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

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

[Regulation 182 amended in Gazette 28 June 1991 p.3246.]

Part IX — Miscellaneous charges

Division 1 — Hire of cranes

183. Applications for cranes

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

[Regulation 183 amended in Gazette 28 June 1991 p.3246.]

184. Calculation of crane hire

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

[Regulation 184 amended in Gazette 18 February 1992 p.877.]

185. No liability for loss

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

[Regulation 185 amended in Gazette 28 June 1991 p.3246.]

186. Expenses to be paid

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

187. Responsibility of hirers

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

[Regulation 187 amended in Gazette 28 June 1991 p.3246.]

188. General responsibility

- (1) The Port Authority is responsible for working the cranes, but shall not supply, nor accept any responsibility for, the safety of slings used for lifting cargo out of or into vessels.
- (2) Every crane shall be operated by an employee of the Port Authority, and that employee shall, as far as possible and consistent with safety, be subject to and obey the instructions of

the hirer, his stevedore or agent, but the Port Authority is not liable for any loss or damage whatever that may occur while the employee is operating the crane, during the period of hire, unless the loss or damage is proved to be the direct result of wilful misconduct or wilful disobedience of any reasonable order on the part of the employee.

[Regulation 188 amended in Gazette 28 June 1991 p.3246.]

189. Work in overtime hours

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

[Regulation 189 amended in Gazette 28 June 1991 p.3246.]

190. Tampering with cranes

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

[Division 2 Repealed in Gazette 28 June 1991 p.3243.]

**Division 3 — Charges relating to mooring and unmooring
of vessels**

198. Mooring and unmooring

- (1) The Harbour Master, his deputy or other officer acting for the Harbour Master shall order a gang to handle mooring ropes, when a vessel is berthing or casting off.
- (2) The Port Authority shall supply the men to attend to the mooring and unmooring of vessels and the charge in respect of those services based on the appropriate hourly rate of wages

currently payable to those employees shall be a charge on the vessel concerned.

- (3) Where a mooring or unmooring gang is requisitioned and not employed the cost shall be charged to the vessel upon whose behalf the gang was ordered.

[Regulation 198 inserted in Gazette 18 October 1974 p.3964; 18 February 1992 p.878.]

Division 4 — Other charges and rebates

199. Charges for other plant and equipment

Charges payable for plant and equipment not hereinbefore in these regulations prescribed are those set out in Schedule 2 Part 2.

[Regulation 199 amended in Gazette 18 February 1992 p.878.]

200. Port Authority may rebate certain charges

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

[Regulation 200 amended in Gazette 28 June 1991 p.3246.]

200A. Rebate of cargo charges

The Port Authority may, according to the circumstances of each case, allow such rebates as it considers reasonable on the cargo charges prescribed by these regulations in respect of all goods specified by the regulations as well as all goods for which specific rates are not otherwise provided, where in the opinion of the Port Authority, a rebate is justified.

*[Regulation 200A inserted in Gazette 30 June 1989 p.1916;
amended in Gazette 28 June 1991 p.3243.]*

201. Charges for incomplete services

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

*[Regulation 201 amended in Gazette 28 June 1991 p.3246;
18 February 1992 p.878.]*

Part X — Licences and permits — (watermen and boatmen)

202. Licence required

- (1) A person shall not ply for hire as a waterman or boatman, unless he holds a licence issued by the Port Authority.
- (2) The annual fee for a licence is \$1 and that licence covers the period from 1 July to 30 June, next following.
- (3) Every application for a licence shall be made in writing addressed to the General Manager and shall be accompanied by 2 references from reputable and competent persons, testifying to the sobriety and efficiency of the applicant.
- (4) Before a licence is issued to a waterman, his boat shall be surveyed by the Surveyor, and should the Surveyor's report and the references produced by the applicant be satisfactory, a licence may be issued by the Board, on payment of the prescribed fee.

[Regulation 202 amended in Gazette 28 June 1991 pp.3246 and 3247.]

[203. Repealed by 8 June 1973 p.2076.]

204. 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 think fit; and the Port Authority may, on the report of the Harbour Master or Surveyor to the effect that any boat is unfit to carry passengers, call on the boat owner to deliver up his licence.

[Regulation 204 amended in Gazette 28 June 1991 p.3246.]

205. Boat and landing place to be kept clean

A waterman shall keep his boats and equipment clean and serviceable, and shall keep the landing place from which they

ply clean; and every waterman shall, while afloat or on duty, at any wharf or stairs, obey every direction given by the Harbour Master.

206. Badge to be worn

Every licensed waterman shall wear a badge, of a pattern approved by the Port Authority on the left arm of his coat, showing the number of his licence; and he shall, on demand, produce his licence to the Harbour Master, to any police constable on duty within the harbour or to any person engaging him.

[Regulation 206 amended in Gazette 28 June 1991 p.3246.]

207. Conduct of waterman

Any waterman proved to the Port Authority to have been guilty of drunkenness, of having, in any way, jeopardised the safety of his passengers or of having used insulting or obscene language, is liable to have his licence cancelled.

[Regulation 207 amended in Gazette 28 June 1991 p.3246.]

208. Licence not to be lent

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

209. Licence may be temporarily transferred

Any waterman prevented by sickness from plying for hire, may, on depositing with the Port Authority a certificate from a duly qualified medical practitioner to that effect, together with his licence, be permitted to nominate a substitute; and the Harbour Master may, if satisfied as to the efficiency of the substitute, issue a certificate authorizing him to serve for a period not exceeding one month, in the place of the licensed person who is disabled by sickness; and that certificate may from time to time be renewed, during the illness of the waterman, while his licence is retained by the Port Authority.

r. 210

[Regulation 209 amended in Gazette 28 June 1991 p.3246.]

210. Shelters for watermen

A person, other than a licensed waterman or his substitute, a Customs officer or a Port Authority officer, shall not enter or occupy any house, shed or shelter, erected for the use of watermen.

[Regulation 210 amended in Gazette 28 June 1991 p.3246.]

211. Penalty

On the violation or infringement of any regulation in this Division or on the neglect of any duty or obligation imposed thereby, a waterman or boatman may, in addition to any other penalty that may be imposed on him in consequence thereof, be deprived of his licence.

212. Members may fix charges

- (1) The Port Authority may from time to time determine the charges to be made by licensed watermen for their services and every such determination shall be posted at the offices of the Port Authority and a copy given to every licensed waterman; and, thereupon, a licensed waterman shall not make, or attempt to make, any charge for his services, in excess of the amounts so determined.
- (2) The failure by the Port Authority to provide a licensee with a copy of any determination of charges is not a defence to a breach of this regulation.

[Regulation 212 amended in Gazette 28 June 1991 p.3246.]

Part XI — Miscellaneous provisions

Division 1 — Bathing

213. Bathing from wharves

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

[Regulation 213 amended in Gazette 28 June 1991 p.3246.]

214. Depth of water

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

215. Life-saving appliances

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

216. Experienced attendant required

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

Division 2 — General

217. Touting

A person shall not, 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 portage of luggage or goods to any one person or firm.

218. Stray boats to be handed over to the General Manager

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

[Regulation 218 amended in Gazette 28 June 1991 p.3246.]

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

Every person who unloads, puts or throws into any part of the Harbour, or on 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, is guilty of an offence.

220. Dead animals

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

221. Interference with notice boards

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

[Regulation 221 amended in Gazette 28 June 1991 p.3246.]

222. Defacement and billposting prohibited

A person shall not soil, deface or injure, or, without the consent of the Port Authority, write, paint or place any placard or other document upon any shed, waiting room, barricade, railing, fence, wharf, jetty, post or plant; and shall not place or deposit any rubbish, refuse matter, article of offensive character or such

as is likely to create a nuisance, upon or under any pier, wharf or approach road, except at those places, and in the manner, appointed by the Wharf Manager.

[Regulation 222 amended in Gazette 28 June 1991 p.3246.]

223. Life-saving appliances

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

224. Dragging or grappling in the Harbour

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

225. Vehicles on wharves or in sheds

- (1) The driver of a motor driven vehicle, who is permitted to drive into any cargo shed or upon a wharf, shall not take or permit the vehicle to approach within 16 m of any inflammable goods.
- (2) The driver or person in charge of a motor vehicle shall not permit the vehicle to remain within any cargo shed for any period in excess of that necessary for the discharging or loading of the vehicle.

[Regulation 225 amended in Gazette 18 February 1992 p.878.]

226. Vehicles may be moved

- (1) Where, in the opinion of the Wharf Manager, any vehicle should be moved from any stand or place, it is lawful for him to direct the driver thereof to remove the vehicle to such place as the

Wharf Manager directs and any driver refusing to obey those directions is guilty of an offence.

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

[Regulation 226 amended in Gazette 28 June 1991 p.3246.]

227. Preservation of order

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

228. Riding or driving upon wharves or approach roads

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

228A. Speed limit

A person shall not drive a vehicle within any portion of the Harbour area at a speed exceeding 60 kilometres per hour.

[Regulation 228A inserted in Gazette 9 December 1964 p.3906; amended in Gazette 8 June 1973 p.2076.]

229. Disorderly persons

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

230. Smoking and loitering

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

[Regulation 230 amended in Gazette 28 June 1991 p.3246.]

231. Nuisances

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

232. Yacht moorings

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

[Regulation 232 amended in Gazette 28 June 1991 p.3246.]

233. Private jetties and moorings

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

[Regulation 233 amended in Gazette 28 June 1991 p.3246.]

234. Boat races

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

235. Auction sales, etc.

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

[Regulation 235 amended in Gazette 28 June 1991 p.3246.]

236. Removal of material

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

[Regulation 236 amended in Gazette 28 June 1991 p.3246.]

237. Unserviceable vessels may be removed

Any unserviceable vessel in the Port may, subject to the rights of any person thereunder, be dealt with as provided by section 6 of the Act, *37 Victoriae No. 14*⁴.

238. Damage by water from ships

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

239. Fire alarms and appliances

Except to give notice of the outbreak of fire or for the suppression of a fire, a person breaking, sounding, opening or in any way interfering with, any electric or other fire alarm apparatus on the premises of the Port Authority or using without permission, or in any way interfering with, any apparatus for the suppression of fire, is guilty of an offence and, in addition, is

liable for any loss or damage thereby occasioned to the Port Authority.

[Regulation 239 amended in Gazette 28 June 1991 p.3246.]

240. Wharves may be closed

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

[Regulation 240 amended in Gazette 28 June 1991 p.3246.]

241. Persons not allowed on wharves or jetties except on business

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

[Regulation 241 amended in Gazette 28 June 1991 p.3246.]

242. Public demonstrations on wharves or jetties

A person shall not ring any bell or gong, play any musical instrument, walk or take part in any demonstration or procession of any kind, 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 or jetty, without first having obtained permission therefor from the Wharf Manager; and any persons assembled, gathered or standing together on a wharf or jetty shall, immediately upon being required so to do by the Wharf Manager, disperse, quit and leave the wharf or jetty and its approaches.

243. Children not allowed on wharves

A child of tender years shall not be permitted on any wharf or jetty, unless accompanied by, and under the control of, an adult person.

244. Cargo not to be shipped at landing steps

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

245. Fishing

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

246. No building allowed on jetty

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

[Regulation 246 amended in Gazette 28 June 1991 p.3246.]

247. Climbing about structures not permitted

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

248. Tampering with water appliances

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

249. Tampering with electric light or power mains

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

250. Tugs, lighters and other vessels to be licensed

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

[Regulation 250 amended in Gazette 28 June 1991 p.3246.]

251. Complaints

Any complaint concerning the Harbour Master, Wharf Manager or any person under the direction of either of them shall be made in writing to the General Manager.

[Regulation 251 amended in Gazette 28 June 1991 p.3246.]

252. Where stock to be landed

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

authorities, and submitted the stock for inspection, in terms of *The Stock Diseases Act 1895*⁵.

253. Stock vessels to clean up

- (1) Every vessel that has discharged its consignment of live stock, in accordance with regulation 252, shall thereupon be removed to the ballast ground and there be cleaned.
- (2) Refuse of any kind shall not be put overboard into the waters of the Harbour, except within the limits of the ballast ground.
- (3) Notwithstanding any other provision of this regulation, the Wharf Manager may permit a vessel to clean her cattle decks at a wharf or jetty, if —
 - (a) that work is commenced immediately the livestock is landed and is carried on rapidly and continuously, until completed;
 - (b) all refuse is put into barges, in such manner that none is permitted to find its way into the waters of the Harbour; and
 - (c) every barge containing refuse is, when filled, forthwith taken to a situation outside the Harbour indicated by the Harbour Master and there unloaded and cleaned.
- (4) Where a vessel is permitted to be cleaned, under the provisions of subregulation (3), the master or other person in charge of that work shall comply with every condition imposed by that subregulation; and nothing in the subregulation relieves a person of the requirement of complying with the provisions of the *Health Act 1911* and any regulations made thereunder.

254. Ballast ground

The ballast ground is situate 8 km North-North-West by North-West of the sea end of the Breakwater.

[Regulation 254 amended in Gazette 18 February 1992 p.878.]

255. Ballast

Except ballast that is discharged into trucks at a wharf or jetty or outside the limits of the Harbour, under the authority of the Harbour Master, ballast shall be discharged within the limits of the ballast ground only.

256. Exemption from liability

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

[Regulation 256 amended in Gazette 28 June 1991 p.3246.]

257. Wharf holidays

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

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

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

owner of those goods or other things shall, upon demand, repay to the Port Authority the cost of removal.

[Regulation 258 amended in Gazette 28 June 1991 p.3246.]

259. Special services

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

[Regulation 259 amended in Gazette 28 June 1991 p.3246.]

259A. 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 227, 240, 241 or 242, 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 259A inserted in Gazette 21 April 1978 p.1241.]

259B. 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 227, 240, 241, 242 or 259A.

[Regulation 259B inserted in Gazette 21 April 1978 p.1241.]

Part XII — Application of regulations and penalties

260. Application to ships and vessel

Where in these regulations anything is expressed as requiring to be done, or prohibited to be done, by a ship or vessel, that requirement or prohibition shall be taken as being directed to the master, owner or agent of the ship or vessel, as the case may require.

261. Penalties

Except where any specific penalty is imposed, a person committing an offence against these regulations is liable to a penalty not exceeding \$200 in respect of each breach, and the imposition and payment of any penalty does not affect the liability of any person or vessel, for damages for any injury to any property or person, arising from the breach.

[Regulation 261 amended in Gazette 28 June 1991 p.3243.]

[262. Omitted under the Reprints Act 1984 s. 7 (4) (f).]

Sch. 1

Schedule 1

[Reg.91.]

SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST

Manifest of the M.V., Trip,
 Master From
 to

Bill of Lading No.	Shipper	Consignee	Marks and Nos.	Packages		Contents	Total Gross Weight	Total Gross Measurement
				Quantity	Description		tonnes (expressed to three decimal places)	

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

.....
 Master or Agent.

Bunbury,, 19

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 contains the above declaration and sufficient information for the purposes of the Board.

*[Schedule 1 amended in Gazettes 8 June 1973 p.2076;
 18 February 1992 p.878.]*

Schedule 2

Part 1

Table 1

Navigational Services Charges

1. Charges set out in this table are payable by the vessel.
2. Subject to these regulations, navigational services charges are payable in relation to every vessel entering the Port and shall be calculated on the gross registered tonnage of the vessel as follows —
 - (a) for every visit to the Port exceeding 24 hours —
 - (i) Outer Harbour \$0.60 per ton;
 - (ii) Inner Harbour \$0.63 per ton;
 - (b) for every visit to the Port not exceeding 24 hours —
 - (i) Outer Harbour \$0.025 per ton per hour;
 - (ii) Inner Harbour \$0.0263 per ton per hour.

Table 2

Berth Hire Charges

1. Berth hire charges relating to the handling of cargo by a vessel are payable according to the period during which the vessel remains at the berth calculated on an hourly rate as follows —

(a) Outer Harbour	\$
Berth 1	30
Berth 2	30
(b) Inner Harbour	\$
Berth 3	100
Berth 5	60
2. Berth hire charges not related to the handling of cargo (e.g. for the purposes of cleaning holds, ship repair or after cargo is loaded or discharged if the berth is not required) are payable in respect of the vessel and shall be payable on the time of the vessel at the berth calculated on an hourly rate as follows —

	\$
(a) Outer Harbour	170
(b) Inner Harbour	170

Sch. 2

Table 3

Port Infrastructure Charges

Port infrastructure charges are payable in respect of the goods calculated on a unit of mass or volume as determined by the Port Authority as follows —

(a)	Outer Harbour	\$
	Berth 1	1.15 per unit
	Berth 2	1.50 per unit
(b)	Inner Harbour	
	Berth 3	0.60 per unit
	Berth 5	1.00 per unit
(c)	Inner harbour	
	Berth 4	0.19 per unit

Table 4

Cargo Handling Charges

1. Subject to these regulations cargo handling charges are payable in respect of the goods and shall be calculated on the basis of a unit of mass or volume as determined by the Authority on cargo loaded or unloaded —

		\$
(a)	Outer Harbour	
	Mineral Sands	0.50 per unit
	Methanol	1.25 per unit
	Vegetable Oils	2.10 per unit
(b)	Inner Harbour	
	Vegetable Oils	2.10 per unit

2. Where no provision is made in item 1 for a cargo handling charge the Port Authority may determine the charge payable.

Part 2

Miscellaneous Charges

		\$
1.	Hire of plant such as cranes, forklifts and other plant (per hour)	30.00
2.	Water (per kilolitre).....	1.10

[Schedule 2 inserted in Gazette 28 June 1991 pp.3243-44; amended in Gazettes 19 June 1992 p.2578; 23 July 1993 p.4038; 17 June 1994 pp.2624-5; 20 June 1995 pp.2412-3; 26 July 1996 pp.3585-6; 1 August 1997 pp.4411-12; 10 November 1998 p.6157.]

Schedule 3

[Reg.4.]

MANAGEMENT AND CONDUCT OF BUSINESS AT MEETINGS OF THE MEMBERS

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

they were received; and each member shall receive a copy of every notice of motion with the ordinary notice of meeting.

6. *Motion not to be proceeded with, in absence of member giving the notice, except by his authority*— A motion entered in the Notice of Motion Book shall not be proceeded with, in the absence of the member who gave notice of it, unless by some other member having authority from him in that regard.

7. *Order of debate*— Any member desirous of making a motion or amendment or of taking part in discussion thereon shall address the Chair, and shall not be interrupted, unless called to order, whereupon he shall remain silent, until the member calling to order has been heard thereon and the question of order disposed of, whereafter the member having the floor may, subject to the ruling of the Chairman, proceed with the subject.

8. *Motion not to be withdrawn without leave*— A motion or amendment shall not be withdrawn, without the consent of the majority of the members present.

9. *Motion to be seconded*— A motion or amendment shall not be discussed or put to the vote of the Port Authority, unless it is seconded; but a member may require the enforcement of any standing order of the Port Authority, by directing the Chairman's attention to the infraction thereof.

10. *Mover of motion*— A member moving a motion shall be held to have spoken thereon; but a member merely seconding a motion shall not be so held.

11. *Priority of members*— If 2 or more members attempt to speak at the same time, the Chairman shall decide which of them is entitled to priority.

12. *Members not to speak a second time on the same question*— A member shall not speak a second time on the same question, unless entitled to reply, or in explanation, if he has been misrepresented or misunderstood.

13. *Points of order*— The Chairman, when called upon to decide on points of order or practice, shall state the provision, rule, or practice which he thinks applicable to the case, without discussing or commenting thereon; and his decision as to order or explanation shall in every case be final.

14. *Members not to digress, etc.*— A member shall not digress from the subject matter of the question under discussion; and every imputation of improper motives and every personal reflection is out of order.

15. *Members called to order to sit down*— A member called to order shall remain silent, unless permitted to explain.

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

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

Sch. 2

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

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

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

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

22. *Protests*— A member of the Port Authority may, by notice of intention given forthwith after the adoption thereof, protest against any resolution of the Port Authority. Every protest shall specify the reasons therefor and shall be entered and signed by the protesting member, at least 3 days before the next ordinary meeting of the Port Authority, in a book to be kept for that purpose at the office of the General Manager. Every protest shall be noted in the minutes of the meeting at which it was made but may be expunged from the minutes, if declared by a majority of the members to have no basis in fact or to be disrespectful to the Port Authority.

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

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

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

[Schedule 3 amended in Gazettes 28 June 1991 p.3246; 18 February 1992 p.878.]

[Schedule 4 repealed in Gazette 20 June 2000 p.3037.]

Schedule 5

Application fees under *Ports (Model Pilotage) Regulations 1994*

	<i>Nature of application</i>	<i>Fee payable</i>
1.	Application for pilotage exemption certificate	\$530.00

[Schedule 5 inserted by Gazette 10 June 1994 p.2421.]

Notes

¹ This compilation of the Bunbury Port Authority Regulations 1962 and includes all amendments effected by the other regulations referred to in the following Table

Compilation table

Citation	Gazettal	Commencement
<i>Bunbury Port Authority Regulations 1962</i>	30 Oct 1962 pp.3544-600	30 Oct 1962
<i>Amendment Regulations 1964</i>	6 Feb 1964 p.510	6 Feb 1964
<i>Amendment Regulations 1964</i>	9 Dec 1964 p.3906	9 Dec 1964
<i>Amendment Regulations 1965</i>	18 Feb 1965 p.569	18 Feb 1965
<i>Amendment Regulations 1965</i>	1 Sep 1965 pp.2582-90	1 Sep 1965
<i>Amendment Regulations 1967</i>	15 May 1967 p.1267	15 May 1967
<i>Amendment Regulations 1971</i>	10 Jun 1971 p.1924	10 Jun 1971
<i>Amendment Regulations 1973</i>	8 Jun 1973 pp.2075-7	8 Jun 1973
<i>Amendment Regulations 1974</i>	18 Oct 1974 pp.3964-5	18 Oct 1974
<i>Amendment Regulations 1975</i>	14 Mar 1975 p.900	14 Mar 1975
<i>Amendment Regulations 1975</i>	2 May 1975 pp.1264-5	2 May 1975
<i>Amendment Regulations 1975</i>	31 Oct 1975 pp.4055-6	31 Oct 1975
<i>Amendment Regulations 1976</i>	16 Jan 1976 p.73	16 Jan 1976
<i>Amendment Regulations 1977</i>	2 Sep 1977 p.3190	2 Sep 1977
<i>Amendment Regulations 1978</i>	21 Apr 1978 pp.1241-2	21 Apr 1978
<i>Amendment Regulations 1979</i>	26 Jan 1979 pp.231-3	1 Apr 1979
<i>Amendment Regulations 1980</i>	27 Jun 1980	1 Jul 1980

Citation	Gazettal	Commencement
	pp.1962-4	
<i>Bunbury Port Authority Amendment Regulations 1981</i> (Erratum 17 July 1981 p.2883)	26 Jun 1981 pp.2429-31	1 Jul 1981
<i>Bunbury Port Authority Amendment Regulations 1982</i>	18 Jun 1982 pp.2015-17	1 Jul 1982
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1982</i>	1 Oct 1982 p.3891	1 Jul 1982
<i>Bunbury Port Authority Amendment Regulations 1983</i>	1 Jul 1983 pp.2136-8	1 Jul 1983
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1983</i>	28 Oct 1983 p.4378	1 Nov 1983
<i>Bunbury Port Authority Amendment Regulations 1984</i>	29 Jun 1984 pp.1765-7	1 Jul 1984
<i>Bunbury Port Authority Amendment Regulations 1985</i>	23 Aug 1985 pp.2994-6	1 Sep 1985
<i>Bunbury Port Authority Amendment Regulations 1986</i>	27 Jun 1986 pp.2173-5	1 Jul 1986
<i>Bunbury Port Authority Amendment Regulations 1987</i>	26 Jun 1987 pp.2468-70	1 Jul 1987
<i>Bunbury Port Authority Amendment Regulations 1988</i>	24 Jun 1988 p.2017	1 Jul 1988
<i>Bunbury Port Authority Amendment Regulations 1989</i>	30 Jun 1989 pp.1916-17	20 Jul 1989
<i>Bunbury Port Authority Amendment Regulations 1990</i>	22 Jun 1990 p.3088	1 Jul 1990
<i>Bunbury Port Authority Amendment Regulations 1991</i>	28 Jun 1991 pp.3244-7	1 Jul 1991
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1991</i>	28 Jun 1991 pp.3241-4	1 Jul 1991
<i>Bunbury Port Authority Amendment Regulations 1992</i>	18 Feb 1992 pp.877-8	18 Feb 1992
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1992</i>	19 Jun 1992 pp.2577-8	1 Jul 1992
<i>Bunbury Port Authority Amendment Regulations 1993</i>	23 Jul 1993 p.4038	1 Aug 1993
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1993</i>	6 Aug 1993 pp.4280-2	6 Aug 1993

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Citation	Gazettal	Commencement
<i>Bunbury Port Authority Amendment Regulations 1994</i>	10 Jun 1994 pp.2420-1	15 Jun 1994
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1994</i>	17 Jun 1994 pp.2624-5	1 Jul 1994
<i>Bunbury Port Authority Amendment Regulations 1995</i>	20 Jun 1995 pp.2412-4	1 Jul 1995 (see regulation 2)
<i>Bunbury Port Authority Amendment Regulations (No. 2) 1995</i>	3 Oct 1995 p.4724	3 Oct 1995
<i>Bunbury Port Authority Amendment Regulations 1996</i>	26 Jul 1996 pp.3585-6	26 Jul 1996
<i>Bunbury Port Authority Amendment Regulations (No. 3) 1996</i>	3 Dec 1996 p.6688	3 Dec 1996
<i>Bunbury Port Authority Amendment Regulations 1997</i>	1 Aug 1997 pp.4411-12	1 Aug 1997 (see regulation 2)
<i>Bunbury Port Authority Amendment Regulations 1998</i>	10 Nov 1998 p.6157	1 Dec 1998 (see regulation 2)
<i>Port Authorities (Charges for Pilotage Services) Regulations 2000 r. 11</i>	20 Jun 2000 pp.3032-7	1 Jul 2000 (see regulation 2)

² Now see *Western Australian Marine Act 1982* section 76.

³ Now see *Western Australian Marine Act 1982*.

⁴ Now see *Shipping and Pilotage Act 1967* section 6.

⁵ Now see *Stock Diseases (Regulations) Act 1968*.