

Western Australia

**Esperance Port Authority Regulations
1969**

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Esperance Port Authority Regulations 1969

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Notes

Western Australia

ESPERANCE PORT AUTHORITY ACT 1969

Esperance Port Authority Regulations 1969

Part 1 — General

Division 1 — Citation and Interpretation

[Heading to Division 1 amended in Gazette 30 June 1989 p.1914]

1. Citation

These regulations may be cited as the *Esperance Port Authority Regulations 1969*.

[Regulation 1 inserted in Gazette 30 June 1989 p.1915.]

1A. 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;

“**Act**” means the *Esperance Port Authority Act 1968* as from time to time amended;

“**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;

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

“**coasting vessel**” means any vessel owned or registered within the Australian Commonwealth whose trade is exclusively confined to the ports of Western Australia;

“**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 general manager of the Port Authority;

“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;

“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,

Esperance Port Authority Regulations 1969

Part 1 General

Division 1 Citation and Interpretation

r. 1A

horticultural and farm produce grown, and coal mines, in the State;

“regulation” means one of these regulations;

“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;

“Port Authority” means the Esperance Port Authority;

“Street Jetty” means —

(a) the groyne; and

(b) the landing stage attached to the groyne, situated near the intersection of the Esplanade and Taylor Street on the northern boundary of the Port;

“the Harbour” has the same meaning as **“the Port”**;

“tonnage rates” includes port dues;

“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 Port Authority, 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;

“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 1A amended in Gazette 21 September 1973 p.3530; 25 June 1982 p.2126; 30 June 1989 p.1914-5; 19 July 1991 p.3672; 6 August 1993 p.4277; (Correction in Gazette 13 August 1993 p.4366); 10 June 1994 p.2422.]

Division 2 — Conduct of business

2. Office hours

The offices of the Port Authority shall be open for the transaction of business between the hours 9 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 portion of days as may be declared holidays by any competent authority.

3. 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 the Third Schedule.

4. Suspension of rules

Any rule mentioned in regulation 3 may be suspended upon the vote of at least two-thirds of the members present at any meeting of the Authority.

Division 3 — Officers

5. 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.

6. Duties of Accountant as to making entries and lodgement

The Accountant shall make, or cause to be made, true entries in the books provided by the Port Authority for that purpose of all moneys or cheques paid to, or received by him for and on behalf of the Port Authority, and he shall within 24 hours or such other period as the Port Authority may direct, pay the same moneys and cheques into the Commonwealth Trading Bank of Australia, at Esperance for transfer to the Treasury to the credit of an account to be called the “Esperance Port Authority Account”.

7. Cheques to be signed

Moneys shall not be drawn out of such Esperance Port Authority Account, save by cheque drawn on the State Treasury and signed by any member and the general manager.

8. Common seal

The common seal of the Port Authority shall be kept locked with 2 locks, of 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 8 amended in Gazette 19 July 1991 p.3672.]

9. 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.

10. 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.

11. 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.

Division 4 — Contracts

12. 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 \$2 000 or upwards, shall be entered into by the Port Authority unless at least 5 days previous to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Esperance and also, if the Port Authority so decide, in Perth.

[Regulation 12 amended in Gazette 26 May 1978 p.1631.]

13. Tenders

All tenders shall be enclosed in a sealed envelope addressed to the general manager of the Esperance Port Authority and marked "Tender for , as stated in such advertisement".

14. 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 14 amended in Gazette 19 July 1991 p.3672.]

15. Lowest tender need not be accepted

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

16. 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 16 amended in Gazette 19 July 1991 p.3672.]

Part II — Payment of revenue

17. 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.

18. Officer may enter vessel, etc.

The general manager or other officer authorized 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 18 amended in Gazette 19 July 1991 p.3672.]

19. 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

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

20. Guarantee for unpaid charges

Notwithstanding the provisions of regulation 19, 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.

21. 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.

22. Liability of consignee and consignor

A consignee is liable for all wharfage and other charges on inward cargo and a consignor is liable for charges on outward cargo; but this regulation does not limit the right of the Port Authority to recover wharfage and other charges from any person (other than the consignee or consignor) who may be liable by law to pay it or them.

23. 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.

Part III — Regulation of ships

Division 1 — Port signal code

24. 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.

25. 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 \$200.

26. Miscellaneous signals

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

CUSTOMS OFFICER REQUIRED — International Code
Flags, “E.H.C”.

MEDICAL ASSISTANCE REQUIRED — International Code
Flag, “W”.

POLICE REQUIRED —

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 foremast head or other prominent position;

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

INFLAMMABLE LIQUID ABOARD (in excess of 400 gallons) —

By day — A red flag, not less than 3 feet square, with a white circular centre 6 inches in diameter;

By night — A red light of such character as to be visible all round the horizon for a distance of 1 mile, shown at the masthead or where it can be best seen, but not less than 20 feet above the deck.

27. Signals of distress

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

- (i) A gun or other explosive signal fired at intervals of about a minute.
- (ii) A continuous sounding with any fog-signalling apparatus.
- (iii) Rockets or shells, throwing red stars fired one at a time at short intervals.
- (iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . - - - . . . in the Morse Code.
- (v) A signal sent by radiotelephony consisting of the spoken word “Mayday”.
- (vi) The International Code Signal of distress indicated by N.C.
- (vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (viii) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- (ix) A rocket parachute flare or a hand flare showing a red light.
- (x) A smoke signal giving off a volume of orange-coloured smoke.
- (xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

28. 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

29. 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 of these regulations; but the responsibility of the pilot does not relieve the master and the owner of the vessel of their responsibility.

30. 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.

31. 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.

32. 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 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) (c) ² viz.: —
By day — one red ball over one white diamond shape over one red ball, mounted vertically.
By night — one red light over one white light over one red light, the lights being mounted vertically and so positioned as to be clearly visible at a distance of at least 2 miles.
- (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 lengths; and

- (b) except where moored to the side of a dredger that is not clear, a white light shall be shown on the outer rail of a silt barge that is moored to the passing side of a dredger.
- (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 2 ft. 9 in.; 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.

33. 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 or 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.

34. 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) The 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 astern”;
- (d) 4 short blasts meaning: “My ship is out of control, keep clear”.

35. 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.

36. 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.

37. 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,

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Part III Regulation of ships

Division 2A Pilotage

r. 37A

in a globular lantern, of not less than 8 inches in diameter and so placed as to show a clear, uniform, and unbroken light visible all round the horizon, and at a distance of at least 1 mile.

- (2) In the case of vessels over 100 feet 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.

Division 2A — Pilotage

[Heading inserted by Gazette 6 August 1993 p.4277.]

37A. 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 37A inserted by Gazette 10 June 1994 p.2422.]

37AA. Application fees under Ports (Model Pilotage) Regulations 1994

The fees payable by applicants under the adopted regulations referred to in regulation 37A are as set out in the Fifth Schedule.

[Regulation 37AA inserted by Gazette 10 June 1994 p.2422.]

37AB. Validity of pilotage exemption certificates under *Ports and Harbours Regulations*

A pilotage exemption certificate issued under the *Ports and Harbours Regulations* that was valid in respect of the Port immediately before 15 June 1994 shall be taken to be, on and after that date, a pilotage exemption certificate issued in respect of the Port under the adopted regulations referred to in regulation 37A and shall lapse, and may be revalidated, renewed or cancelled, in accordance with those regulations.

[Regulation 37AB inserted by Gazette 10 June 1994 p.2423.]

[37B, 37C. Repealed in Gazette 20 June 2000 p.3037.]

Division 3 — Berthing

38. Responsibilities of Harbour Master when berthing

- (1) The master of any vessel shall obey all lawful orders of the Harbour Master, and generally follow such directions as the weather, the crowded conditions of the Port or other circumstances may render necessary or expedient, in the judgement of the Harbour Master, for the safety and interest of the whole shipping.
- (2) The Harbour Master has the entire control of the anchoring, mooring, berthing and movement of all vessels within the Port, and shall appoint the place where any vessel is to anchor, moor or lie in the Port and berth that any vessel is to occupy.
- (3) The Harbour Master may at any time order the master of a vessel within the Port to move the vessel from its place in the Port to any other place in the Port.
- (4) Where for any reason the order of a Harbour Master to move a vessel in the Port is not complied with, the Harbour Master may move the vessel at the risk and expense of the master or owner thereof, and for that purpose may, at the expense of the owner or

master of the vessel, break any anchor chain or rope or mooring line securing the vessel.

- (5) The Harbour Master may, and shall if so directed by the Chief Harbour Master, require the master of a vessel that is entering, departing from or being moved within the Port, to engage the services of a tug for that purpose.

38A. Use of Taylor Street Jetty

- (1) The master of any vessel using Taylor Street Jetty shall, unless otherwise directed by the Wharf Manager, comply with the following provisions —
- (a) the northern berth face of the landing shall be used only for —
 - (i) the fuelling of, or discharging of fuel from vessels;
 - (ii) the loading or unloading of cargo; or
 - (iii) the embarking or disembarking of passengers;and
 - (b) a vessel shall not come alongside the northern berth face of the landing until —
 - (i) fuel is ready to be loaded or discharged;
 - (ii) cargo is ready to be loaded or unloaded; or
 - (iii) passengers are ready to embark or disembark.
- (2) The master of any vessel moored alongside the Taylor Street Jetty shall forthwith comply with any order of the Wharf Master requiring him to remove the vessel from the Jetty.

[Regulation 38A inserted in Gazette 25 June 1982 p.2126.]

39. Responsibilities of master of vessel when berthing

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

- (a) a vessel shall not be fastened to any part of a wharf except to the bollards or fastenings that are, or may be, provided for the purpose;
- (b) a vessel shall not lie alongside a wharf unless it is properly moored and fastened so as to relieve, as much as may be possible, the wharf from the weight of the vessel;
- (c) a vessel shall not be moored, anchored or lie in the vicinity of a wharf so as to create a second bank of vessels alongside the wharf;
- (d) a vessel shall not be moored or fastened to, or remain alongside, any wharf except for the purpose of, and for the period actually required for, the loading or unloading of cargo;
- (e) where the vessel, being a passenger vessel, has been brought alongside the steps provided at a wharf for the purpose of embarking or disembarking passengers, the master shall not permit the vessel to remain alongside those steps for any period longer than that necessary to complete the embarking or disembarking.

40. Anchoring or mooring vessels

- (1) The master of any vessel within the Port —
 - (a) shall anchor, moor or berth the vessel at the place appointed by the Harbour Master and in no other place;
 - (b) shall forthwith comply with any order of the Harbour Master requiring him —
 - (i) to move the vessel from its place in the Port to any other place in the Port;

- (ii) to put down additional anchors or mooring lines to secure the vessel; or
- (iii) to slacken any anchor chains or ropes or mooring lines securing the vessel.

41. Notification of e.t.a. and application for berth

Notification of expected time of arrival of every vessel shall be given to the Port Authority 24 hours before its arrival, and the master or agent of every vessel requiring a berth within the Port shall make application to the Port Authority on the form provided.

Division 4 — Vessels in Port

42. 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.

43. 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.

44. 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.

45. 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.

46. 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 save all 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 save all, 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.

47. Metal disc 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.

48. 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.

49. 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.

50. No shipwright'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 hand 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 the permission of the Harbour Master or Wharf Manager, in writing.

51. 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.

52. Cleaning 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.

53. Mooring appliances and fireplugs 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 3 feet around each, and with a passage 3 feet wide leading thereto.

54. 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.

55. Defective moorings

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

56. Watchman to be provided

- (1) The master of any vessel exceeding 150 tons gross registered tonnage shall, unless the Chief Harbour Master or the Harbour Master otherwise directs, cause a watchman to be kept on duty on the deck of the vessel between sunset and sunrise whenever the vessel is within the Port.
- (2) The master of a vessel exceeding 150 gross registered tonnage shall, unless the Chief Harbour Master or the Harbour Master otherwise directs, cause one person to be on board the vessel between sunrise and sunset whenever the vessel is within the Port.
- (3) The master of any vessel of 150 tons gross registered tonnage or less shall, if the Harbour Master directs, cause one person to be on board the vessel at any time that the vessel is within the Port.

57. Beaching of vessels

The master of a vessel shall not, except in unavoidable circumstances or with the permission of the Harbour Master, beach the vessel within the Port and, where a vessel is beached in the Port, the master or owner of the vessel shall cause the vessel to be removed in accordance with the directions of the Harbour Master.

58. Police may board vessels

For the purpose of seeing that all or any of these regulations are properly carried out, every 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.

[59. *Regulation 59 repealed in Gazette 1 September 1972 p.3430.*]

60. 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.

61. 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.

62. Disposal of refuse

The master of any vessel lying alongside a wharf in the Port shall not —

- (a) cause or permit any carcass of a dead animal or any refuse, debris or rubbish from the vessel to be cast or deposited on the wharf or in the water near the vessel;
- (b) cause or permit waste from any lavatory or any water to be discharged from the vessel upon any portion of the wharf or steps attached to the wharf; or
- (c) unless the Harbour Master otherwise directs, remove the vessel from the wharf until all debris, rubbish and waste from the vessel has been removed from that portion of the wharf near which the vessel was lying.

63. 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.

64. 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 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.

65. 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.

66. 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 circumstances may render necessary or expedient for the safety of, and in the interest of, shipping.

67. 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.

Part IV — Vessel charges

[Heading amended by Gazette 27 August 1993 p.4629.]

68. Vessel charges and berthing dues

- (1) Vessel charges shall be paid by all vessels using wharves as provided for in these regulations.
- (2) All vessels lying alongside wharves and transshipping cargo to or from lighters or other vessels shall be charged the same berthing dues in respect of that cargo as if the cargo had been landed on or taken off the wharves.
- (3) Subject to subregulation (4) when computing berthing dues for cargo carrying vessels, the officer in charge shall have the option of proceeding 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.
- (4) Notwithstanding subregulation (3) the officer in charge shall compute berthing dues for the animals specified in this subregulation in accordance with the following —
 - (a) one bullock, cow, steer, heifer or similar animal..... one tonne;
 - (b) 3 calves or foals..... one tonne;
 - (c) 15 sheep, pigs, goats or similar animals..... one tonne.
- (5) A vessel shall be charged at the rate of 87.75 cents for each tonne/kilolitre of cargo loaded or discharged with a minimum charge of \$100.00 per vessel.
- (6) A vessel which occupies a berth but does not load or discharge cargo shall pay —
 - (a) \$1 300.00 for the first day or part thereof; and
 - (b) \$650.00 for every following 12 hour period or part thereof.

[Regulation 68 inserted by Gazette 27 August 1993 pp.4629-30; amended by Gazette 15 April 1994 p.1623; 6 February 1996 p.467.]

68A. Berthage dues — Taylor Street Jetty

- (1) A vessel may use the Taylor Street Jetty if —
 - (a) the vessel is not a commercial fishing vessel; and
 - (b) the appropriate berthage dues, as specified in subregulation (2) or (3), are paid in respect of the vessel's use of the jetty.
- (2) Except for the vessels referred to in subregulation (3), the berthage dues for a vessel that uses the jetty are as follows —
 - (a) annual berthage dues — \$90.00 for each metre, or part of a metre, of the vessel's length overall;
 - (b) monthly berthage dues — 12% of the amount that would be payable for the vessel under paragraph (a); or
 - (c) daily berthage dues — \$2.00 for each metre, or part of a metre, of the vessel's length overall.
- (3) The annual berthage dues —
 - (a) for a tug are \$2 000.00; or
 - (b) for a vessel that uses the jetty principally on a short-term basis (for example, to collect or disembark passengers), are 36% of the amount that would be payable for the vessel under subregulation (2) (a).

[Regulation 68A inserted by Gazette 27 September 1994 pp.4934-5.]

Part V — Goods and charges thereon

Division 1 — Computation of charges

69. Computation of wharfage handling, etc.

- (1) All dues and charges on cargo 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 a 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.

[(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 measurement on external dimensions less 20% unless the weight is then greater;
Oil and inflammable liquids, in bulk (fuel lighting and lubricating).....	per kilolitre.

[Regulation 69 amended in Gazette 21 September 1973 p.3530.]

70. Inwards 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 the First Schedule; 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 remeasurement 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.

71. Outwards 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 the First Schedule of the goods so shipped and in addition shall show the tonnage 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 amount of wharfage and other dues payable thereon to be readily computed.

[Regulation 71 amended in Gazette 19 July 1991 p.3672.]

72. Payment of wharfage dues, etc.

- (1) All wharfage dues and 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 wharfage dues and 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 wharfage dues 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 72 amended in Gazette 26 June 1992 p.2803.]

73. Wharfage and handling charges on cargo

- (1) Wharfage dues and other charges shall be paid on any goods discharged from or to be shipped in, or transhipped out of, any vessel in the Port, as by this regulation prescribed.
- (2) Except as otherwise provided by this regulation and subject to regulations 180, 181 and 182, wharfage dues are those set out in the Second Schedule.
- (3) The dues provided by subregulation (2) shall be modified, in any of the cases and in the manner following, that is to say —

[(a) deleted]

- (b) cargo landed on wharves or jetties from a ship in distress, or for the convenience of a ship, and subsequently reshipped, shall pay wharfage at the rate of 13 cents per tonne schedule;

[(c) and (d) deleted]

[(e) and (f) deleted]

[(g) deleted]

(h) racing yachts and boats the property of visiting clubs for regatta purposes only — wharfage — nil;

(i) ship's refuse (such as manure from cattle ships in cases where the Port Authority permits it to be landed) wharfage — nil.

[(j) deleted]

[(k) deleted]

[Regulation 73 amended in Gazette 21 September 1973 pp.3530-31; 24 December 1975 p.4655; 9 January 1976 p.30; 23 January 1976 p.150; 26 May 1978 p.1631; 16 February 1979 p.439; 11 June 1982 p.1927; 1 October 1982 p.3892; 1 July 1983 p.2131; 30 August 1985 p.3075; 27 June 1986 p.2176; 26 June 1987 p.2471; 26 June 1992 p.2804; 27 August 1993 p.4631.]

[74. Regulation 74 repealed in Gazette 26 June 1992 p.2804.]

[75. Regulation 75 repealed in Gazette 26 June 1992 p.2804.]

76. Transhipment cargo

In the case of transhipment cargo. — Where cargo is landed on a jetty.

Where the cargo is —

(a) landed from a vessel in distress and reshipped by the same vessel, a wharfage charge of 11 cents per tonne of cargo so landed shall be made and that charge includes a storage charge for a period not exceeding 3 days; or

(b) landed in error or for the convenience of the vessel and subsequently reshipped, a wharfage charge of 22 cents per tonne of cargo so landed shall be made.

[Regulation 76 amended in Gazette 21 September 1973 p.3531; 26 June 1992 p.2804.]

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Part V Goods and charges thereon

Division 2 Handling and custody of cargo

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[77. *Regulation 77 repealed in Gazette 26 June 1992 p.2804.*]

78. Charges on vessels, 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, upon which an inward wharfage rate pursuant to these regulations has not been paid at the Port, are exempt from the payment of outward wharfage rates.
- (2) The outward wharfage rate on fuel oil loaded into a vessel as bunkers supplied for that vessel's own use and upon which an inward wharfage rate has not been paid at the Port, is 53 cents per kilolitre, payable by the suppliers of the oil.

[(3) *repealed*]

[Regulation 78 amended in Gazette 21 September 1973 p.3531; 24 December 1975 p.4655; 9 January 1976 p.30; 26 June 1992 p.2804.]

Division 2 — Handling and custody of cargo

[79. *Regulation 79 repealed in Gazette 26 June 1992 p.2804.*]

80. 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 same 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) mentioned, 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 wharfage dues properly applying to that method shall be borne and be payable by the consignee of the cargo.

[Regulation 80 amended in Gazette 26 June 1992 p.2804.]

81. Receipts for cargo landed into 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.

82. 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 is as far as it purports to relate to the conditions 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 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 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.

83. 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 packages, 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.

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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, livestock, 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.

91. 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.

[92. *Regulation 92 repealed in Gazette 26 June 1992 p.2804.*]

[93. *Regulation 93 repealed in Gazette 26 June 1992 p.2804.*]

[94. *Regulation 94 repealed in Gazette 26 June 1992 p.2804.*]

95. 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.

96. Weight of package or article to be marked thereon

The master or a vessel shall not discharge, and a consignor shall not deliver for shipment, any packages or article of a gross weight of one tonne or more, unless the package or article has the weight marked thereon in legible characters or 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 96 amended in Gazette 21 September 1973 p.3531.*]

97. 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.

98. 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.

99. 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.

100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

105. 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.

106. 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 Esperance, 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.

107. 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.

108. Limitation of value of goods

Without affecting, restricting or limiting any provision of these regulations, the Port Authority's liability 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.

109. Passengers' 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.

110. 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.

111. Claim 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 111 amended in Gazette 19 July 1991 p.3672.]

112. 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 Port Authority's premises, 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.

Division 3 — Storage of cargo

113. 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 Port Authority's premises.

114. Period of storage

- (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.

115. 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 29.

116. 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 the Second Schedule.
- (2) The storage rate on transshipment cargo and on cargo landed and reshipped is 12 cents 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 12 cents 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 116 amended in Gazette 21 September 1973 p.3531; 24 December 1975 p.4655; 9 January 1976 p.30.]

117. 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;
 - (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 provision of subregulation (1).
- (3) Without limiting the provision 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.

118. 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 29 of the Act and for the purposes enumerated in that section.

119. 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 29 of the Act, or otherwise according to law.

120. 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 24 cents per tonne or part thereof per day or part of a day.

[Regulation 120 amended in Gazette 21 September 1973 p.3531; 24 December 1975 p.4655; 9 January 1976 p.30.]

Part VI — Inflammable liquids and oils

121. 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 exemption thereof, and in exemption may be for such term to such extent, and subject to such restrictions, limitations and conditions, as the Port Authority may think fit.

122. 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 purpose 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 90 gallons 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 150° Fahrenheit, 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 73° Fahrenheit;

“inflammable liquid ‘group B’ ”, means any inflammable liquid that has a true flashing point of not less than 73° Fahrenheit;

“oil” means oil of any description, having a true flashing point of not less than 150° Fahrenheit;

“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 0.014 inch diameter (28 Birmingham Wire Gauge) and having not less than 28 meshes to the lineal inch.

123. 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 water, 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 there described.

- (6) Oil in bulk or in 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 intra-harbour 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 50 ft. 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 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

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- 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 100 feet 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
 - (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

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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.

124. 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 123, 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.

125. 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 400 gallons 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 20 feet above the deck, so as to be clear of all obstructions and clearly visible in all directions, a red flag of not less than 3 feet square, with a white circular centre 6 inches 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 18 inches square, with a white circular centre 6 inches 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 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 50 feet 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 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.

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- (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 6 inches 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 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 12 feet above deck and made weather-proof; 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 123 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 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.

126. 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 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.

127. 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.

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- (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 engineroom 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 50 feet 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 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;

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- (d) on the 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 or 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 or 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.
- (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

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obtained, and then not until the measures prescribed by regulation 123 (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.

128. 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 in any place within 50 feet 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 50 feet 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 50 feet of any wharf, until notice boards, not less than 5 feet by 3 feet 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 50 feet 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 50 feet 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.

Part VII — Noxious, dangerous and inflammable materials and explosives

129. 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 despatch 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.

130. 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 package 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.

131. 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 — squibbs, 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.

132. 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

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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 half a mile.

- (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 yards thereof, unless duly authorized by an officer of the Port Authority.

133. 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.

134. 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*⁴ under such conditions as may be prescribed in the license 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.

135. 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 60 feet in length.

136. 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.

137. 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.

138. 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.

139. 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.

140. 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.

141. Stowing of explosives

Due precaution shall be taken in the stowing of explosives 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

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substance, conveyed in that vessel or lighter, that is liable to cause fire or explosion.

142. 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.

143. 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.

144. 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.

145. 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.

146. 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.

147. 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, fueling, 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.

148. 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, 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 in contact with explosive; and if the explosive carried in a vessel or powder lighter is liable to be dangerously effected by water, due precaution shall be taken to prevent water coming into contact with the 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.

149. Regulations to be exhibited

The owner of every vessel or powder lighter into, from or on which explosive exceeding 100 lb. 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 of these regulations, 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.

150. 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 5,000 lb. of explosives are on or are being conveyed in, a powder lighter, there shall be 2 persons continuously on board that lighter.

151. 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.

152. Space between lighters

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

153. 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
 - (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;

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- (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 1 000 lb. 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.

154. 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".

155. Explosives to be inspected

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

156. 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.

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

157. Application

- (1) This Part of these regulations 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.

158. 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 the 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.

159. 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 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 150° Fahrenheit, 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;

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- (i) be, and have the control valves, marked as may be required by the Port Authority;
- (j) where not situated on a wharf or jetty, be, wherever practicable, laid and supported above ground at a height of not less than 6 inches; 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 300 pounds per square inch 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 pipe line is full of liquid.

160. Electrical equipment

Any electrical equipment on any oil wharf or located within 50 ft. 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.

161. Maintenance and operation

The provisions of this regulation shall be observed for the maintenance and operation of every pipeline and its ancilliary 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 to ensure certainty of operation;
- (c) every valve or ancilliary 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 —
 - (i) be of approved quality with a safe working pressure of at least 100 pounds per square inch;

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- (ii) be fitted with Turk's Heads of hemp or sisal rope or with other approved means of protection, at intervals of 3 feet 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 44/.012 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 150° Fahrenheit, 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 water 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 150° Fahrenheit, shall —
 - (i) be maintained free from leakages 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 flammable 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 3 feet 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 150° Fahrenheit 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 —
 - (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;

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- (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 50 feet 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 50 feet of any terminal valve then in use and any torch or other artificial light used within that distance shall be of flame-proof construction, except that the Port Authority may approve any alternative type of light which shall, in any event, be mounted at least 25 feet 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 150° Fahrenheit shall be cleared of that liquid by flushing with water and thereupon be kept filled with water, but the 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 73° Fahrenheit.

162. 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.

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- (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.

Part IX — Miscellaneous charges

Division 1 — Hire of crane

163. Applications for cranes

- (1) Every application for the hire of a port 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.

164. Calculation of crane hire

- (1) The amount payable for the hire of a crane is that calculated in accordance with Part IV of the Second Schedule; 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.

165. No liability for loss

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

166. 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.

167. 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.

168. 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.

169. Work in overtime hours

- (1) 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.

170. 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 — Hire of springs

171. Springs must be used

Every vessel berthing at any of the jetties or wharves under the control of the Port Authority shall, with a view to safe berthing, make use of the mooring springs provided by the Port Authority.

172. Number to be used

The Harbour Master shall decide the number of springs to be used by any vessel, and may, at any time it appears to him necessary, order additional springs to be used.

173. Receipts for springs

Springs may be laid upon the wharf or jetty by the Port Authority, from which position the vessel may pick them up; and a receipt shall be given by the ship to the Port Authority for any picked up.

174. Safety clearance

An officer or servant of the Port Authority or other person, shall not, unless directed by the Harbour Master, approach within 12 feet of any bollard, or other place under the jurisdiction of the Port Authority, to which any mooring spring or rope may be made fast.

175. Members not responsible

- (1) The Port Authority is not responsible with regard to persons or vessels, for any loss, damage, or accident however arising, in consequence of mooring springs being permitted to lie on any wharf or jetty.
- (2) The Port Authority is not responsible for any damage done to any vessel, or damage or loss caused by any vessel to any other vessel, thing, or person arising from the defective condition of any spring or springs or other appliance provided by the Port Authority.

176. Responsibility of hirers

The master, owner, or agent of any vessel using any springs provided by the Port Authority is responsible —

- (a) for the maintenance of the springs while in his or their possession;
- (b) for the delivery of the springs, after use, to the Port Authority, in good order and condition; and
- (c) for any damage caused to the springs, from whatever cause arising, fair wear and tear excepted.

177. Calculation of hire

The time of hire shall be calculated from the hour of the ship's coming alongside, to the hour of its casting off, in accordance with Part IV of the Second Schedule.

Division 3 — Charges relating to mooring and unmooring of vessels

178. Mooring and unmooring

- (1) The Port Authority shall when so required supply men to attend to the mooring and unmooring of vessels and the costs in respect of those services shall be a charge on the vessel concerned.
- (2) Where a gang is requisitioned and not employed the whole cost shall be charged to the vessel upon whose behalf the gang was requisitioned.
- (3) 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.

[Regulation 178 inserted in Gazette 1 September 1972 p.3430.]

Division 4 — Other charges and rebates

179. Charges for other plant and equipment

Charges payable for plant and equipment not hereinbefore in these regulations prescribed are those set out in Part IV of the Second Schedule.

180. 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 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 180 amended in Gazette 26 June 1992 p.2804.]

181. Rebate of wharfage charges

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

182. Charges for incomplete services

Where any variation occurs in the method of, or in the conditions relating to, the custody of cargo, whereby the complete service as contemplated or defined in these regulations is not rendered by the Port Authority, the general manager shall determine the appropriate rate or amount of charges payable.

*[Regulation 182 amended in Gazette 19 July 1991 p.3672;
26 June 1992 p.2804.]*

Part X — Miscellaneous provisions

Division 1 — Bathing

183. 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.

184. 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.

185. 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.

186. 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

187. 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.

188. 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 188 amended in Gazette 19 July 1991 p.3672.]

189. 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.

190. 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.

191. Interference with notice boards

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

192. Defacement and bill posting 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.

193. 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.

194. 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.

195. 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 50 feet 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 unloading of the vehicle.

195A. Vehicles on Taylor Street Jetty

- (1) A person shall not without —
 - (a) the permission of the Wharf Manager; or
 - (b) displaying a jetty permit,

drive a vehicle, or cause a vehicle to be driven, on to the Taylor Street Jetty.

- (2) A jetty permit may be issued on application to the Port Authority.
- (3) A person shall not park, or cause a vehicle to be parked, on the approach to the Taylor Street Jetty.

[Regulation 195A inserted in Gazette 25 June 1982 p.2126.]

196. Vehicle 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.

197. 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 order of, the Harbour Master or Wharf Manager, and shall immediately leave the wharf or jetty when ordered by either of them so to do.

198. Riding and 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.

199. Speed limit

A person shall not drive a vehicle within any portion of the Harbour area at a speed exceeding 40 kilometres per hour.

[Regulation 199 amended in Gazette 26 May 1978 p.1631.]

200. 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.

201. 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.

202. Nuisances

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

203. Yacht moorings

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

204. 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.

205. 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.

206. 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.

207. 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.

208. Unserviceable vessels may be removed

To the extent, if any, that section 34 does not apply, 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 *Shipping and Pilotage Act 1967*.

209. 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 spillage of water from that vessel.

210. Fire alarms and appliances

Except to give notice of the outbreak of fire or for the suppression of 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.

211. 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.

212. 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, on 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.

212A. Public demonstrations on wharves and jetties

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

[Regulation 212A inserted in Gazette 5 April 1978 p.1022.]

213. 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.

214. 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.
- (3) A person shall not fish from a wharf or jetty so as to obstruct or interfere with the free movement of vessels approaching or leaving the wharf or jetty or so as to cause a nuisance on the wharf or jetty.

[Regulation 214 amended in Gazette 25 June 1982 p.2127.]

215. 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.

216. 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.

217. Tampering with water appliances

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

218. 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.

219. 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.

220. Complaints

Any complaint concerning the Wharf Manager or any person under his direction shall be made in writing to the general manager.

[Regulation 220 amended in Gazette 19 July 1991 p.3672.]

221. 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.

222. Stock vessels to clean up

- (1) Every vessel that has discharged its consignment of live stock, in accordance with regulation 221, 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.

223. 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.

224. 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.

225. 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 vegetables 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.

226. 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.

226A. 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 197, 211, 212, and 212A, 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

Esperance Port Authority Regulations 1969

Part X Miscellaneous provisions

Division 2 General

r. 226B

or such other premises as may be specified by the member of the Police Force.

[Regulation 226A inserted in Gazette 5 April 1978 p.1022.]

226B. 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 197, 211, 212, 212A, or 226A.

[Regulation 226B inserted in Gazette 5 April 1978 p.1022.]

Part XI — Application of regulations and penalties

227. Application to ships and vessels

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.

228. 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.

First Schedule

First Schedule

SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST

Manifest of the S.S./M.V. Trip.

Master From to

Bill of Lading No.	Shipper	Consignee	Marks and Nos.	PACKAGES		Contents	Total Gross Weight (tonnes (expressed to 3 decimal places))	Total Gross Measurement (cubic metres)
				Quantity	Description			

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

.....

Master or Agent

ESPERANCE 19. . . .

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

[First Schedule amended in Gazette 21 September 1973 p.3531.]

Second Schedule

PART I — WHARFAGE DUES ON CARGO

The rates of wharfage dues on cargo (whether inward cargo or outward cargo) shall be as follows —

Description of Goods	Wharfage	Dues
GENERAL RATES		\$
All goods for which specific rates are not otherwise provided —		
Goods in containers	per tonne	2.95
Goods in bulker bags	per tonne	2.32
SPECIFIC RATES		
Petroleum products —		
(a) bulk, by pipeline —		
(i) for any amount not greater than 100 000 kL.	per kL	3.00
(ii) for any additional amount greater than 100 000 kL but not greater than 200 000 kL.	per kL	2.50
(iii) for any additional amount greater than 200 000 kL.	per kL	2.10
(b) bunkers, on which inward wharfage has not been paid	per kL	2.00
Fertilisers —		
Including rock phosphate and sulphur in bulk and landed loose	per tonne	2.32
Minerals —		
metallic, earthy, and metallurgical products —		
loose	per tonne	1.40
Iron ore	per tonne	0.50
Grain —		
Wheat, barley, lupins and oats	per tonne	1.10
Livestock —		
(a) horses, cattle (not caged or crated)	each	1.48
(b) pigs, sheep, goats not caged or crated)	each	0.45
Miscellaneous		
Soda ash	per tonne	2.32

Second Schedule

Description of Goods	Wharfage	Dues
Processed stock food for consumption on voyage	per tonne	1.03
Water	per kL	0.56

[Part II repealed]

PART III — STORAGE CHARGES

Cargo Storage and Storage Charges:

- (1) A storage charge at the rate of 15 cents per tonne or 6 cents per package per day shall be paid on cargo which is not removed from the goods shed or yard within 48 hours after the time it is placed in the shed or yard.
- (2) A storage charge on goods, waiting shipment shall be paid at the rate of 15 cents per tonne per week or part of week, except in the case of overlanded cargo stored until shipped for which overlanded cargo the charge payable shall be at the rate of 15 cents per tonne per week calculated on either dead weight or measurement at the option of the Wharf Manager.

PART IV — MISCELLANEOUS HIRE AND OTHER CHARGES

Mooring Springs:

The hiring charge for the use of mooring springs shall be at the rate of \$12.00 per spring, for each day or any part thereof exceeding 12 hours.

For any period not exceeding 12 hours the charge shall be \$6.00 per spring.

Weighbridge Charges:

- (1) Every person making use of the 54-tonne weighbridge shall pay a fee as follows: —
For each weigh — 95 cents

- (2) A person making use of the weighbridge outside of normal working hours shall pay the wages of the operator, in addition to the fees prescribed by subregulation (1).
- (3) Where multi-unit vehicles are weighed, under this regulation, each unit shall be weighed separately and a ticket issued for each unit.

Lighting Jetty and/or Shed: The amount that is equivalent to the current used as per meter at the rate charged to the Port Authority by the suppliers of the current.

Fresh Water: The following charges will be made for fresh water: —

Supplied to ships \$2.00 per kilolitre
Supplied to fishing boats \$1.00 per kilolitre

Ships' Stores: Stores for consumption of vessel by which shipped are free of wharfage dues, but handling charges shall be payable at ordinary cargo rates, according to services rendered.

[Second Schedule amended in Gazette 13 April 1970 p.1051; 21 September 1973 pp.3531-33, 24 December 1975 pp.4655-56; 9 January 1976 pp.30-31; 23 January 1976 p.150; 26 May 1978 pp.1631-32; 16 February 1979 pp.439-40; 13 June 1980 pp.1737-39; 26 June 1981 pp.2419-20; 11 June 1982 pp.1927-28; 1 July 1983 p.2132; 24 February 1984 p.506; 29 June 1984 p.1761; 30 August 1985 pp.3075-76; 27 June 1986 p.2177; 26 June 1987 p.2471; 24 June 1988 pp.2012-13; 28 October 1988 p.4288; 30 June 1989 p.1915; 29 June 1990 pp.3209-10; 19 July 1991 p.3672; 26 June 1992 p.2805; 27 August 1993 pp.4631-2; 15 April 1994 p.1623; 22 November 1996 pp.6599-600.]

Third Schedule

Third Schedule

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 of 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 meetings; 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.

Third Schedule

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.
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.

[Third Schedule amended in Gazette 19 July 1991 p.3672.]

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

Fifth Schedule

Fifth Schedule

**APPLICATION FEES UNDER *PORTS (MODEL PILOTAGE)*
*REGULATIONS 1994***

	[regulation 37AA]
<i>Nature of application</i>	<i>Fee payable</i>
1. Application for pilotage exemption certificate	\$530.00
<i>[Fifth Schedule added by Gazette 10 June 1994 p.2423.]</i>	

Notes

- ^{1.} This is a compilation of the *Esperance Port Authority Regulations 1969* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Esperance Port Authority Regulations 1969</i>	11 Mar 1969 pp.785-841	11 Mar 1969
<i>Amendment Regulations 1970</i>	13 Apr 1970 p.1051	13 Apr 1970
<i>Amendment Regulations 1972</i>	1 Sep 1972 p.3430	1 Sep 1972
<i>Amendment Regulations 1973</i>	21 Sep 1973 pp.3530-33	21 Sep 1973
<i>Amendment Regulations 1975</i>	24 Dec 1975 pp.4654-56	24 Dec 1975
<i>Amendment Regulations 1976</i>	9 Jan 1976 pp.29-31	9 Jan 1976
<i>Amendment Regulations 1976</i>	23 Jan 1976 pp.156	1 Feb 1976
<i>Amendment Regulations 1978</i>	5 Apr 1978 p.1022	5 Apr 1978
<i>Amendment Regulations 1978</i>	26 May 1978 pp.1631-33	1 Jun 1978
<i>Amendment Regulations 1979</i>	16 Feb 1979 pp.439-40	16 Feb 1979
<i>Amendment Regulations 1980</i>	13 Jun 1980 pp.1737-9	1 Jul 1980
<i>Esperance Port Authority Amendment Regulations 1981</i>	26 Jun 1981 pp.2419-20	1 Jul 1981
<i>Esperance Port Authority Amendment Regulations (No. 2) 1982</i>	11 Jun 1982 pp.1927-8	1 Jul 1982
<i>Esperance Port Authority Amendment Regulations 1982</i>	25 Jun 1982 pp.2126-27	23 Jul 1982
<i>Esperance Port Authority Amendment Regulations (No. 2) 1982</i>	1 Oct 1982 p.3892	1 Oct 1982
<i>Esperance Port Authority Amendment Regulations 1983</i>	1 Jul 1983 pp.2131-2	1 Jul 1983
<i>Esperance Port Authority Amendment Regulations 1984</i>	24 Feb 1984 pp.506	1 Mar 1984

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Citation	Gazettal	Commencement
<i>Esperance Port Authority Amendment Regulations (No. 2) 1984</i>	29 Jun 1984 pp.1760-61	1 Jul 1984
<i>Esperance Port Authority Amendment Regulations (No. 3) 1984</i>	18 Jan 1985 p.238	18 Jan 1985
<i>Esperance Port Authority Amendment Regulations 1985</i>	30 Aug 1985 pp.3075-6	1 Sep 1976
<i>Esperance Port Authority Amendment Regulations 1986</i>	27 Jun 1986 pp.217677	1 Jul 1986
<i>Esperance Port Authority Amendment Regulations 1987</i>	26 Jun 1987 pp.2470-2	1 Jul 1987
<i>Esperance Port Authority Amendment Regulations 1988</i>	24 Jun 1988 pp.2012-13	1 Jul 1988
<i>Esperance Port Authority Amendment Regulations (No. 2) 1989</i>	28 Oct 1988 p.4288	28 Oct 1988
<i>Esperance Port Authority Amendment Regulations 1989</i>	30 Jun 1989 pp.1914-15	11 Jul 1989
<i>Esperance Port Authority Amendment Regulations 1990</i>	29 Jun 1990 pp.3209-10	1 Jul 1990
<i>Esperance Port Authority Amendment Regulations (No. 2) 1991</i>	19 Jul 1991 pp.3671-72	1 Aug 1991
<i>Esperance Port Authority Amendment Regulations 1992</i>	26 Jun 1992 p.2803-05	1 Jul 1992
<i>Esperance Port Authority Amendment Regulations (No. 2) 1993</i> (Correction in Gazette 13 August 1993 p.4366)	6 Aug 1993 pp.4277-9	6 Aug 1993
<i>Esperance Port Authority Amendment Regulations 1993</i>	27 Aug 1993 pp.4629-32	1 Sep 1993
<i>Esperance Port Authority Amendment Regulations 1994</i>	15 Apr 1994 p.1623	15 Apr 1994
<i>Esperance Port Authority Amendment Regulations (No. 2) 1994</i>	10 Jun 1994 pp.2422-3	15 Jun 1994
<i>Esperance Port Authority Amendment Regulations (No. 3) 1994</i>	27 Sep 1994 pp.4934-5	27 Sep 1994
<i>Esperance Port Authority Amendment Regulations 1995</i>	6 Feb 1996 p.467	6 Feb 1996
<i>Esperance Port Authority Amendment Regulations 1996</i>	22 Nov 1996 pp.6599-600	22 Nov 1996

Citation	Gazettal	Commencement
<i>Port Authorities (Charges for Pilotage Services) Regulations 2000</i> , regulation 11	20 Jun 2000 pp.3032-7	1 Jul 2000 (see regulation 2)

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

³ Part II of the Second Schedule deleted in *Gazette* 24 February 1984 p. 506.

⁴ Now see *Western Australian Marine Act 1982*.

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