

Western Australia

**Fremantle Port Authority Regulations  
1971**

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## Fremantle Port Authority Regulations 1971

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**Schedule AA**

**Part 1**

**PART 2**

**Schedule A**

**Notes**



FREMANTLE PORT AUTHORITY ACT 1902

## **Fremantle Port Authority Regulations 1971**

### **1. Citation**

These regulations may be cited as the *Fremantle Port Authority Regulations 1971*.

### **2. Revocation**

The Fremantle Port Authority Regulations made under the *Fremantle Port Authority Act 1902* published in the *Government Gazette* on the 17th June 1955 and reprinted in the *Government Gazette* on the 14th September 1967, pursuant to the *Reprinting of Regulations Act 1954*, incorporating all amendments up to and including the 14th February 1966, and amended from time to time thereafter by notices so published are revoked.

### **3. Interpretation**

In these regulations unless the contrary intention appears —

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

“**Act**” means the *Fremantle Port Authority Act 1902*.

“**ballast**” includes any kind of stone, gravel, sand, soil or material commonly used for the ballasting of vessels.

“**berth**” means a position alongside any wharf or jetty or any vessel fastened to any wharf or jetty or to the shore, or at any mooring buoy or anchorage, and any vessel fastened to any wharf or jetty or shore or to any other vessel, or

moored to any buoy or fixture, or anchored within the port, shall be deemed to be occupying a berth; and **“berthing”** has a corresponding meaning.

**“Berthing Master”** means the person appointed to the charge of berthing of vessels, or any other person acting for the Berthing Master.

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

**“Commissioners”** means The Fremantle Port Authority Commissioners constituted under the Act and in office for the time being.

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

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

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

**“Exemption Certificate”** means a Pilotage Exemption Certificate issued under regulation 116.

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

**“goods”, “cargo”** means all wares and merchandise, and all chattels, live stock, and other things of whatsoever



description, but not a ship's own stores or equipment unless landed to be disposed of.

**“Harbour Master”** includes any person under the instructions of the Harbour Master, and may include the Berthing Master.

**“Inner Harbour”** means that position of the Port described as the Inner Harbour in the First Schedule to the Act.

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

**“International Maritime Dangerous Goods Code”** means the Consolidated 1990 Edition of the *International Maritime Dangerous Goods Code* as published by the International Maritime Organisation.

**“landed”** includes unloaded or discharged, whether on to wharves, from one vessel to another, direct overside into water, or in any other manner whatsoever.

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

**“Master”** includes every person having the command, charge, or management of a vessel for the time being, and includes the owners or agents for the owners of such vessel.

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

**“Outer Harbour”** means that portion of the Port described as the Outer Harbour in the First Schedule to the Act.

**“owner”** when used in relation to goods includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of goods, and includes also the holder of any bill of lading or other document representing such goods and every person having or claiming any right, title, or interest therein or thereto.

**“owner”** when used in relation to a ship or vessel, includes the holder of any share or interest in a ship or vessel whether beneficially or otherwise, and also the agent for such owner.

**“pilot”** means a person approved in writing by the Port Authority as a pilot for the Port.

**“premises”** means the property vested in the Port Authority.

**“Secretary”** means the Secretary to the Port Authority or any person acting as such under its authority.

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

**“ships’ slings”, “Ships’ tackle”, “Ships’ gear”**, when used in connection with the handling of goods shall include all cranes or other hoisting or conveying appliances hired or used for the purpose of or in connection with the handling of such goods.

**“ship’s stores”** means and include materials and equipment required to be used in the Port of Fremantle in repairs to a ship or her machinery or equipment; consumable stores for the ship’s own use; also fittings, ballast, or dunnage required by a ship to enable her to ply her trade and on which she earns no freight or reward.

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

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

**“State marine department”** means the Department of Marine and Harbours.

**“steamer”** includes every motor or power driven vessel.

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

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

**“The Port Authority”, “The Fremantle Port Authority” or “The Authority”** means the Fremantle Port Authority constituted under the Act.

**“tonnage rates”** includes port dues.

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

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

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

**“week”, “day”, “hour”, “month”, “year”,** or any other period shall be taken to mean and include a portion of week, day, hour, month, year, or any other period when a whole week, day, hour, month, year, or any other period has not been required or used.

**“wharf”** includes pier, jetty, landing stage, quay, dock, slip, and platform over which the Port Authority has jurisdiction and includes any structure or mechanical equipment whatsoever erected thereon.

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

Words importing the masculine gender shall include the feminine.

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

*[Regulation 3 amended by Gazette 28 June 1973 p.2477;  
29 July 1977 p.2481; 17 March 1992 p.1225;  
30 November 1993 pp.6426-7.]*

## **Part I**

### **Section I**

#### Conduct of Business

**4. Ordinary meetings**

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

**5. Office hours**

The offices of the Port Authority shall be open for the transaction of business between the hours of 9 a.m. and 12 o'clock noon and between 1 p.m. and 4.30 p.m. from Mondays to Fridays, both inclusive, except upon such days or portions of days as may be declared holidays by the Port Authority.

### **Section II**

#### Commissioners

**6. General conduct of business**

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

**7. Minutes**

At every ordinary meeting of the Port Authority the first business to be conducted shall be the confirmation of the minutes of the proceedings at the preceding meeting, and no discussion shall be entered into thereon except as to their accuracy as a record of the proceedings and upon confirmation the minutes shall be signed by the Chairman.

**8. Order of business at ordinary meeting**

After the signing of the minutes, the order of business of an ordinary meeting shall be as determined from time to time by the Port Authority.

**9. Order of business at special meeting**

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

**10. Motions**

All notices of motion shall be dated, signed, and given to the Secretary, either at a meeting of the Port Authority or three clear days at least prior to the holding of any ordinary meeting, and the Secretary shall send a copy of such notice of motion to each Commissioner with the ordinary notice of meeting.

**11. Absence of Commissioner giving notice of motion**

A motion shall not be proceeded with in the absence of the Commissioner who gave notice of it, unless by some other Commissioner having authority from him to that effect.

**12. Order of debate**

Any Commissioner desirous of making a motion or amendment, or taking part in discussion thereon, shall address the chairman and shall not be interrupted unless called to order, when he shall stop until the Commissioner calling to order shall have been heard, and the question of order disposed of, then the Commissioner having the floor may, subject to the ruling of the Chairman, proceed with the subject.

**13. Motion not to be withdrawn without consent**

A motion or amendment shall not be withdrawn without the consent of the majority of the Commissioners present.

**14. Motion to be seconded**

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

**15. Mover of motion**

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

**16. Priority in discussion**

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

**17. Members not to speak a second time on same question**

A Commissioner shall not speak a second time on the same question, unless entitled to reply, or in explanation when he has been misrepresented or misunderstood.

**18. Commissioners not to digress, etc.**

A Commissioner shall not digress from the subject matter of the question under discussion, and all imputations of improper motives, and all personal reflections, shall be deemed highly disorderly.

**19. Commissioners called to order to sit down**

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

**20. Commissioners to have access to documents**

Any Commissioner may of right demand the production of any of the documents of the Port Authority applying to the question

under discussion, and may at any time during business hours, have access to all the records and documents of the Port Authority.

**21. Voting**

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

**22. Motions in writing if required**

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

**23. 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 Commissioners for discussion at a time. If an amendment is carried, it shall become the substantive motion, and only one amendment shall be made thereon at any one time.

**24. Mover of motion has right to reply**

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

**25. Motion for adjournment**

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



**26. Protests**

Any Commissioner may protest against any resolution of the Commissioners, and notice of intention to protest shall in every case be given forthwith on the adoption of the resolution protested against, and the notice shall specify the reasons for protesting and shall be entered in the minutes of the meeting at which notice of intention to protest shall have been given previously to the confirmation thereof, but such protest may be expunged from the minutes if declared by a majority of Commissioners to be not in accordance with the truth or to be in its terms disrespectful to the Port Authority.

**27. Suspension of rules**

Any one or more of the Rules and Regulations relating to the management and conduct of business at the meetings of the Port Authority may be suspended for a special purpose by the consent of two-thirds of the Commissioners present.

**Section III**

Officers

**28. Receipt of Accountant**

Every Collector, and every Officer, Clerk, or Servant of the Port Authority, who shall collect or receive any moneys for or on behalf of the Port Authority, shall daily pay over same to the Accountant of the Port Authority, and the receipt of such Accountant for the moneys so paid shall be sufficient discharge to the said Collector, Officer, Clerk or Servant.

**29. Duties of Accountant**

The Accountant shall make, or cause to be made true entries in the books provided by the Port Authority for that purpose, of all moneys or cheques paid to, or received by him for and on behalf of the Port Authority and he shall, within twenty-four hours, or such shorter period as the Port Authority may direct, after the

same shall have come to his hand, pay those moneys and cheques into a Bank carrying on business within the State approved by the Treasurer, to the credit of an account to be called "The Fremantle Port Authority Account".

**30. Custody of common seal**

The common seal of the Port Authority shall be kept under lock, one key to which shall be held by the Secretary and another lodged at such Bank as the Port Authority directs.

**31. Use of common seal**

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

**32. Officers to report breaches of Customs Act**

All officers or persons in the employment of the Port Authority shall report to the nearest Officer of Customs, anything coming under their notice, or to their knowledge, whereby the general revenue may be defrauded, or the provisions of the Customs Act violated.

**33. Conduct of officers**

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

**34. Officers not to accept gifts**

- (1) Except with the approval of the Port Authority, an officer or servant of the Port Authority shall not take or accept any

gratuity or present in money or kind from any person having business with the Port Authority, and a person shall not offer or agree to give to any officer or servant any gratuity or present in money or kind.

- (2) An owner of any goods in the custody or on the premises of the Port Authority shall not sell or give or agree to sell or give to any officer or servant of the Port Authority any such goods, and an officer or servant shall not buy, take, ask for, or receive any such goods, even though those goods may appear to be only waste material.
- (3) A breach of this regulation in letter or spirit shall render the offending officer or servant liable to immediate dismissal, and all offending parties other than officers or servants of the Port Authority to a penalty not exceeding two thousand dollars (\$2 000).

*[Regulation 34 amended by Gazette 5 December 1986 p.4469; 30 November 1993 p.6427.]*

### **35. Leave to officers**

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

#### **(a) Public Holidays**

- (i) New Year's Day, Foundation of Australia Day, Good Friday, Easter Eve, Easter Monday, Anzac Day, Labour Day, Foundation Day, Sovereign's Birthday, Christmas Day, Boxing Day, and all other days which the Port Authority shall decide shall be observed as office holidays.
- (ii) Whenever any of the abovementioned holidays are by law observed on a day other than the exact date upon which they fall, such day shall be held to be the holidays indicated.

- (iii) Should the requirements of the Port Authority, or the public, necessitate the attendance of any officer on service upon any of the abovementioned holidays, such officer shall be granted, in lieu thereof, an equivalent holiday, either added to his annual leave or at such other time as the Port Authority may decide.
- (b) Annual Recreation Leave —
  - (i) Every officer shall be granted leave of absence, on full pay, for recreation, for three weeks in each calendar year, exclusive of Public holidays.
  - (ii) The arranging of this leave shall be by a programme prepared in advance.
  - (iii) Every officer must take his annual leave upon the dates arranged, except where the requirements of the Port Authority or the public render it desirable, in the opinion of the Port Authority, that such leave shall be taken at some date other than those arranged.
  - (iv) The Port Authority may, upon special application permit any officer to allow his annual recreation leave to accumulate to the extent of nine weeks (i.e. for three years), but no longer.
  - (v) When an officer enters the service of the Port Authority after 1st January, he may be granted annual leave for that year at the rate of one-twelfth of the ascertained three weekly-rate of pay of the officer for each completed month of service, but annual leave shall not accrue until six months' service shall be attained.
- (c) Long Service leave —
  - (i) The Port Authority may grant to any officer upon completion of each seven years of service, three months leave on full pay or six months on half pay.

- (ii) An officer may elect to accumulate, with the approval of the Port Authority, long service leave to the extent of six months leave on full pay or twelve months on half pay.
  - (iii) An officer may elect to accumulate, with the approval of the Port Authority, his entitlement to long service leave pay to a maximum of nine months.
  - (iv) Periods spent on long service leave shall not be taken into account as service towards the next grant of long service leave.
- (d) Payment in lieu of Accrued Leave. Upon proof of dependency, the Port Authority may make payment to dependants of a deceased officer for any annual leave due to that officer and for long service leave *pro rata*, provided that the officer has served continuously for at least twelve months prior to his death.
- (e) Sick Leave —
- (i) An officer who is too unwell to attend to his duties may, on production of a certificate, be granted sick leave, for a period and upon the conditions determined by the Port Authority.
  - (ii) Before resuming duty, an officer who has been granted sick leave shall, if required by the Port Authority, produce a certificate stating that he is fit to resume his duties.
  - (iii) Where an officer has been suffering from a contagious or infectious sickness, he shall, before resuming duty, produce a certificate stating that he may return to his duties without danger to others.
  - (iv) A certificate referred to in this paragraph shall be in writing from a registered medical practitioner, dentist, or other person or body acceptable to the Port Authority.

- (f) General —
- (i) The Port Authority may permit an officer to draw his salary in advance when going on leave, or, if the officer so desires, his salary may be drawn upon its regular due dates during the continuance of the leave.
  - (ii) The Port Authority may grant to any officer, for special purposes, leave without pay for any period not exceeding six months, such leave may stand alone, or may be added to any period of leave on pay which may have accrued, and unpaid leave shall not be included when computing, for any purpose, the period of such officer's service.
  - (iii) All periods of leave on pay, as well as all sick leave, shall stand as portions of an officer's period of service, and no officer's service shall be deemed to have been broken by reason of any leave which may be granted to him.
  - (iv) All applications for leave shall be made upon the prescribed form.

#### **Section IV**

##### Contracts

#### **36. Contracts to be advertised**

Except in cases of emergency where quotations from suitable persons, firms or companies doing business in that line shall be obtained, a contract for the execution of any work or for furnishing materials or labour, to the amount of \$50 000 or more shall not be entered into unless five days prior to the date thereof tenders for the same shall have been invited by advertisement published in some newspaper circulating in Perth and Fremantle.

*[Regulation 36 amended by Gazette 5 October 1990 p.5159.]*

**37. Tenders**

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

**38. 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 Secretary.

**39. Lowest tender need not be accepted**

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

**40. Acceptance of tender**

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

## **Part II**

### Payment of revenue

#### **41. Mode and condition of payment**

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

#### **42. Officer may enter vessel, etc.**

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

#### **43. Charges to be paid before vessel leaves port**

All dues, rates, or charges payable under these regulations or imposed by the Act, in respect of any vessel, shall be paid before that vessel leaves the port, but the Port Authority may accept from the agent or the master of the vessel a guarantee, in writing, that such dues shall be paid within the period specified by the Port Authority.

*[Regulation 43 amended in Gazette 23 August 1996 p.4125.]*

#### **44. Liability of consignee and consignor**

Without in any way limiting sections 48 and 49 of the Act, consignees shall be liable for all wharfage and other charges on



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

**45. Liability**

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

**45A. Rate of interest on overdue amounts**

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

*[Regulation 45A inserted by Gazette 26 August 1994 p.4451.]*

## **Part III**

### **Section I**

#### **Signals**

**46. Location of signal station**

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

#### **Signals at Signal Station**

[47. *Repealed in Gazette 6 May 1997 p. 2270.*]

**48. Navigation in hazy weather**

When weather conditions are such as to interfere with a clear view of any day or night signal which may be shown at the mast-head on the staff at the Signal Station, vessels shall not attempt to navigate the Inner Harbour Entrance Channel or the Success or Parmelia Bank Channels without first having received the Harbour Master's permission to do so.

#### **Signals on Vessels**

**49. Signals for a Pilot**

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

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

**50. Pilotage required**

Any vessel which may require the services of a Pilot over the pilotage area in the Outer Harbour as defined in sub-regulation (1) of regulation 99, shall proceed to the Sea

Pilot Boarding Ground and there wait until boarded by the Pilot, for whose services an application shall be made by wireless telegraphy when notification of expected time of arrival at the port, as described in regulation 68 is given. A flag (called a "pilot flag") of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red, will be flown at the mast-head, or on a spirit or staff, or in some equally conspicuous situation on the pilot boat.

*[Regulation 50 amended by Gazette 30 September 1977 p.3556.]*

**51. Penalty**

If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilots' signals for any other purpose than that of summoning a pilot, or uses, or causes or permits any person under his authority to use, any other signal for a pilot, he shall, for each offence be liable to a fine not exceeding (\$2 000).

*[Regulation 51 amended by Gazette 5 December 1986 p.4469.]*

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

**Tug Boat Required** — International Code Flag "Z"

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

**Explosives Aboard —**

- (a) by day — International Code Flag “B” at foremast head or other prominent position;
- (b) by Night — A red light, of such character as to be visible all round the horizon for a distance of one mile, shown from a prominent position clear of all other lights on the vessel.

**Inflammable Liquid Aboard —** (in excess of 2000 litres) —

- (a) by day — International Code Flag “B” at foremast head or other prominent position;
- (b) by night — A red light, of such character as to be visible all round the horizon for a distance of one mile, shown from a prominent position clear of all other lights on the vessel.

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

**I am Undergoing a Speed Trial —** International Code Flags “S.M.”

**Keep Clear of Me, I am Manoeuvring with Difficulty —**  
International Code Flag “D”

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

**Artillery Practice —** International Code Flags “N.E.4”

**Diving and Underwater Swimming Operations —**  
International Code Flag “A”.

*[Regulation 52 amended by Gazette 21 June 1974 p.2084.]*

**53. Signals of distress**

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

- (a) a gun or other explosive signal fired at intervals of about a minute;
- (b) a continuous sounding with any fog-signalling apparatus;
- (c) rockets or shells, throwing red stars fired one at a time at short intervals;
- (d) a signal made by radiotelegraphy or by any other signalling method consisting of the group . . . - - - . . . in the Morse Code;
- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (f) the International Code Signal of distress indicated by N.C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel (as from a burning tar barrel, oil barrel, etc);
- (i) a rocket parachute flare or a hand flare showing a red light;
- (j) a smoke signal giving off a volume or orange-coloured smoke;
- (k) slowly and repeatedly raising and lowering arms out-stretched to each side.

#### **54. Compensation**

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display any of the signals defined in the preceding regulation, except in the case of a vessel in distress, shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of such signal having been supposed to be a signal of distress; and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

## **Section II**

### Navigation

**55. Responsibility for observing 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 a vessel is under the direction of a pilot, the pilot is also responsible for the due performance and observance of the regulations, but the responsibility of the pilot does not relieve the master and the owner of the vessel of their responsibility.

**56. No explosion or signal except in distress**

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.

**57. Speed of vessels in harbour**

The speed of any vessel within the Entrance Channel or Inner Harbour, shall not exceed the minimum speed at which such vessel may be safely navigated.

**58. 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 the starboard hand, and any vessel proceeding seaward to keep the dredger on its port hand in passing —

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

- by night — a Green Light over a Red Light on the yardarm on the side to be passed; and  
in fog, mist or heavy rain — the Morse sound signal letter “A” at intervals of not more than two minutes on the dredger’s bell;
- (b) When requiring any vessel approaching from seaward to keep the dredger on the port hand, and any vessel proceeding seaward to keep the dredger on its starboard hand in passing —  
by day — a Red Square on the yardarm on the side to be passed;  
by night — a Red Light over a Green Light on the yardarm on the side to be passed; and  
in fog, mist or heavy rain — the Morse sound signal letter “N” at intervals of not more than two minutes on the dredger’s bell;
- (c) When the dredger is blocking the channel —  
by day — a Green Cone between two Red Balls, vertical at the mast-head;  
by night — a Green Light between two Red Lights, vertical at the mast-head; and  
in fog, mist or heavy rain — the Morse sound signal letter “S” at intervals of not more than two minutes on the dredger’s bell;
- (d) When a vessel may pass on either side of the dredger —  
by day — a White Flag on the mast-head;  
by night — a Green Light on both yardarms; and
- (e) When the dredger is unable to move, or is out of control —  
by day — a Red Flag on the mast-head;  
by night — a Red Light on both yardarms

- (2) The Morse sound signals referred to in this regulation shall be made by the dredger's bell for the respective signals, as follows: —
- Short ring — 1½ seconds duration.
  - Long ring — 4 seconds duration.
  - Interval between rings — 1½ seconds duration.
- (3) The diameter of the shapes shall be not less than 800 millimetres; the vertical height of the cone and cylinder shapes, shall be 1½ times the diameter of their own base; the vertical distance between shapes or lights shall be between one and two metres.
- (4) Dredgers under-way when dredging, and unable to manoeuvre as required in order to keep out of the way of other vessels, shall show lights and shapes required by the *International Regulations for Preventing Collisions at Sea* Rule (4) (c) for vessels not under command, viz.: —
- by night — three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 1.8 metres above or below, the middle light; the highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles.
  - by day — she shall carry in a vertical line one over the other not less than 1.8 metres apart, where they can best be seen, three shapes each not less than 600 millimetres in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.
- (5) Without limiting any provision of this regulation, as to the displaying of other lights —
- (a) a moored dredger shall carry such anchor light or lights as are required to be carried by other vessels, according to their lengths; and



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

*[Regulation 58 amended by Gazette 21 June 1974 p.2084.]*

**59. Steam whistles**

A steam whistle, siren, or horn shall not be used on board any vessel within the Port, or while moored alongside any wharf, nor whilst swinging in the Inner Harbour, whether as a signal of arrival or departure, or for any other purpose whatever, except that laid down in the Admiralty Regulations in connection with fogs, or to avoid collision, or as a signal to tugs or upon outbreak of fire, but a bell may be rung for a reasonable time previous to the departure of any vessel from the wharf.

**60. Steering sound signals**

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

- (a) One short blast meaning, "I am directing my course to starboard";
- (b) Two short blasts meaning, "I am directing my course to port";
- (c) Three short blasts meaning, "My engines are going full speed astern";
- (d) One long blast followed by two short blasts meaning, "My ship is out of control, keep clear".

**61. Impediments to navigation**

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

**62. Vessels shall not lie in the fairway**

A vessel shall not lie in the fairway or be moored or anchored in any place not appointed by the Harbour Master.

**63. Rafts in the harbour**

All rafts, barges, lighters, pontoons for whatever use, when lying anchored in the Harbour or fastened outside of a ship shall, from sunset to sunrise, exhibit a white light where it can best be seen, to show a clear, unbroken light visible all round the horizon for a distance of at least one mile.

**64. Small craft**

A person in charge of any small craft, shall take special precautions, while navigating the Inner Harbour and Entrance Channel, to prevent collisions with shipping entering or leaving the Harbour and shall make certain before entering the Entrance Channel that no vessels are in or approaching the channel.

Where however, they meet a vessel in the channel, the small craft shall keep as far as possible to that side of the channel which lies on their starboard hand, taking care at the same time not to foul the mark beacons placed at the sides of the channel.

**65. Interference with buoys etc.**

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

**66. Lights and signals**

The master of any vessel in the circumstances hereinafter set out shall observe the following provisions —

- (a) **Anchor Signals** — a vessel at anchor in or near the fairway or within the Inner Harbour shall, between the hours of sunrise and sunset, have exhibited on the fore part of the vessel where best seen a black ball 600 millimetres in diameter.
- (b) **Anchor Lights** — a vessel at anchor, or fastened to a mooring buoy or other fixture shall, from sunset to sunrise, have exhibited a bright white light in a lantern so placed as to show a clear, uniform and unbroken light visible all round the horizon and at a distance of at least one mile. In cases of vessels of over 45 metres in length, a second light shall be exhibited, and the two lights shall be so located as to indicate the extremities of the vessel. This paragraph shall not apply to vessels moored to the shore or any wharf, such vessels being provided for elsewhere in these regulations.

(c) **Lights When Under Way** —

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

*[Regulation 66 amended by Gazette 21 June 1974 pp.2083-84.]*

**Berthing and Berthing Charges**

*[Heading inserted by Gazette 22 June 1990 p.3082.]*

**67. Berthing Master to control berthing**

- (1) The Berthing Master has the entire control of the berthing and removing of all vessels, and shall appoint the place where any vessel is to anchor, moor or lie in the Port.
- (2) The master of any vessel shall obey all lawful orders of the Berthing Masters.
- (3) The Berthing Master may at any time order the master of a vessel within the Port to move the vessel from its place in the Port to any other place in the Port.

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

**68. Notice of arrival at Port**

- (1) The master of a vessel other than a vessel —
- (a) that is not to be berthed within the Port; and
  - (b) that is not to be provided with any services by the Port Authority,
- shall —
- (aa) notify the Harbour Master 48, 24 and 2 hours before the estimated time of the vessel's arrival at its appropriate Pilot Boarding Ground; and
  - (bb) if the vessel is carrying explosives, or an inflammable or otherwise dangerous cargo, notify the Harbour Master accordingly, by means of the approved form, 48 hours before the estimated time of the vessel's arrival at its appropriate Pilot Boarding Ground.
- (2) The appropriate Pilot Boarding Ground for a vessel —
- (a) having a draught of 11 metres or more, is 3 nautical miles north west of the Fairway Buoy (the “**Outer Pilot Boarding Ground**”); or
  - (b) having a draught of less than 11 metres, is one nautical mile west of the Hall Bank Beacon in Gage Roads, unless the Harbour Master directs otherwise.

*[(3) repealed]*

*[Regulation 68 inserted by Gazette 30 November 1993 p.6427; amended by Gazette 27 June 1995 p.2607.]*

**r. 68A**

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**68A. Vessels within the port to maintain radio contact with Port Authority**

- (1) The master of a vessel, other than an Australian fishing vessel or a pleasure vessel, that enters the port —
  - (a) shall inform the Port Authority of the vessel's movements within the port by maintaining radio contact with the Port Authority; and
  - (b) shall ensure the vessel proceeds within the port as directed by the Port Authority.

- (2) In subregulation (1) —

**“Australian fishing vessel”** means a fishing vessel that is registered, or entitled to be registered, in Australia or in relation to which an instrument under section 4 (2) of the *Fisheries Act 1952* of the Commonwealth is in force;

**“pleasure vessel”** means a vessel operated solely for the purpose of recreational or sporting activities and not for hire or reward.

*[Regulation 68A inserted by Gazette 27 June 1995 p.2608.]*

**69. Entry of vessels**

- (1) All vessels entering the Port, shall except as otherwise provided come to an anchorage in Gage Roads, South of Latitude 32° 01'S, taking care to avoid an area bounded by lines drawn from the light tower on the North Mole on a bearing of 286 ½° for a distance of 2.3 nautical miles thence on a bearing of 180° for a distance of 1.2 nautical miles, and thence on a bearing of 80 ½° for a distance of 2.65 nautical miles to the light tower on the South Mole, this area being reserved for the manoeuvring of vessels into and out of the Inner Harbour.
- (2) The Port Authority may authorize a vessel to proceed directly to its berthing place instead of anchoring in Gage Roads as required under subregulation (1).

- (3) A vessel authorized under subregulation (2) is not, by virtue of that authorization, exempt from pilotage.
- (4) A vessel that arrives at the Port —
- (a) with explosives on board; or
  - (b) to load explosives while in the Port,

that is unable to be berthed at a dedicated explosives berth, specified as such by the Harbour Master, shall be berthed as directed by the Harbour Master.

*[Regulation 69 amended by Gazettes 21 June 1974 p.2084; 30 November 1993 p.6428.]*

#### **70. General berthing provisions**

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

- (a) the master or agent of every vessel requiring a berth within the Port shall make application therefor to the Harbour Master on the form provided;
- (b) a vessel shall not be moored or fastened to any part of any wharf except to such bollards or other fastenings as are or may be provided for the purpose;
- (c) a vessel shall not lie alongside a wharf unless properly moored or fastened so as to relieve, as much as possible the wharf from the weight of the vessel;
- (d) a passenger boat shall not lie alongside a wharf any longer than is necessary to embark or disembark passengers;
- (e) hulks, lighters, and other non-seagoing vessels shall not occupy berths when vessels with cargo or passengers require a berth;
- (f) more than one tier of vessels shall not lie alongside or be moored or fastened to any wharf or to any other vessel

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- lying alongside, moored or fastened to any wharf without the special permission of the Harbour Master;
- (g) all vessels lying alongside any wharf shall take such precaution as may be necessary or directed to prevent injury to the structure;
  - (h) under no condition and in no circumstances whatsoever shall any vessel be allowed to berth at any wharf in the Port until she has been granted full pratique;
  - (i) subject to these regulations, any vessel may be permitted to lie alongside any wharf for the purpose of discharging and taking in cargo at all hours of the day and night.

*[Regulation 70 amended by Gazette 30 November 1993 p.6428.]*

**70A. Berth hire charges**

- (1) Subject to subregulation (2), a charge of \$95.00 for each hour or part of an hour applies to the period that a vessel, having occupied a port berth for the purpose of loading or discharging cargo, does not commence to do so.
- (2) The charge under subregulation (1) does not apply to the first 2 hours that the vessel occupies the port berth and only then applies if another vessel requires the use of the port berth occupied by the vessel.
- (3) Subject to subregulations (4) and (7), a charge of \$95.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth after the completion of loading or discharging cargo if another vessel requires the use of the port berth occupied by the vessel.
- (4) The charge under subregulation (3) does not apply to the first 2 hours that the vessel occupies the port berth after the completion of loading or discharging cargo.



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- (5) Subject to subregulation (6), a charge of \$95.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth for the purpose of embarking or disembarking passengers.
- (6) The charge under subregulation (5) does not apply to the first 24 hours that the vessel occupies the port berth.
- (7) A charge of \$47.50 for each hour or part of an hour applies to the period that a vessel occupies a port berth if the vessel occupies the berth solely because —
- (a) the vessel is laid up;
  - (b) the vessel requires supplies, including fuel (bunkers), for its own use;
  - (c) the vessel requires electrical or mechanical repairs; or
  - (d) the vessel is in distress or under duress.
- (8) Subject to subregulation (9), a charge of \$47.50 for each hour or part of an hour applies to the period that a vessel occupies a port berth otherwise than as specifically provided for in this regulation.
- (9) The charge under subregulation (8) does not apply to the first 7 days that the vessel occupies the port berth.
- (10) In this regulation —
- “port berth”** means a berth at the port that is not privately owned and operated.

*[Regulation 70A inserted by Gazette 27 June 1995 pp.2608-9; amended in Gazette 5 August 1997 p.4486-7.]*

#### **71. Authority to keep wharf clear**

When any vessel is being brought alongside any berth, members of the Police Force of Western Australia or any other officer duly authorised by the Port Authority shall have the authority to see that all that part of the wharf is kept clear for the purpose of working the lines and warps of the vessel.

**72. Lights and gangways**

Every vessel berthed at a wharf shall at all times be provided with such appliances as gangways and manropes, and shall exhibit such lights as may in the opinion of the Harbour Master be necessary for the convenience and safety of persons passing to and from that vessel and every gangway fixed for the purpose of giving access to a vessel shall from sunset to sunrise be brightly illuminated as long as that gangway is in communication with the shore, and a watch shall be continuously set upon the gangway.

**73. Naked lights prohibited**

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

**74. Lights on vessels in tier**

Any vessel which shall, between the hours of sunset and sunrise, lie in tier outside of any other vessel, moored to the shore or to any wharf or mooring buoy or at anchor in the Port shall, during those hours, exhibit at the widest part and on the side furthest from such other vessel, a bright light so placed as to show a clear and unbroken light completely round the off side from right ahead to right astern.

**75. Safety nets**

- (1) Where a vessel is lying at a wharf or where two or more vessels are lying alongside one another, and any means of passing from the vessel to the wharf or from one vessel to the other vessel as the case may be is used, the Master of the vessel which provides such means of passing aforesaid shall cause to be suspended and kept so suspended thereunder between the vessel and the wharf or between the two or more vessels, a safety net or other suitable appliance of sufficient design and material as will, in

the opinion of the Harbour Master or Berthing Master, prevent persons using that means of passing between the vessel and the wharf or between the two or more vessels, in the event of a mishap, falling into the water.

- (2) Where a vessel is discharging or loading cargo or is otherwise working at a wharf or alongside another vessel the Master of such vessel shall cause to be suspended and to be kept so suspended to the satisfaction of the Harbour Master or Berthing Master a safety net or save all so placed and of such size and character as will prevent any substance or matter (including coal, coke, ballast, ashes or other refuse) falling into the water.
- (3) If any default is made in the due compliance with any provision of this regulation, the Master of the vessel so in default and the owners of that vessel shall be jointly and severally guilty of a breach of these regulations, and also shall be jointly and severally liable for all loss, damage or injury caused to or suffered by any person by reason of that default.

#### **76. Ratguards**

- (1) The Master or owner of any vessel shall affix and keep affixed an effective ratguard disc or screen of such size and pattern as has been approved by the Commonwealth Department of Health, not less than 300 millimetres or more than one metre from the side of the vessel, to every rope or hawser connecting the vessel with the wharf, or lighter, or other vessel.
- (2) Where, in the opinion of the Harbour Master or the Berthing Master, it is impracticable to affix an effective ratguard disc or screen to a rope or hawser, one metre of such rope or hawser, commencing from the ship's side must be covered with freshly tarred canvas.

*[Regulation 76 amended by Gazette 21 June 1974 p.2084.]*

**77. No work on Sundays**

- (1) Except where the Customs Authorities have given special permission no work of any description shall be done or carried out on any vessel in the Port on Sundays, except where it is necessary for the safety and cleanliness of the vessel and no cargo shall be handled between any vessel and the wharves with the exception of passengers' personal luggage.
- (2) Livestock may be landed at wharves on Sundays —
  - (a) in limited quantities;
  - (b) with the permission of the Manager;
  - (c) subject to any conditions imposed by the Manager; and
  - (d) where provision is made for its removal immediately upon landing.

**78. No shipwrights work on Port Authority property**

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

**79. No fires to be lighted**

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

**80. Deaths on vessels**

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

**81. Vessel at owner's risk**

- (1) The Port Authority shall not accept any responsibility for the safety of any vessel lying within the Port and the safety of any vessel, whether at an anchorage or moored alongside any wharf or at any mooring buoy, is at all times the responsibility of the master or owner thereof.
- (2) Any instruction or direction given by the Harbour Master or other office 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.

**82. Vessels to be kept clear of cranes etc.**

The master of a vessel shall keep that vessel, and all boats, rigging, ropes, hawsers, and other equipment or apparel thereof, and all gangways used or intended to be used in connection with his vessel at all times free and clear of all cranes, running cranes, railway lines, engines, trucks, gear and plant, or other things on the wharves within the Port.

**83. Defective moorings**

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

**84. Night Watchman**

All vessels exceeding 500 tons gross shall have a watchman on deck from sunset to sunrise, and vessels not exceeding 500 tons gross, shall have at least one man on board during the same period.

**85. Beaching vessels**

A vessel shall not be beached or grounded in the Port without the permission of the Harbour Master and where any vessel is beached or grounded by accident or because of weather conditions, the owner shall remove it when required to do so by the Harbour Master.

**86. Police and Port officers may enter vessel**

For the purpose of seeing that all or any of these regulations are properly carried out, members of the Police Force of Western Australia or any officer duly authorised by the Port Authority shall have access to any vessel at any time.

**87. Power to remove vessels**

- (1) In order to ensure due observance of the regulations, the Harbour Master or Berthing Master may moor, unmoor, place or remove any vessel, and the master and crew of that vessel shall afford all possible aid and assistance.
- (2) The Harbour Master or Berthing Master may hire and employ any assistance required to carry out subregulation (1) of this regulation and the cost shall be charged to the master, agent, or owner of the vessel and all such costs and all other expenses incurred, shall be paid on demand to the Port Authority.
- (3) The Harbour Master or Berthing Master may make fast and attach any rope or other tackle to a vessel, and cast off or loose any warp or rope, or unshackle or loose any chain by which a vessel is moored or fastened.

- (4) A person shall not, without the consent or authority of the Harbour Master or Berthing Master, cut or cast off any rope or tackle so made fast, or refuse to assist the Harbour Master or the Berthing Master, or interfere with him in the performance of his duty.

**88. Careening vessels**

Masters requiring to careen, heave down, or haul their vessels on shore for the purpose of inspection or repairs shall apply to the Harbour Master for permission; and a person shall not make fast any boat or vessel to any wharf, jetty, buoy, beacon or other property of the Port Authority for the purpose of heaving down or careening that boat or vessel.

**89. Securing vessels**

The master of any vessel shall, whenever required so to do by the Harbour Master, or Berthing Master, provide, make and fix, under his direction, additional fastenings to make such vessels secure.

**90. Propellers stationary on moored vessels**

The master of a vessel shall not without permission of the Harbour Master, work, or allow to be worked, the propeller of his vessel whilst moored to a wharf.

**91. Anchors used in port**

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

**92. No discharge onto wharf**

The master of any vessel shall not allow any water, refuse, filth, excreta or other matter to be discharged from any part of such vessel by any means whatsoever, on to any portion of a wharf,

and all pipes, including steam pipes, shall be effectively screened to the satisfaction of the Harbour Master.

**93. Damage by water from vessels**

Masters of vessels lying alongside any wharf shall be responsible for any damage caused to goods lying on that wharf, or to electrical connections lying on or under that wharf, by water used for washing down decks, or for any other purpose, upon such vessels.

**94. Outbreak of 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, 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.

**95. 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) of this regulation refuses or neglects to scuttle it then the Harbour Master shall proceed to scuttle the vessel and may for that purpose call upon any officer



or member of the crew of the vessel or any officer or other person employed by the Port Authority to assist him.

- (3) A person refusing or neglecting to obey an order of the Harbour Master made, or refusing assistance asked, for any of the purposes of this regulation, is guilty of an offence.

**96. Harbour Masters orders to be obeyed**

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

**97. Social or other functions**

- (1) The master, owner or agent of any vessel shall not without the written permission of the Manager, permit or cause to be permitted any social or other function to be held on such vessel which —
- (a) shall necessitate the provision of shore services more than ordinarily provided for the regulation of land traffic and parking of vehicles within the port;
  - (b) shall necessitate the provision of special water-craft services for the control and patrolling of waterways within the port;
  - (c) shall cause or is likely to cause interference with cargo handling or other operations within the port;
  - (d) shall necessitate special control at points of ingress and egress to and from the wharves, and to the roadways, waterways or other areas within the port; or
  - (e) shall necessitate special policing or fire watching on land and waterways within the port.
- (2) The master, owner or agent of any vessel shall, as the case may be, make application in writing to the Port Authority for permission to hold any such social or other function at least

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seven clear days before the date on which it is intended to hold the social or other function.

- (3) The Manager may grant or refuse permission to hold any social or other function for which permission is required under subregulation (1) of this regulation.

**98. Hull survey**

- (1) All lighters, barges and floating plant shall be subject to a hull survey during the month of January in each year, and at such other times as the Port Authority may demand.
- (2) The Port Authority shall, at the owner's expense, appoint a surveyor for the purposes of the hull survey, and upon the surveyor's recommendation and subject to any conditions stated in writing from time to time, may continue to permit such lighters, barges and floating plant passing such survey to be used within the Port until the 31st day of December next ensuing, or may at any time suspend or cancel any permission already granted to such lighters, barges and floating plant to be used within the Port.
- (3) Owners and keepers of such lighters, barges, and floating plant shall immediately report to the Harbour Master any casualty or unusual occurrence such as collision, unusual leakage, loss of moorings, etc.

**Section III**

Pilotage and Pilotage Charges

**99. Mandatory pilotage**

Unless it is exempted by regulation 101 or 121B, a vessel shall use the services of a pilot through all waters between the vessel's appropriate Pilot Boarding Ground and its berthing place in the Port.

*[Regulation 99 inserted by Gazette 30 November 1993 p.6428.]*

**99A. Eligibility to be approved as a pilot for the Port**

A person cannot be approved by the Port Authority under section 16 of the *Ports (Functions) Act 1993* as a pilot for the Port unless the person —

- (a) has produced to the Port Authority —
  - (i) a current medical certificate providing evidence of the person's health; and
  - (ii) a current certificate of visual acuity as required for seagoing masters by the Department of Transport and Communications of the Commonwealth or the State marine department;
- (b) has satisfied the Port Authority, in a written examination, that the person has an adequate knowledge of those matters considered by the Port Authority to be necessary for the safe navigation of vessels into and out of the Port; and
- (c) has satisfied the Port Authority in relation to any other matters concerning the competency of the person to perform the duties of a pilot for the Port that the Port Authority specifies in writing.

*[Regulation 99A inserted in Gazette 23 August 1996 pp.4125-26.]*

**99B. Approval may be unconditional or subject to certain conditions, and requirements for retaining unconditional approval**

- (1) When the Port Authority approves a person as a pilot for the Port, the Port Authority may approve the person —
  - (a) unconditionally; or
  - (b) subject to conditions relating to sizes or types of vessels, or areas of the Port, that the Port Authority specifies in writing.

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- (2) If a person is approved unconditionally as a pilot for the Port, the person shall, in order to retain unconditional approval, perform the duties of a pilot for the Port —
- (a) on vessels of the sizes and types;
  - (b) on the number of occasions; and
  - (c) in the circumstances,
- that the Port Authority specifies in writing.
- (3) If a person fails to meet the requirements that the Port Authority specifies under subregulation (2), the Port Authority —
- (a) may impose conditions on the approval of the person relating to sizes or types of vessels, or areas of the Port, that the Port Authority specifies in writing; or
  - (b) may revoke the approval of the person under regulation 99E.

*[Regulation 99B inserted in Gazette 23 August 1996 p.4126.]*

**99C. Approval continues for specified period unless sooner revoked**

Approval of a person as a pilot for the Port continues for the period that the Port Authority specifies in writing when the person is approved, unless the Port Authority sooner revokes the approval of the person under regulation 99E.

*[Regulation 99C inserted in Gazette 23 August 1996 p.4126.]*

**99D. Certain requirements apply to person approved during period of approval**

During the period that a person is approved as a pilot for the Port, the person —

- (a) shall produce to the Port Authority certificates as referred to in regulation 99A (a) every 2 years after the date when the person is approved; and

- (b) shall satisfy the Port Authority as to his or her continuing competency to perform the duties of a pilot for the Port —
- (i) at the expiry of every period of not more than 5 years after the date when the person is approved; and
  - (ii) in the manner,
- that the Port Authority specifies in writing.

*[Regulation 99D inserted in Gazette 23 August 1996 pp.4126-27.]*

**99E. Port Authority may revoke approval at any time**

The Port Authority may at any time, in writing, revoke the approval of a person as a pilot for the Port.

*[Regulation 99E inserted in Gazette 23 August 1996 p.4127.]*

**100. Conditions to be observed by masters of vessels requiring pilotage**

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

- (a) lay to or proceed at a slow speed off the pilot boarding ground in such manner as to provide the best possible lee;
- (b) provide, on the lee side a pilot ladder fitted with spreaders and a man rope on either side of the ladder, made fast to the vessel, quite independent of the ladder, and shall ensure that the ladder is suitably lighted at night;
- (c) in ships of high structure in which gangway doors are fitted, ensure that one such door is opened and the pilot ladder rigged thereat;
- (d) provide a suitable boat rope in such a manner that the forward end is fast well forward of the ladder and the

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after end held abaft the ladder in readiness to be released when the pilot vessel has secured the boat rope; and

- (e) arrange for all scuppers, sanitary and other refuse outlets in the vicinity of the pilot ladder to be closed,

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

**101. Vessels exempt from pilotage**

- (1) Subject to subregulation (2) and regulation 121, a vessel is exempt from pilotage if it has a draught of less than 11 metres and —
  - (a) the vessel is less than 150 gross registered tons; or
  - (b) the vessel —
    - (i) is registered, or is required to be registered, under the *Shipping Registration Act 1981* of the Commonwealth; or
    - (ii) is wholly-owned, or solely operated, by persons who are entitled to reside permanently in Australia under an Act of the Commonwealth, and the master of the vessel holds —
      - (iii) a current Exemption Certificate issued under regulation 116; or
      - (iv) a current Certificate of Local Knowledge issued under regulation 122.
- (2) For the purposes of subregulation (1) (b), a person is deemed not to be the master —
  - (a) of an inward bound vessel unless the person has been in charge of the vessel, and the person's name entered as master on the vessel's register, from prior to its departure from the last port of call until after its arrival at its berthing place in the Port; or
  - (b) of an outward bound vessel unless the person has been in charge of the vessel, and the person's name entered as

master on the vessel's register, from prior to its departure from its berthing place until its arrival at its next port of call.

- (3) If the services of a pilot are used by a vessel that would otherwise be exempt from pilotage under subregulation (1) (b), the pilotage charges prescribed under regulation 7 of the *Port Authorities (Charges for Pilotage Services) Regulations 2000* apply.

*[(4) repealed]*

- (5) Regardless of any other provision of these regulations, the Harbour Master may exempt any vessel from pilotage in any waters of the Port if the Harbour Master considers that to do so is justified for the convenience of shipping.

*[Regulation 101 inserted by Gazette 30 November 1993 pp.6428-9; amended in Gazette 20 June 2000 p.3037.]*

*[102. Repealed in Gazette 20 June 2000 p.3037.]*

*[103. Repealed in Gazette 30 June 1989 p.1907.]*

*[104. Repealed in Gazette 22 June 1990 p.3083.]*

#### **105. Applications for pilots**

The master or agent of any vessel requiring the services of a pilot outwards or for a removal within the Port, shall make application therefor in writing in the form provided at least two hours before the time at which the pilot is required and any alteration of the hour fixed in the application shall be made by lodging a fresh application or by notification after ordinary working hours to the Port Authority Signal Station, such alteration must be made at least two hours prior to the time the pilot is required if the vessel desires to leave the berth earlier, or two hours prior to the time fixed in the previous application should the vessel desire to leave the berth at a later hour.

*[Regulation 105 inserted in Gazettes 27 June 1985 p.2169;  
26 June 1987 p.2463; 24 June 1988 p.2009; 30 June 1989  
p.1908.]*

*[106. Repealed in Gazette 20 June 2000 p.3037.]*

**107. Tugs under pilot's orders**

Any vessel whilst employed in towing or in any way moving or assisting another vessel having in charge a licensed pilot shall be under the orders of such pilot in all matters connected with the navigation of such vessel.

**108. Pilot to show license on demand**

Every pilot shall carry his license with him, and shall produce it to the master of any vessel boarded by him on demand.

**109. Pilot to assist vessel in distress**

Every pilot shall by every means in his power aid and assist any vessel in distress or observed to be running into danger.

**110. Complaints to be in writing**

Where the master of a vessel wishes to make a complaint against a pilot he shall make that complaint in writing to the Harbour Master.

**111. Payment to pilots**

A licensed pilot shall not demand or receive, and a master shall not offer to pay to any pilot, any sum of money in respect of pilotage service; and if a pilot or master acts in contravention of this regulation, he or they shall, for each offence, be individually and severally liable to a fine not exceeding (\$2 000).

*[Regulation 111 amended by Gazette 5 December 1986  
p.4469.]*



**112. Pilot leading a vessel**

If any vessel, having on board a licensed pilot, leads any vessel which has not a licensed pilot on board, when the lastmentioned vessel cannot from particular circumstances be boarded, the lastmentioned vessel shall unless otherwise provided, pay the full pilotage rate for the distance run as if the pilot had actually been on board and had charge of the said vessel.

**113. Pilot detained**

A pilot, except under circumstances of unavoidable necessity, shall not, without his consent, be detained on board any vessel, or be taken to sea or beyond the limits for which he is licensed or into quarantine ashore or afloat, in any vessel whatever; and if he is so detained or taken under circumstances of unavoidable necessity or without his consent, he shall be entitled to the sum of ten dollars a day, and a free passage back to the Port, which shall be paid by the owners of the said vessel in addition to the appropriate pilotage charges and all expenses of the Port Authority involved in the pilot's detention.

**114. Production of information to pilot**

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

*[Regulation 114 amended by Gazette 29 July 1977 p.2482.]*

**Pilotage Exemption Certificates****115. Eligibility for Exemption Certificate**

- (1) A person is not eligible to apply for an Exemption Certificate unless the person is entitled to reside permanently in Australia under an Act of the Commonwealth and the person —
  - (a) holds —

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- (i) a Master Class 1 Certificate of Competency issued under the Navigation Act;
- (ia) a Master Class 3 Certificate of Competency issued under the Navigation Act or the *Western Australian Marine Act 1982*;
- (ii) a Foreign Going Masters Certificate of Competency issued under the Navigation Act;
- (iii) a Certificate of Service as Master issued under the Navigation Act; or
- (iv) a certificate issued outside Australia that is recognized by the Department of Transport and Communications of the Commonwealth or by the State marine department as equivalent to one of those certificates,

and the person —

- (v) subject to regulation 116 (2), within the 2 years preceding the date of the application, has been the master of a vessel, with a pilot on board, on at least 4 occasions when the vessel was navigated into, and on at least 4 occasions when the vessel was navigated out of, the Port;

or

(b) holds —

- (i) a certificate as first mate issued under the Navigation Act; or
- (ii) a certificate issued outside Australia that is recognised by the Department of Transport and Communications of the Commonwealth or by the State marine department as equivalent to that certificate,

and the person has —

- (iii) subject to regulation 116 (2), within the 2 years preceding the date of the application, been the first mate of a vessel, with a pilot on board, on at

least 4 occasions when the vessel was navigated into, and on at least 4 occasions when the vessel was navigated out of, the Port, on each occasion remaining on duty on the bridge of the vessel while it was being navigated within the Port; and

- (iv) a written statement, signed by the pilot or master of the vessel on each occasion referred to in subparagraph (iii), verifying that the person complied with the requirements of that subparagraph on that occasion.

- (2) In this regulation “**Navigation Act**” means the *Navigation Act 1912* of the Commonwealth.

*[Regulation 115 inserted by Gazette 30 November 1993 pp.6429-30; amended in Gazette 13 April 1999 p.1545.]*

#### **116. Application and examination for Exemption Certificate**

- (1) An application for an Exemption Certificate shall be on the form approved by the Port Authority and shall be accompanied by —
  - (a) a fee of \$565.25, that is not refundable whether the applicant passes or fails the examination referred to in subregulation (3);
  - (b) evidence, satisfactory to the Port Authority, that the applicant has satisfied the qualification and navigation requirements of regulation 115 (1) (a) or (b), as the case requires;
  - (c) a current medical certificate providing evidence of the applicant’s health;
  - (d) a current certificate of visual acuity as required for seagoing masters by the Department of Transport and Communications of the Commonwealth or the State marine department; and
  - (e) if the case requires, the written statement referred to in regulation 115 (1) (b) (iv).

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- (2) An application under this regulation is not valid unless at least one of the occasions referred to in regulation 115 (1) (a) (v) or (b) (iii), as the case requires, was within —
  - (a) the 12 months preceding the date of the application, if the application is for a Certificate valid for vessels of a category to which regulation 117 (3) (a) or (b) applies; or
  - (b) the 6 months preceding the date of the application, if the application is for a Certificate valid for vessels of a category to which regulation 117 (3) (c) or (d) applies.
- (3) If an applicant satisfies the Harbour Master, in an examination, that the applicant has an adequate knowledge of those matters considered by the Port Authority to be necessary for the safe navigation of vessels within the Port, including the ability to speak English, the Port Authority shall issue an Exemption Certificate to the applicant.
- (4) A person who fails the examination is not eligible to be examined again until, after the examination, the person has been the master or first mate of a vessel, as the case requires, with a pilot on board, on at least one occasion when the vessel was navigated into or out of the Port, or into or out of a particular area of the Port with respect to which the person's knowledge was found to be deficient in the examination.

*[Regulation 116 inserted by Gazette 30 November 1993 pp.6430-31; amended in Gazette 5 August 1997 p.4488.]*

**117. Vessels for which Exemption Certificates are valid**

- (1) The Port Authority shall endorse an Exemption Certificate with the category of vessels for which it is valid, being one of the categories specified in subregulation (3), and the Certificate is valid for —
  - (a) vessels having a length overall appropriate to that category; and

- (b) vessels having a length overall less than is appropriate to that category.
- (2) The category of vessels that is to be endorsed on an Exemption Certificate under subregulation (1) is the category that is appropriate to the vessel having the shortest length overall of the vessels of which the applicant for the Certificate was master or first mate, as the case requires, when complying with regulation 115(1)(a)(v) or (b)(iii).
- (3) The categories of vessels for which an Exemption Certificate may be valid are vessels having a length overall of —
  - (a) less than 80 metres;
  - (b) 80 metres or more but less than 155 metres;
  - (c) 155 metres or more but less than 215 metres; or
  - (d) 215 metres or more.

*[Regulation 117 inserted by Gazette 30 November 1993 p.6431; amended in Gazette 13 April 1999 pp.1545-6.]*

**118. Exemption Certificates valid only during daylight hours unless otherwise endorsed**

- (1) Subject to subregulation (2), the Port Authority shall endorse an Exemption Certificate as valid only during the hours of daylight.
- (2) If a person who holds an Exemption Certificate applies to the Port Authority to have the Certificate endorsed to be valid during the hours of darkness, the Port Authority, subject to subregulation (3), shall endorse the Certificate accordingly if it is satisfied that the applicant, within the 12 months preceding the date of the application, has been in charge of a vessel with a pilot on board —
  - (a) on at least 1 occasion when the vessel was navigated into the Port; and
  - (b) on at least 1 occasion when the vessel was navigated out of the Port,

the vessel on each occasion being navigated during the hours of darkness.

- (3) If an Exemption Certificate is valid for vessels of a category to which regulation 117 (3) (c) or (d) applies, the Port Authority shall not endorse the Certificate under subregulation (2) unless at least one of the occasions referred to in paragraphs (a) and (b) of that subregulation was within the 6 months preceding the date of the application.

*[Regulation 118 inserted by Gazette 30 November 1993 pp.6431-32.]*

**119. Endorsement of Exemption Certificates for vessels of greater length**

- (1) If a person who holds an Exemption Certificate applies to the Port Authority to have the Certificate endorsed to be valid for vessels having a length overall greater than is appropriate to the category to which the Certificate applies, the Port Authority, subject to subregulation (2), shall endorse the Certificate accordingly if it is satisfied that the applicant, within the 12 months preceding the date of the application, has been in charge of a vessel with a pilot on board —
- (a) on at least 2 occasions when the vessel was navigated into the Port; and
  - (b) on at least 2 occasions when the vessel was navigated out of the Port,

the vessel on each occasion having a length overall not less than is appropriate to the category for which the applicant is applying to have the Certificate endorsed.

- (2) If an application is made under subregulation (1) to have an Exemption Certificate endorsed to be valid for a category of vessels to which regulation 117 (3) (c) or (d) applies, the Port Authority shall not endorse the Certificate unless at least one of the occasions referred to in subregulation (1) (a) and (b) was within the 6 months preceding the date of the application.

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*[Regulation 119 inserted by Gazette 30 November 1993  
pp.6432.]*

**120. Validity, lapse and renewal of Exemption Certificates**

- (1) Unless it lapses or is revoked under this regulation, an Exemption Certificate is valid for 2 years but may be renewed under subregulation (2).
- (2) If a person who holds an Exemption Certificate, including an Exemption Certificate that has been previously renewed under this subregulation or revalidated under subregulation (5), makes an application —
  - (a) before the Certificate lapses; and
  - (b) accompanied with evidence, satisfactory to the Port Authority, of the applicant's health and visual acuity,the Certificate may be renewed for a period, in the discretion of the Port Authority, not exceeding 2 years.
- (3) If, in the case of a Certificate that is endorsed to be valid —
  - (a) for a category of vessels referred to in regulation 117 (3) (a) or (b), the holder of the Certificate does not navigate a vessel, under the authority of the Certificate, anywhere in the Port for a period of 12 months; or
  - (b) for a category of vessels referred to in regulation 117 (3) (c) or (d), the holder of the Certificate does not navigate a vessel, under the authority of the Certificate, anywhere in the Port for a period of 6 months,the Certificate lapses on the expiry of that 12 months or 6 months period, as the case requires.
- (4) If an Exemption Certificate lapses —
  - (a) not having been renewed under subregulation (2); or
  - (b) under subregulation (3),

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the holder of the Certificate may apply to the Port Authority to have the Certificate revalidated if the application is made within 2 years after the date the applicant last navigated a vessel under the authority of the Certificate.

- (5) If an application is made under subregulation (4), the Port Authority shall revalidate the Certificate for a period, in the discretion of the Port Authority, not exceeding 2 years if the applicant satisfies the Port Authority that —
- (a) the applicant has been in charge of a vessel having a length overall not less than is appropriate to the category to which the lapsed Certificate applied, with a pilot on board, on at least one occasion when the vessel was navigated into or out of the Port —
    - (i) within the 12 months preceding the date of the application, if the lapsed Certificate was valid for vessels of a category to which regulation 117 (3) (a) or (b) applies; or
    - (ii) within the 6 months preceding the date of the application, if the lapsed Certificate was valid for vessels of a category to which regulation 117 (3) (c) or (d) applies;
  - and
  - (b) the applicant has an adequate knowledge of those matters considered by the Port Authority to be necessary for the safe navigation of vessels within the Port.
- (6) If a lapsed Exemption Certificate is not revalidated within the 2 year period referred to in subregulation (4), the person who holds the lapsed Certificate may be issued with a new Certificate if —
- (a) the person satisfies the eligibility requirements of regulation 115; and
  - (b) makes an application under regulation 116.
- (7) The Port Authority may —



- (a) issue an Exemption Certificate that applies to all the waters of the Port or to the specific areas of the Port that are endorsed on the Certificate; or
- (b) revoke an Exemption Certificate in its absolute discretion.

*[Regulation 120 inserted by Gazette 30 November 1993 pp.6432-33.]*

**121. Exemption Certificates may be declared not to apply to certain areas**

The Port Authority may at any time declare an area of the Port to be an area to which Exemption Certificates do not apply.

*[Regulation 121 inserted by Gazette 30 November 1993 p.6434.]*

**121A. Use of Exemption Certificates to be recorded**

On each occasion when a person navigates a vessel under the authority of an Exemption Certificate, the person shall make a written record of —

- (a) the name and length overall of the vessel; and
- (b) the date on which, and the areas of the Port in which, the person navigates the vessel.

*[Regulation 121A inserted by Gazette 30 November 1993 p.6434.]*

**121B. Port Authority may exempt dredges from pilotage**

The Port Authority may —

- (a) exempt a vessel engaged in dredging operations within the Port from pilotage.

*[(b) deleted]*

*[Regulation 121B inserted by Gazette 30 November 1993 p.6434; amended in Gazette 20 June 2000 p.3037.]*

**122. Certificate of Local Knowledge**

- (1) In this regulation —  
    **“Certificate”** means a Certificate of Local Knowledge.
- (2) For the purposes of subregulation (3) a person is a qualified applicant if at the date of applying for a Certificate the person has been the master or mate of a vessel of more than 150 tons gross register —
- (a) for at least 3 months during the period of 12 months preceding the date of the application; and
  - (b) on at least 4 occasions in those 3 months when the vessel was navigated in those areas of the Port to which the Certificate is to relate,
- and —
- (c) if the person was master on any of those occasions, the person held a certificate of competency as Master Class IV, or a higher certificate, and the vessel had a pilot on board; or
  - (d) if the person was mate on any of those occasions, the master of the vessel was the holder of a certificate relating to the area of the Port in which the vessel was navigated.
- (3) If a qualified applicant —
- (a) pays the application fee of \$47.50 to the Port Authority; and
  - (b) satisfies the Harbour Master, by passing an examination, that the applicant —
    - (i) is capable of navigating a vessel of more than 150 tons gross register within the Port; and
    - (ii) has a reasonable knowledge of the procedures and laws governing persons navigating vessels within the Port,

the Port Authority shall issue the applicant with a Certificate.

*[(4) Repealed]*

- (5) A Certificate shall —
- (a) be in a form determined by the Port Authority;
  - (b) specify those areas of the Port to which it applies; and
  - (c) be signed by the Harbour Master.
- (6) The Port Authority may, in its absolute discretion, revoke a Certificate.
- (7) If the holder of a Certificate does not, as master, navigate a vessel of more than 150 tons gross register within the Port during a continuous period of 12 months, the Certificate shall be taken as having been revoked on the expiry of the 12 months.

*[Regulation 122 inserted by Gazette 21 August 1992 pp.4170-71; amended by Gazettes 26 August 1994 p.4451; 5 August 1997 p.4488.]*

**122A. Effect of Certificate of Local Knowledge**

- (1) A vessel with a length overall of 50 metres or less is exempt from pilotage if —
- (a) the vessel's master holds a Certificate of Local Knowledge issued under regulation 122; and
  - (b) the vessel is navigated in those areas of the Port to which the Certificate applies,

and the vessel —

- (aa) is a vessel that plies between the Port and Rottnest Island or Hillarys Boat Harbour;
- (bb) is undergoing a trial conducted by or on behalf of the builder of the vessel; or
- (cc) is entering the Port from, or leaving the Port to, the Swan River.

*[Regulation 122A inserted by Gazette 26 August 1994 p.4452; amended in Gazette 20 June 2000 p.3037.]*

## **Section IV**

### Tonnage Rates

#### **123. Master, owner or agent of vessel to pay tonnage rate**

The master, owner or agent of a vessel that enters the port shall pay the tonnage rate that applies to the vessel under regulation 127.

*[Regulation 123 inserted by Gazette 27 June 1995 p.2610.]*

#### **123A. Tonnage calculation**

- (1) In this regulation, the *Merchant Shipping (Tonnage) Regulations 1967* (as amended by Statutory Instruments No. 1093 of 1967 and No. 656 of 1972) of the United Kingdom are referred to as “the U.K. Rules”.
- (2) In and for the purposes of the Act and these regulations the tonnage of a vessel shall be the sum of —
  - (a) the gross tonnage of such vessel ascertained in accordance with regulations 4, 5, 6 and 7 of the U.K. Rules; and
  - (b) the tonnage, ascertained in accordance with paragraph 4 or 5 of rule 1 of Schedule 1 of the U.K. Rules, whichever is applicable, of all dry cargo space which by virtue of paragraph (a) of regulation 7 of the U.K. Rules is not included in the gross tonnage ascertained as aforesaid.
- (3) The Port Authority may in the case of any vessel determine or calculate the tonnage of such vessel or of any space thereon either wholly or in part from or by reference to the particulars of tonnage or other information appearing in the Certificate of Registry or Tonnage Certificate of such vessel or by reference to the measurement of the vessel appearing in the latest edition of Lloyd’s Register in the possession of the Port Authority.

- (4) Where the tonnage of a vessel cannot be ascertained in accordance with subregulation (3) of this regulation, or where in the opinion of the Authority the tonnage so ascertained is inaccurate, the Authority may determine such tonnage.
- (5) For the purpose of ascertaining the tonnage of any vessel or of any space upon any vessel any authorised person may —
  - (a) board, inspect, survey or measure such vessel or space or any goods therein or thereon;
  - (b) detain such vessel;
  - (c) require the unshipment of any goods in or on a vessel at the risk and expense of the owner of those goods.
- (6) Where a vessel is detained in accordance with paragraph (b) of subregulation (5) of this regulation the vessel shall be subject to the normal rates and charges or exemptions and rebates from those rates and charges set out in these regulations during that period of detention.
- (7) The owner, agent or master of a vessel, upon the request of an authorised person shall afford all necessary facilities to enable the vessel or any goods therein or thereon or both the vessel and such goods, to be boarded, inspected, surveyed or measured for the purpose of ascertaining the tonnage of the vessel.

*[Regulation 123A inserted by Gazette 29 July 1977 p.2482.]*

**123B. Exemption from liability**

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

*[Regulation 123B inserted by Gazette 29 July 1977 p.2482.]*

**124. Exemption from payment**

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

**125. Certificate of Registry**

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

*[Regulation 125 amended by Gazette 29 July 1977 p.2482.]*

**126. Computing time in berth**

- (1) For the purpose of assessing the charges that apply to the period that a vessel occupies a berth at the port, a vessel shall be deemed to occupy a berth as follows —
  - (a) where a vessel uses a berth at a wharf or jetty or at a mooring buoy, from the time when the first line is made fast until the last line is let go; and
  - (b) where a vessel anchors in the Outer Harbour, for the actual time occupied in shipping and discharging cargo, and embarking or disembarking passengers.
- (2) A vessel which remains at anchor in the Outer Harbour, having arrived solely for orders or supplies (including bunkers) for her own use, or to be refitted or repaired, or being in distress or under duress shall occupy a berth for the actual time the vessel remains at anchor.

*[Regulation 126 inserted by Gazette 22 June 1990 p.3084; amended by Gazette 27 June 1995 p.2610.]*

**127. Tonnage rates**

- (1) Subject to this regulation and regulations 124 and 128, the tonnage rate that applies to —

- (a) a vessel with an inboard incinerator that berths in the Inner Harbour is \$0.14 per ton;
  - (b) a vessel without an inboard incinerator that berths in the Inner Harbour is \$0.147 per ton;
  - (c) a vessel with an inboard incinerator that berths in the Outer Harbour is \$0.29 per ton; or
  - (d) a vessel without an inboard incinerator that berths in the Outer Harbour is \$0.297 per ton.
- (2) The tonnage rate that applies to a vessel that enters the port and occupies a berth in both the Outer Harbour and Inner Harbour before the vessel leaves the port, is the rate set out in subregulation (1) (c) or (d), according to whether or not the vessel has an inboard incinerator.
- (3) The tonnage rate that applies to a vessel that occupies a berth in the Outer Harbour north of Success Bank for the purpose of loading or discharging cargo is the rate set out in subregulation (1) (a) or (b), according to whether or not the vessel has an inboard incinerator.
- (4) The tonnage rate that applies to a vessel that berths anywhere in the port solely for fuel (bunkers) for its own use is \$0.04 per ton.
- (5) The tonnage rate that applies to a vessel for each week or part of a week that it remains at anchor in the Outer Harbour solely —
- (a) for orders or supplies, other than fuel (bunkers), for its own use;
  - (b) to be refitted or repaired; or
  - (c) because it is in distress or under duress,
- is \$0.04 per ton.
- (6) The Port Authority may, in its discretion and according to the circumstances of each case, allow any rebates of tonnage rates it considers reasonable.

*[Regulation 127 inserted by Gazette 27 June 1995 pp.2610-11.]*

**128. Vessels exempt from tonnage rates in certain circumstances**

- (1) Tonnage rates do not apply to a vessel that enters the port for a sick, injured or deceased person to be taken ashore if the vessel remains in the port for no longer than is required for that purpose.
- (2) The master, owner or agent of a vessel referred to in subregulation (1) shall submit a written report to the Port Authority, before the vessel leaves the port, of the circumstances in which the vessel entered the port.

*[Regulation 128 inserted by Gazette 27 June 1995 p.2611.]*

*[129. Repealed in Gazette 6 July 1991 p.3374.]*

*[130. Repealed by Gazette 27 June 1995 p.2611.]*

**131. Mooring charges**

- (1) The charges for the mooring and unmooring of a vessel in the port are set out in the Table.

TABLE  
MOORING AND UNMOORING CHARGES

	Each Service \$
(a) Vessels under 5 000 tons in the Inner Harbour	300
(b) all other vessels in the Inner Harbour .....	550
(c) all other vessels in the Outer Harbour .....	700

- (2) Where a mooring gang is ordered or requisitioned to provide a service for a vessel and the services of the gang are not required at the nominated time, the Port Authority may charge, and the ship owner or agent shall pay, the following amounts in the following circumstances —



- 
- (a) where the mooring gang is detained for more than half an hour beyond the nominated time —
- (i) during ordinary hours — 25% of the charge for the appropriate service for each hour or part thereof that the gang is detained after the nominated time;
  - (ii) during overtime hours — 50% of the charge for the appropriate service for each hour or part thereof that the gang is detained after the nominated time;
- (b) where the request for the mooring gang is cancelled —
- (i) during ordinary hours —
    - (A) where at least 2 hours notice is given — no charge;
    - (B) where less than 2 hours notice is given — 25% of the appropriate service charge;
  - (ii) during overtime hours — 100% of the appropriate service charge.
- (3) For the purposes of this regulation —
- (a) each mooring and each unmooring is a separate service;
  - (b) “**ordinary hours**” are the hours between 7 am and 4 pm on any day;
  - (c) “**overtime hours**” are any hours which are not ordinary hours;
  - (d) “**service charge**” means the charge set out in subregulation (1).

*[Regulation 131 inserted by Gazette 5 July 1991 p.3374; amended by Gazette 6 December 1991 p.6114; 26 June 1992 p.2801; 27 October 1992 p.5292; 27 June 1995 p.2611; 18 September 1998 p.5178.]*

## **Part IV — Goods and charges thereon**

### **Section I**

Wharfage, Handling etc.

#### **131A. Cargo landed and reshipped and transhipment cargo**

For the purposes of this Part, cargo is referred to as —

- (a) **“landed and reshipped cargo”** if it is intended to be delivered to a port, other than the port, on the vessel on which it arrives at the port but, without any prior arrangement with the Port Authority, the cargo is discharged and stored at the port before being loaded on to another vessel; or
- (b) **“transhipment cargo”** if it is intended to be delivered to a port, other than the port, on a vessel other than the vessel on which it arrives at the port and, in accordance with a prior arrangement with the Port Authority, the cargo is discharged and stored at the port before being loaded on to another vessel.

*[Regulation 131A inserted by Gazette 27 June 1995 p.2612.]*

#### **132. Computation of dues**

- (1) All dues and charges on cargo shall, except as otherwise provided, be computed on the weights and measurements shown in a vessel’s manifest, bill of lading or other shipping document for such cargo, but it shall be competent for the Port Authority at its own option to proceed on the basis of the tonne of 1 000 kilograms, or the cubic metre, or the kilolitre, and the fraction of these units shall be charged on a *pro rata* basis excepting in the case of storage.
- (2) In all cases dues and charges shall be calculated on the gross weight or measurement, and the Port Authority reserve the right at any time to demand that goods shall be reweighed or

remeasured, in the presence of an officer of the Port Authority and at the expense of the owner of the cargo.

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

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

*[Regulation 132 amended by Gazettes 28 June 1973 p.2477; 16 August 1985 p.2930.]*

**133. Inward manifests**

The master or agent of every vessel arriving at the Port of Fremantle, shall deliver at the office of the Port Authority, prior to commencing to discharge cargo, two true, legible and complete copies in the English Language of the manifest of the said vessel, certified by himself as being true and complete, containing the particulars indicated in the form set forth in Schedule A, and shall also furnish within fourteen (14) days two certified statements of all amendments (if any) which may be made in the manifest by reason of re-measurement of goods included therein or otherwise, but amendments to a manifest shall not be recognised unless supplied prior to the goods affected thereby being removed from the premises of the Port Authority, and in the case of a vessel not discharging any cargo, a “Nil” manifest must be furnished.

**134. Outward manifests**

The master of every vessel shall deliver to the office of the Port Authority, prior to the departure of the vessel in which outward cargo is shipped, a certified copy in the English language of the manifest in the form set out in Schedule A, giving true, legible

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and complete particulars of such goods to enable the amount of outward wharfage and handling charges payable thereon to be readily computed. In the case of a vessel not shipping any cargo, a "Nil" manifest shall be furnished. All manifests shall also show the quantity of fuel bunkered.

*[Regulation 134 amended by Gazette 28 June 1973 p.2477.]*

**135. Payment of wharfage etc. on inwards cargo**

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

*[(2) Deleted.]*

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

*[Regulation 135 amended by Gazette 26 February 1979 p.441.]*

**136. Payment of wharfage etc. on outwards cargo**

- (1) Wharfage, handling and all other charges in respect of cargo to be shipped shall be paid prior to the cargo being received by the Port Authority.
- (2) The consignor or owner of cargo shall hand to the Port Authority a cart-note or such other written document as may be required which shall contain a full and accurate description and the gross weights or measurements of all the cargo.

*[(3) Deleted.]*

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

*[Regulation 136 amended by Gazette 16 February 1979 p.441.]*

**137. Goods to be checked**

- (1) A person shall not remove any goods or luggage from any wharf or shed without first satisfying the check clerks of his right so to do; and shall produce any cart-note, delivery receipt, or luggage pass that may have been entrusted to him at the time he received such goods, this provision, however, shall not apply to goods in railway wagons for which satisfactory receipts have already been given to the Port Authority.
- (2) All goods on vehicles passing the check clerks must be stowed in such a manner that the clerks can readily check the number of the packages; in cases where this is not done, the person in charge of the vehicles may be ordered to discharge and reload and wherever the goods or luggage upon a vehicle do not agree with the cart-note or pass in the hands of the driver, the vehicle shall return whence it came, and shall not be allowed to pass out until the discrepancy has been satisfactorily righted.

**138. Wharfage charges**

- (1) Subject to regulation 142, the consignee, consignor or owner of goods discharged from, to be shipped on or transhipped out of any vessel within the Port shall be subject to subregulation (2) pay —
- (a) the appropriate wharfage charge in regulation 139; and
  - (b) if applicable, the appropriate cargo berth hire charge in regulation 139A.
- (2) No wharfage charge or cargo berth hire charge applies to cargo discharged at the port from a vessel in distress, or for the

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convenience of a vessel, if the cargo is subsequently loaded on to the same vessel before the vessel leaves the port.

- (3) For the purposes of assessing charges for cargo containers under regulation 139 or 139A —

“40’ ” means a container the dimensions of which are 12.192 m x 2.4384 m x 2.5908 m; and

“20’ ” means a container the dimensions of which are 6.096 m x 2.4384 m x 2.5908 m,

and a container having an external length of less than 6.096 m shall be charged in the same proportion that the carrying potential of that container bears to a 20’ container.

*[Regulation 138 inserted by Gazette 22 June 1990 p.3085; amended by Gazette 5 July 1991 p.5374; 26 June 1992 p.2802; 23 July 1993 p.4039; 27 June 1995 p.2612.]*

**139. Wharfage charges for cargo**

The wharfage charge that applies to —

- (a) sheep, pigs or goats is \$0.18 for each animal;
- (b) water is \$0.70 for each kilolitre;
- (c) a 20’ full container is \$47.30;
- (d) a 40’ full container is \$94.60;
- (e) a 20’ empty container is \$7.70;
- (f) a 40’ empty container is \$15.40; or
- (g) any other cargo is \$2.82 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo.

*[Regulation 139 inserted by Gazette 27 June 1995 pp.2612-3; amended in Gazette 5 August 1997 p.4488.]*

**139A. Cargo berth hire charges**

- (1) Cargo berth hire charges apply to cargo loaded on to or discharged from a vessel berthed at a heavy duty berth in the port.

- (2) The cargo berth hire charge that applies to —
- (a) a 20' full container is \$13.90;
  - (b) a 40' full container is \$27.80; or
  - (c) subject to subregulation (3), any other cargo is \$1.06 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo.
- (3) A cargo berth hire charge does not apply to an empty container or to cargo referred to in regulation 139 (a) or (b).
- (4) In subregulation (1) —
- “heavy duty berth”** means a berth at the port that is designated by the Port Authority as a heavy duty berth.

*[Regulation 139A inserted by Gazette 27 June 1995 p.2613; amended in Gazette 5 August 1997 p.4489.]*

**140. Hazardous cargo charge**

- (1) The master, owner or agent of a vessel on which there is bulk hazardous cargo shall pay a charge of \$0.03 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo, whether —
- (a) the cargo is loaded on to, or discharged from, the vessel at the port; or
  - (b) the cargo is loaded on to the vessel before the vessel arrives at the port, remains on the vessel while the vessel is at the port and is on the vessel when the vessel leaves the port.
- (2) In subregulation (1) —

**“bulk hazardous cargo”** means goods to which any of classes 1 to 9 of the International Maritime Dangerous Goods Code applies that are not in a container or otherwise packaged.

*[Regulation 140 inserted by Gazette 27 June 1995 p.2613; amended in Gazette 5 August 1997 p.4489.]*

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*[140A. Repealed in Gazette 22 June 1990 p.3087.]*

*[140B. Repealed by Gazette 27 June 1995 p.2613.]*

*[141, 141A. Repealed in Gazette 22 June 1990 p.3087.]*

**142. Rebates of wharfage charges**

The Port Authority may, in its discretion, and according to the circumstances of each case allow any rebates it considers reasonable on the wharfage charges prescribed in these regulations.

*[Regulation 142 inserted by Gazette 22 June 1990 p.3086.]*

*[143, 144, 145. Repealed in Gazette 22 June 1990 p.3087.]*

**146. Outward Wharfage rates on fuel oil**

The outward wharfage rates on fuel oil loaded into a vessel as bunkers supplied for the vessel's own use, and upon which an inward wharfage rate has not been paid, shall be \$2.82 per kilolitre, payable by the suppliers of the oil.

*[Regulation 146 inserted by Gazette 5 July 1991 p.3375; amended by Gazette 26 June 1992 p.2802; 23 July 1993 p.4039; 5 August 1997 p.4489.]*

**Section II**

Handling and Custody of Cargo

**147. Services covered by handling charges**

- (1) Handling services on inwards cargo coming into the custody of the Port Authority as wharfinger shall (except where otherwise specifically provided) include receiving from ship's slings, tallying (which shall be done in conjunction with and in the presence of any shore tallying which may be done by the ship), sorting to marks, stacking and subsequently delivering to tail of consignee's vehicle and there obtaining a receipt.



- (2) Inwards cargo shall not, for any purpose whatever be deemed to be in the custody of the Port Authority until that cargo is deposited on the wharf or conveyance provided by the Port Authority to receive it and the sling is released, from the ship's tackle.
- (3) Handling services on outwards cargo coming into the custody of the Port Authority for shipment shall include the checking in, the stowage in port order, and subsequent delivery in sling-loads to ship's side and there obtaining a receipt.
- (4) Outward cargo shall be deemed to be in the custody of the ship when the ship's tackle is inserted in the sling.
- (5) Handling services whether inward or outward, in respect of cargo consigned directly to or from the ship's side (and not coming into the custody of the Port Authority as wharfinger) shall include the ship's side truck movements, sheeting, chaining, etc. as well as the labour of making up into sling-loads in the case of a ship loading, and the receiving of sling-loads and the stowage of trucks in respect of ship discharging.

*[Regulation 147 amended by Gazette 22 June 1990 p.3086.]*

**148. Handling services at option of Port Authority**

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

**149. Cargo handled by master of vessel**

In those cases where the permission of the Manager has been obtained by the master or owners of a vessel to handle cargo from or to the vessel across the wharf, the master or owner shall be entitled to recover from the owner of the cargo any reasonable costs incurred in handling the cargo.

*[Regulation 149 amended by Gazette 22 June 1990 p.3086.]*

**150. Cargo landed into or shipped from railway wagons, etc.**

- (1) Consignees or shippers desiring their cargo landed into or shipped from railway wagons or other vehicles alongside vessel shall give reasonable notice to the Manager and at the same time satisfy the Manager that arrangements for the handling of cargo in this manner have been completed with the vessel, Railway Department, Her Majesty's Customs and other interest.
- (2) The Port Authority reserves the right of refusing to handle cargo direct from or to ship's slings into or out of railway wagons or other vehicles where owing to the character of the ship's gear or any other reason the work is, in the opinion of the Manager, dangerous or likely to prejudice the expeditious handling of the ship's cargo as a whole.
- (3) A condition precedent to the handling of cargo direct from ship's slings to railway wagons is the surrender to the Port Authority of the ship's release and the payment of the Port Authority charges.

*[Regulation 150 amended by Gazette 22 June 1990 p.3086.]*

**151. Receipts for cargo in railway wagons**

In the case of cargo landed direct into railway wagons or delivered to railway wagons on the wharf or at the wharf sheds, where such cargo has passed into the custody of the Port Authority owing to the Port Authority having given receipts to the ship for it, the consignee of that cargo must give receipts to the Port Authority for the cargo before the wagon or wagons containing the cargo is or are permitted to be removed and the Port Authority shall not be held responsible for the safe custody of the cargo after the wagon or wagons have been loaded ready for removal.

**152. Haulage of railway wagons**

Where cargo is landed direct into or shipped out of railway wagons the haulage and other charges imposed by the Railway

Department must be paid by the person ordering the wagons to the Railway Department direct, and the onus of requisitioning the Railway Department for supply of wagons shall rest with the consignee or shipper respectively.

*[Regulation 152 inserted by Gazette 22 June 1990 p.3087.]*

**153. Receipts etc., for inwards cargo**

- (1) The receipts of the Port Authority to a vessel for cargo landed (in cases where under these regulations cargo passes into the custody of the Port Authority as wharfinger) shall be based upon the outward appearance of the packages only and shall bear the following endorsement: "Received in apparent good order and condition; weight, contents and value unknown, except where otherwise stated." During the progress of discharge, cargo landed in manifestly bad condition will be placed in an enclosed position apart from other cargo, pending examination by the interests concerned.
- (2) The Port Authority is not responsible for the safe custody or the condition of a package or packages or of its or their contents unless a Port Authority officer has been a party to the examination and has agreed as to condition in respect of damage, or quantity of remaining contents in respect of abstraction and in the event of the vessel, or its agent, refusing to accept this condition for cargo, the package or packages must be immediately returned aboard by the vessel and shall not be again landed until it has been examined by the consignee, who shall take delivery direct from the vessel.
- (3) Satisfactory receipts must be given to the Port Authority for packages of goods which are in the custody of the Port Authority before they are opened for Customs examination and the Port Authority will not be held responsible for the safe custody of the contents of packages of goods so opened or repacked where satisfactory receipts as aforesaid are refused, the Manager shall at once remove the whole consignment of which

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the package or packages are a portion, to the Queen's warehouse.

**154. General responsibility of Port Authority**

- (1) Goods, for which receipts have not been given by the Port Authority, will not be deemed for any purpose to be in the custody of the Port Authority as wharfinger, and the Port Authority will not be responsible for their safe custody, or for any loss or damage that may accrue to them in any manner whatsoever.
- (2) The Port Authority will not be responsible for the weight, size, character or condition of the contents of packages and generally the Port Authority will not be liable for a greater value in regard to any goods, or better condition of any package, than is stated upon the ship's receipts, bills of lading, manifest, or other documents as regards declarations of values or conditions, and for this purpose the Port Authority may rely upon, and the owners of the goods shall be bound by all statements, exceptions, and conditions endorsed upon the ship's documents as aforesaid.

**155. Delay in delivery of goods**

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

**156. Wrong delivery**

The Port Authority will not be responsible for the wrong or non-delivery of goods to persons other than the consignee, or of goods which are not marked or are erroneously or deficiently marked, or which have numerous old or imperfectly erased marks thereon, nor in cases where more than one consignment of goods of apparently similar character or appearance in the same vessel, bear the same or similar marks.

**157. Authority to move goods**

A person shall not remove from one vessel to another, or transfer from one hatch to another hatch of a vessel either along the wharf or by means of a lighter, or remove from any part of the wharf to any other part thereof, any goods or luggage without the authority of the Manager.

**158. Goods handled in wet weather**

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

**159. Goods requiring special treatment**

The Port Authority shall not be liable for goods which are required by Government or other recognised authorities to undergo special treatment, such as fumigation, dipping, steaming, opening, destroying or otherwise.

**160. Responsibility in case of fire, etc.**

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

**161. Notice of intention to discharge or load**

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

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- (2) Goods, live stock, or other material of any sort whatsoever shall not be discharged or shipped, except at such times and places and in such order and mode as may be directed and deemed expedient by the Manager for the proper working of any wharf or jetty.
- (3) Cargo discharged without permission of the Manager being first obtained shall not be deemed to be in the custody of the Port Authority, nor shall the Port Authority be held responsible for any loss or damage that may accrue to such cargo from any cause whatever.

**162. Contents of packages to be discernible**

Notwithstanding the nature of the receipt given by the Manager for any goods passing into the custody of the Port Authority, the Port Authority shall in no way be liable for the contents of packages which are so packed or secured that the contents are not plainly visible or the character thereof not plainly discernible at the time of receiving without the packages being unpacked or opened.

**163. Goods insufficiently packed**

- (1) Whenever in the opinion of the Manager goods are wholly unprotected, or insufficiently protected or packed, so as, in his opinion, to require additional labour in handling, or to involve the Port Authority in additional risk in handling, an additional charge for labour shall be imposed on such goods, and the Port Authority shall in no case be liable for damage to goods caused by or contributed to by insufficient packing or protection.
- (2) The additional charge referred to in subregulation (1) of this regulation shall be determined in each case by the Manager.

*[164. Repealed by Gazette 22 June 1990 p.3087.]*

**165. Charge for additional movement of goods**

- (1) Where a vessel is not ready to receive goods which have been brought down for direct shipment, and such goods have consequently to be stored on the wharf or in a shed at the berth where the vessel is lying, or if, for the convenience of the vessel, or on account of doubtful weather or other cause, such goods are placed in a shed, a charge shall be made to the vessel or owner of the goods to cover the cost of additional labour involved.
- (2) Where any goods have to be conveyed to a vessel, shed or berth beyond where such goods have been deposited or stored and the work of conveying those goods is done by the Port Authority, the cost of so conveying the goods shall be paid by the owner of the vessel or goods as the case may be for whom the work was done and the amount of the charge shall in each case be determined by the Manager.

**166. Discharge or loading to be continuous**

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

**167. Weight of package to be marked thereon**

The master of any vessel shall not discharge, nor shall any consignor deliver for shipment, a package or article, of a gross weight of one tonne or over unless that package or article shall have the exact weight marked on it in legible characters not less than twenty five millimetres in size; but where it is not practicable to weigh any package or article the weight of which is more than one tonne the gross weight of that package or article may be stated approximately within a limit of one tonne, that is to say “over one but under two tonnes” or as the case may be.

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*[Regulation 167 amended by Gazette 28 June 1973 p.2480.]*

**168. Materials in bulk not to be deposited on wharf**

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

**169. Working Hours**

The ordinary working hours of the Port shall be the hours from 7.30 a.m. to 12 noon and from 12.30 p.m. to 3.30 p.m. Mondays to Fridays, except upon such days as may be appointed holidays under regulation 303 of these regulations, but where vehicles are in the vicinity and ready to load or unload cargo from or to the wharf or transit sheds prior to 3.30 p.m. the ordinary working hours may, at the discretion of the Manager, be extended to 4.30 p.m. without penalty to the cargo owners.

**170. Vessels being worked overtime**

- (1) The master of a vessel requiring that vessel to be worked during hours other than ordinary working hours as defined in the preceding regulation, shall give the Manager at least five hours notice thereof, unless that work requires the engagement of fresh labour by the Port Authority, when notice must be given in accordance with regulation 161 of these regulations.

*[(2) Repealed]*

*[Regulation 170 amended by Gazette 22 June 1990 p.3087.]*

*[171. Repealed by Gazette 22 June 1990 p.3087.]*

**172. Heavy goods not to be tipped on wharves**

Girders, rails, plates, pig-iron, timber, stone, machinery or heavy merchandise, or commodity of any kind shall not be tipped or thrown out of any railway wagon or vehicle, or from any vessel, on to any wharf or jetty.



**173. Slinging of goods**

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

**174. Sorting or packing on wharves**

A person shall not sort any timber, or pack or re-pack or repair any goods, or screen any bulk goods, on any wharf or in any store without permission from the Manager, except as is provided for in the Statutes relating to Customs.

**175. Goods falling overboard**

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

**176. Limitation of value of goods lost or destroyed**

Subject to regulation 177 of these regulations all claims against the Port Authority for goods lost, damaged or destroyed shall be restricted to the cash value of the same at Fremantle, provided that value does not exceed the cash value at the Port of shipment at date of shipment with actual freight, insurance, duty (if any) and shipping charges added.

**177. Limitation of the amount of liability**

The Port Authority shall not be liable for gold, silver, bullion, specie, precious stones, precious metals, bank notes, bonds or

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securities for money, painting, sculpturing or other works of art beyond the sum of \$60 nor beyond the sum of \$600 for each package or parcel of any other kind of property, no matter what may be the nature or value of the contents thereof.

*[Regulation 177 amended by Gazette 18 April 1980 p.1147.]*

**178. Limitation of liability to declared value**

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

**179. Passengers' luggage**

The same limitations in regard to value of ordinary cargo as set out in these regulations shall apply to packages of passengers' luggage or effects passing into the custody of the Port Authority.

**180. 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 packages or goods of any description, not his own property.

**181. Claims in respect of cargo**

A claim will not be entertained by the Port Authority —

- (a) in respect of goods landed or alleged to be landed, unless it has been received by the Secretary in writing within four days of the vessel leaving the Port;
- (b) in respect of outwards goods unless received by the Secretary within twenty-four (24) hours after the vessel

in which it was intended to ship such goods leaves the Port; and

- (c) unless it is tendered on a form recognised by the Port Authority, which form will be supplied on application.

### **Section III**

#### Storage of Cargo

#### **182. Port Authority not bound to find storage room**

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

#### **183. Period of free storage**

- (1) Except where subregulation (2) applies, all goods landed from any vessel or received for shipment by any vessel, and placed on any wharf, shall be removed therefrom within 4 days after having been so placed or become liable to storage at the appropriate rate in regulation 185 (1).
- (2) Goods referred to in subregulation (1) that are placed in a shed at a common user berth become immediately liable to storage charges at the appropriate rate in regulation 185 (1).
- (3) In subregulation (2) —  
**“common user berth”** means a berth at the Port other than a berth of or to which a person is given exclusive use or other exclusive rights under a contract with the Port Authority.

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*[Regulation 183 amended by Gazette 27 June 1995 pp.2613-4;  
23 August 1996 p.4127; 5 August 1997 p.4489.]*

**184. Goods may be removed or sold**

The Manager is empowered to take charge of and store cargo and goods if not removed from any wharf or shed by the consignee within one week of having been so placed, or to cause the same to be conveyed to Queen's Warehouse or delivered to the consignee at his expense and risk, or to remove the same to any of the premises of the Port Authority or other convenient place, and to keep the same until payment to the Port Authority of the expense of such removal and of keeping of the goods, and of all other charges due to the Port Authority thereupon; and, in default of payment, on behalf of the Port Authority to sell the same in the manner and at the time and in accordance with the powers provided by Section 29 of the Act.

**185. Storage rates**

- (1) Where any goods are not removed from any wharf, jetty or sheds within the time specified in these regulations, there shall subject to these regulations be payable to the Port Authority as and by way of storage rent, in respect of such goods, charges at the following rates: —
  - (a) for transit cargo (all cargo other than transshipment cargo or cargo landed and reshipped), a charge for each day or part of a day of —
    - (i) \$1.28 for each tonne, or part of a tonne, for all cargo other than motor vehicles; or
    - (ii) \$13.00 for each motor vehicle;
  - (b) Transshipment Cargo or cargo landed and reshipped — \$1.28 per tonne or part thereof per week for a maximum period of two weeks, when the rates prescribed in paragraph (a) of this regulation shall become payable except where such goods are actually reshipped during the third week of storage in which case the rate of \$1.28

per tonne shall continue to apply for the third week, but nothing herein contained shall prevent the Manager from removing or ordering the removal as provided for in these regulations, of any goods at any time after the time hereinbefore appointed for their removal.

(2) In this regulation —

“**motor vehicle**” means a multi-purpose passenger car, omnibus, passenger car or passenger car derivative;

“**multi-purpose passenger car**” means a motor vehicle designed to carry not more than 8 adult persons that is constructed on a truck chassis or has special features for off road operation;

“**omnibus**” means a motor vehicle designed to carry more than 8 adult persons that is used to carry passengers for hire or reward;

“**passenger car**” means a motor vehicle, other than a motor cycle, omnibus or multi-purpose passenger car, that is designed principally to carry persons;

“**passenger car derivative**” means a motor vehicle of the kind known as a utility or panel van that is of the same make as a factory produced passenger car, the forward part of the body and the greater part of the mechanical equipment of which are the same as in a factory produced passenger car.

*[Regulation 185 amended by Gazette 28 June 1973 p.2480; 27 July 1973 p.2825; 29 September 1978 p.3596; 13 June 1980 p.1744; 26 June 1981 p.2425; 11 June 1982 p.1926; 29 June 1984 p.1771; 16 August 1985 p.2932; 27 June 1986 p.2172; 24 June 1988 p.2011; 30 June 1989 p.1910; 22 June 1990 p.3087; 5 July 1991 p.3375; 26 June 1992 p.2803; 23 July 1993 p.4040; 27 June 1995 pp.2614-5.]*

**186.      Manager may grant extension of period for removal**

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

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- (a) where handling services may be advantaged generally upon the wharves by the non-removal of any particular goods within the prescribed period before storage charges become payable;
- (b) where such non-removal is conducive to the free flow of other goods;
- (c) where excessive overtime is worked by vessels, including Sundays and public holidays, to the detriment of the ordinary delivery of cargo; or
- (d) in the case of goods permitted to be placed on wharves or in sheds to await shipment,

grant such an extension of the period prescribed for the removal of goods, either generally or in particular, by such lengths of time as, in his opinion, is justifiable and reasonable in the circumstances, or he may in his discretion, determine that some lesser rate or rates of storage charges than those prescribed in these regulations, shall be payable in respect of any particular goods, whether awaiting shipment or delivery elsewhere.

**187. Goods may be examined**

If any free goods shall, without permission from the Manager, remain upon any wharf, or on the approaches thereto, or in any shed in which goods may be placed, for a longer time than is allowed by these regulations, it shall be lawful for the Manager to open and examine them, before the goods are dealt with under the provisions of section 29 of the Act, or otherwise according to law.

**188. Special charge after notice to clear goods**

When notice is sent to the owner, shipper, consignee, or ship's agent of any goods that no storage room is available after the date of notice, those goods shall be immediately removed; and if the goods remain 24 hours after that notification, they shall be chargeable at the rate of 50 cents per tonne or part thereof per day or part of a day.

*[Regulation 188 amended by Gazette 28 June 1973 p.2480.]*

## **Section IV**

### Inflammable Liquids and Oil

**189. Port Authority may grant exemption from this section**

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

**190. Interpretations**

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

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

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

**“battened down”** means and includes all methods of securely closing, to make gas-tight as far as practicable, any hatchway.

**“cargo”** includes, *inter alia*, bunker coal.

**“certificate of test”** means a certificate, in the prescribed form, given by a competent analyst in respect of a tank or any

other part of a vessel which has been carrying oil or inflammable liquids that he has carried out a test in an adequate and suitable manner for the presence of inflammable vapour and found the spaces to be free therefrom.

**“competent analyst”** means a member of the Royal Institute of Chemistry or of the Royal Australian Chemical Institute, with special knowledge of inflammable liquids and oils, or any other competent person approved by the Port Authority.

**“fire”** means every description of fire and means of ignition.

**“flashing point”** means the true flashing point of a liquid as obtained by Abel’s close test apparatus or by any apparatus which has been established by Act of Parliament for the purpose of determining the true flashing point of inflammable liquid.

**“hatchway”** means any hatchway or other opening into a hold not protected to prevent communication of fire.

**“hold”** means, when applied to a vessel, any hold between deck, shelter deck, tank or other covered place where cargo or fuel may be stowed.

**“in bulk”** with respect to oil and inflammable liquids means such as are conveyed in quantities, exceeding 400 litres in any one container, and are intended to be transferred by pipe line or hose.

**“inflammable liquid”** means and includes any liquid or oil having a flashpoint not higher than sixty-one degrees Celsius (61 ° C), and also any substance which the Governor, by proclamation in the *Government Gazette*, declares to be inflammable liquid.

**“inflammable liquid ‘Class A’ ”** means any inflammable liquid which has a flashpoint of less than twenty-three degrees Celsius (23 ° C).



“**inflammable liquid ‘Class B’**” means any inflammable liquid which has a flashpoint of not less than twenty-three degrees Celsius (23 ° C).

“**oil**” means oil of any description having a flashpoint exceeding sixty-one degrees Celsius (61 ° C).

“**tank**” means any tank, compartment or space which contains or has contained any oil or inflammable liquid, or any sludge deposit or residue therefrom.

“**tank ship**” means a vessel specially fitted with tanks and used for the conveyance of oils or inflammable liquids.

“**wire gauze**” means a gauze made of copper, brass, stainless steel or monel metal wire of not less than 0.36 millimetre diameter and having not less than eleven meshes to the lineal centimetre.

*[Regulation 190 amended by Gazette 21 June 1974 p.2084.]*

#### **191. General requirements for all vessels**

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

- (a) **Observance of Regulations** — The master, owner and agent of a vessel shall each be responsible for the due performance and observance of all regulations applying to such vessel, and in no case shall the responsibility of either relieve the other or others of his or their responsibility.
- (b) **General Precautions** — All due precautions whether prescribed or not for the prevention of accidents by fire or explosion shall be taken, and no act shall be performed or permitted which tends to cause fire or explosion and is not reasonably necessary.
- (c) **Inspection** — Inspection of the vessel by the Harbour Master shall be facilitated and all enquiries respecting the observance of these regulations, shall be answered correctly. No person shall obstruct or interfere with the

Harbour Master in the performance of his duty, who is hereby authorised to inspect and examine at any time, any vessel which he has reasonable cause to believe to have inflammable liquid or oil on board or having lately had on board any such liquid or oil.

- (d) **Escape of Oil** — No inflammable liquid or oil or ballast water, or water mixed with any oil or inflammable liquid shall be permitted to escape from or be discharged from a vessel into any inland or tidal water, and no liquid of any kind shall be discharged into any inland or tidal water from bilges, tanks or other spaces which have contained any oil or any inflammable liquid unless it is proved that the tanks or spaces have been cleaned of oil and inflammable liquid, or that the liquid has been freed from oil or inflammable liquid by means of a separating apparatus.
- (e) **Notice of Loading or Unloading Oil in Bulk or Inflammable Liquid** — No oil in bulk or inflammable liquid of any kind shall be loaded or unloaded at any time unless notice on the form provided has been given to the Harbour Master and a permit in writing from the Harbour Master has been obtained. Provided that in lieu of such notice and permit the Harbour Master may issue a permit in writing for a fixed period in respect of intra-harbour traffic.
- (f) **Burning Oil or Inflammable Liquid or Refuse on Board** — Heating, boiling or burning of any pitch, tar, resin, turpentine, spirits, inflammable liquid, oil, refuse, rubbish, or other combustible matter in or on the vessel is prohibited, and the heating, boiling or burning of any such substance removed from such vessel on any wharf or on any place within fifteen metres of any wharf is prohibited, except in such place and in such manner as may be approved of by the Harbour Master.
- (g) **Strong Containers Required** — No inflammable liquid shall be conveyed, loaded or unloaded on, into or from

the vessel unless such inflammable liquid is contained in tanks, drums, tins or other containers from which, in the opinion of the Harbour Master, the inflammable liquid cannot escape in the form of liquid or vapour.

- (h) **Powers of the Harbour Master with Respect to Vessels not Carrying Inflammable Liquid** — In the event of any vessel being anchored, moored or berthed within thirty metres of a vessel loading, unloading or carrying inflammable liquid, such of the requirements of these regulations relating to vessels carrying inflammable liquid as the Harbour Master deems necessary in the interests of safety in the loading or unloading of such inflammable liquid shall be complied with.
- (i) **Precautions Against Injurious Fumes and Explosion in Tanks on Vessels:** —
- (i) Until a certificate of test has been obtained, no person shall bring near or take into any tank, any naked light, fire, or lamp (other than an approved electric lamp) or apparatus of any kind for producing a light or spark, nor enter it, except for the purpose of testing the atmosphere or for the necessary preliminary cleaning.
  - (ii) If the cargo last contained in the tank was inflammable liquid “Class A” a fresh certificate of test shall be obtained daily before work is commenced or continued therein, and if during the course of the work any pipe or joint in the tank is broken, or any other risk arises of inflammable liquid or vapour therefrom entering the tank, work therein shall be suspended until a further certificate of test shall have been obtained.
  - (iii) No naked lights, fires or lamps, other than approved electric lamps, and no apparatus of any kind for producing a light or spark shall be

permitted in any part of a vessel where oil or inflammable liquid has been carried, until a certificate of test shall have been obtained in respect of that part.

- (iv) Every certificate of test, or a copy thereof, shall immediately upon receipt, be posted in a conspicuous place, where it can be easily read by all persons concerned.
- (v) The following provisions shall apply in connection with the preliminary cleaning of tanks: —
  - (I) All sludge deposit or residue therein shall first be removed; where it is necessary for any person to be employed in the cleaning of a tank which has contained inflammable liquid “Class A”, he shall be provided with suitable breathing apparatus consisting of a helmet or face piece with necessary connections by means of which he can breathe outside air.
  - (II) The tank shall be thoroughly steamed by means of steam jets for such periods as will ensure the vaporisation of all volatile oil or inflammable liquid.
  - (III) After the tank has been steamed, all covers of manholes and other openings therein shall be removed, and the tank shall be thoroughly ventilated by mechanical or other efficient means, so as to ensure the removal of all inflammable vapour; the interior surfaces including covers shall, if any deposit remains thereon, be washed or scraped down with a wooden or other suitable tool.

- (IV) The person in charge shall take precautions that no matches or other means of producing fire or sparks are carried by the men who are employed in the cleaning of a tank.
- (V) No person employed in the cleaning of a tank shall smoke in or take matches or other means of producing fire or sparks into such tank.
- (vi) Such further precautions shall be taken as may be required by the Harbour Master.
- (j) **Repairs in Tank of Vessels** — Where repairs are being carried out on or in any tank in which there is a possibility of the presence of inflammable or explosive fumes and in respect of which a certificate of test is required under these regulations —
  - (i) no lamps other than approved electric lamps or approved safety lamps shall be used;
  - (ii) no fire, naked light, or heated rivet shall be taken into any tank or compartment without the written authority of the person giving the certificate of test that, as far as he is able to ascertain, work may be undertaken without danger to the vessel or the men employed.

*[Regulation 191 amended by Gazette 21 June 1974 pp.2084-5.]*

**192. Vessels with Oil in Bulk**

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

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

- (b) **Pipes, Hoses, etc., to be Free from Leakage** — pipes, valves, hoses and other appliances used for transferring oil shall be suitable for the work, kept in good condition and free from leakage, and due precautions shall be taken to prevent any oil escaping into inland or tidal water.

**193. Vessels with inflammable liquid**

The following provisions shall be observed in respect to any vessel upon which inflammable liquid in quantity exceeding two thousand litres (2 000 litres) is conveyed, loaded or unloaded: —

(1) **GENERAL PROVISIONS:**

- (a) **Previous Regulations to be Complied With** — the provisions of regulation 191 (General Requirements for all vessels) and of regulation 192 (Vessels with Oil in Bulk) of these regulations shall be complied with.
- (b) **Notice of Intention to Convey, Load or Unload Inflammable Liquid** — The Master, Owner or Agent of the vessel shall give at least twenty-four hours' notice on the form provided to the Harbour Master of the intention to convey, load or unload inflammable liquid, and of the quantity of inflammable liquid to be conveyed, loaded or unloaded.
- (c) **Red Flag and Red Light** — While within the Port, there shall be displayed on the vessel, by day, a red flag not less than 900 millimetres square, and by night, a red light of approved design at the mast-head or other conspicuous place, but not less than six metres above the deck, so that the flag or light is clear of all obstructions and clearly visible in all directions, provided that, if the vessel is a barge which cannot normally comply with this provision, the

master or owner of the barge, shall display by day in a conspicuous position above the deck a red flag of metal, not less than 450 millimetres square, and by night an all round red light of approved design.

- (d) **Copy of Regulations to be Displayed** — A copy of these regulations shall be obtained and placed in a prominent part of the vessel where they can be readily seen by officers and crew.
- (e) **Permit Required to Enter Vessel** — No person other than those actually engaged in the work of loading or unloading inflammable liquid shall be allowed on the vessel without the permission of the master of such vessel.
- (f) **Smoking Prohibited** — No person shall smoke in or on the vessel during the loading or unloading of inflammable liquid.
- (g) **Locomotives not Permitted within Fifteen Metres** — No locomotive on which steam is generated by combustion in open fires shall enter or be permitted to enter on railway tracks within fifteen metres of any vessel carrying inflammable liquid.
- (h) **Steel Hawsers to be placed over side of vessel** — Immediately a vessel carrying inflammable liquid has been berthed a steel wire hawser sufficiently strong to enable the vessel to be hauled away from the wharf thereby shall be placed over both fore and aft ends of such vessel, and such hawsers shall so remain during the whole of the time the vessel remains alongside the wharf.
- (i) **Prompt Discharge** — Except with the permission of the Harbour Master no vessel shall be berthed alongside any wharf unless that vessel

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

- (j) **Officer to be in Charge** — A responsible officer of the vessel shall be on duty day and night to give effect to these regulations.
- (k) **Inspections at other than Ordinary Hours** — All inspections necessitated by the requirements of these regulations during other than the ordinary working hours of the Port, whether carried out aboard the vessel or ashore, shall be payable by the master or agent of the vessel.
- (l) **Inflammable liquid not to be Loaded or Unloaded between Sunset and Sunrise without Permit** — No inflammable liquid shall be loaded or unloaded on or from the vessel at any time between sunset and sunrise unless a permit in writing has been obtained in each instance from the Harbour Master to allow the inflammable liquid to be loaded or unloaded on or from such vessel and the conditions of such permission are duly observed.
- (m) **Supply of Fire Extinguishers, etc.** — Approved fire extinguishers and other approved material shall be provided and so distributed about the vessel as to be available for throwing on any inflammable liquid which may be spilled or ignited.
- (n) **Chipping, Scraping, Hammering Prohibited** — Iron or steel hammers or other instruments capable of causing a spark shall not be used for the purpose of opening or closing hatches or tank lids of a vessel, and except with the written approval of the Harbour Master, chipping, scraping or hammering of iron or steel



on a vessel is prohibited when any hold which contains, or has recently contained, inflammable liquid is open, or while there is any inflammable liquid on deck.

- (o) **Towing Vessels** — No vessel (other than a self-propelled vessel) carrying inflammable liquid shall be navigated except in tow of or attended by an efficient tug propelled by steam, electricity or other mechanical power, and not more than two such vessels shall be towed together at one time, either abreast or in train. No vessel (other than a self propelled vessel) carrying inflammable liquid shall be towed alongside a tug unless with the permission in writing of and upon such conditions as shall have been imposed by the Harbour Master.
- (p) **Tanks** — A tank used for conveyance of inflammable liquid on a vessel shall, as far as practicable and applicable, comply with the following: —
- (i) The tank shall be solidly constructed and shall not exceed a capacity approved by the Harbour Master.
  - (ii) The tank shall be firmly attached to strongly constructed supports.
  - (iii) The tank shall be efficiently screened from any engine on the vessel by a fire-resisting shield placed at least 150 millimetres from the tank and carried up above the tank and down below it, and the exhaust of the engine shall be wholly in front of this shield if the engine is in front of such tank, or wholly behind this shield if the engine is behind such tank.

- (iv) All vent pipes and vacuum relief valves shall be effectively protected by wire gauze as defined.
  - (v) Effective earthing shall be provided to prevent accumulation of static electricity.
  - (vi) The bottom end of each fill pipe shall be carried down to near the bottom of the tank to form a liquid seal.
  - (vii) All fill pipes and dip pipes and other openings of a tank shall be fitted with screw caps, bolted covers, or other means of closing gastight at all times when such fill pipes or dip pipes are not in use for filling or dipping.
  - (viii) Vent pipes on all tanks shall be properly protected at the outlets by wire gauze as defined and these outlets shall not be less than 3.5 metres above deck and made weatherproof.
  - (ix) No tank shall be filled with inflammable liquid more than 95 per cent of its capacity and a mark indicating the level at which 95 per cent, of its capacity will be so occupied shall be permanently fixed in the tank.
- (q) **Watchmen:**
- (i) The Port Authority will supply watchmen, whose duty it shall be to assist in the enforcement of these regulations, and they shall be empowered to enforce the strict observance of these regulations and all other applicable regulations of the Port, and all other instructions received from

the Harbour Master to ensure general safety and immunity from danger of accident.

- (ii) Watchmen shall guard the vessel and the wharf at which she may be moored during the whole time any inflammable liquid shall remain on or at such vessel.

[(iii) deleted]

- (iv) The provisions of this clause shall in no way lessen the responsibilities of the Master, Owner or Agents as provided for in paragraph (a) of regulation 191 of these regulations.

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

- (a) **Display of Notices** — Notices, warning the crew and all persons on board or coming on board the vessel, that smoking or any practice likely to cause fire is prohibited shall be displayed in conspicuous positions on the vessel and on the gangways of such vessel.
- (b) **Ventilation of Holds Before Unloading** — All holds containing inflammable liquid in drums, tins or other packages, shall be thoroughly ventilated before and during the time such inflammable liquid is being unloaded.
- (c) **Ventilation of Holds After Unloading** — All holds from which inflammable liquids in drums, tins, or other packages have been unloaded shall be thoroughly ventilated. The bilges shall be carefully cleaned by removing any liquids by hand pumps, suitable wooden bailers, and by swabbing, and afterwards suitably ventilated. Fire or unauthorised light shall not be permitted

at or near such hold until a certificate of test shall have been obtained.

- (d) **Stowage** — All inflammable liquid loaded on the vessel shall be properly and securely stowed to the satisfaction of the Harbour Master.
- (e) **Ventilation of Stowage Spaces** — Proper and efficient ventilation for the place of stowage shall be provided, and when required outlet ventilators passing through the deck and terminating just below the deck, and inlet ventilators extending to the bottom of the holds from above the upper deck shall be fixed and all outer and inlet ventilators shall be covered with wire gauze as defined.
- (f) **Battening Down Holds** — Holds after inflammable liquid has been stowed in them shall be securely battened down.
- (g) **Marking of Packages** — All inflammable liquid in packages shall be properly marked or branded to indicate the nature of the inflammable liquid, and all inflammable liquid “Class A” shall be marked “Highly Inflammable”.
- (h) **Hatch Coverings** — Sufficient hatch coverings, and other coverings as may be required by the Harbour Master shall be provided.
- (i) **Holds to be Closed** — All holds which contain or have recently contained, inflammable liquid, when inflammable liquid or other article is not being loaded into or unloaded from such holds, or such holds are not being cleansed and ventilated, shall be closed gastight as far as practicable.
- (j) **Loading or Unloading General Cargo at Night** — A permit in writing shall be obtained from the Harbour Master to load or unload

general cargo after sunset into or from a vessel carrying inflammable liquid, and the following precautions shall be taken: —

- (i) Every hold containing inflammable liquid shall be securely battened down.
  - (ii) no cargo shall be loaded into or unloaded from any holds unless such hold is separated by watertight and gastight bulkheads, decks, battened down hatchways, or other means from all places on such vessel where vapour from inflammable liquid is likely to be.
- (k) **Stowing Inflammable Liquid in Wooden Vessels** — Stowing inflammable liquid below deck in a wooden vessel is prohibited but a limited quantity may be carried as deck cargo on the weather deck of such vessel provided the inflammable liquid is stowed at a safe distance from the galley, crew's quarters and openings leading into machinery or boiler spaces.
- (3) **SPECIAL PROVISIONS WITH RESPECT TO TANK SHIPS** —
- (a) The master of a tank ship carrying inflammable liquid shall not permit the vessel to enter the Inner Harbour until specially authorised in writing by the Harbour Master and not then until the master of the vessel is in possession of a copy of these regulations, nor shall such master, except with the written permission of the Harbour Master, permit wire ropes to be used in the mooring of the vessel.
  - (b) **Access to Tank Ships:**
    - (1) Prior to the berthing of a tank ship that portion of the wharf to be occupied by the vessel shall be closed to all traffic

and shall remain closed during the whole period the vessel occupies that berth, and no person shall enter or remain within the enclosure or climb about the wharf structure beneath or in the vicinity of such enclosure during such period, unless he is in possession of a permit issued under the authority of the manager, or has been vouched for within the limits of the special permit issued for that purpose under the same authority in order to facilitate access for artisans or other workers connected with the handling of the vessel's cargo. Persons entering the enclosure shall deposit with the watchman at the point of entry thereto all matches or other means of making a fire or light. Unauthorised persons entering or remaining within such enclosure or upon any tank ship berthed thereat, or any person taking into such enclosure or aboard such vessel matches or other means of making a fire or light shall be guilty of an offence. The loading or unloading of inflammable liquid into or out of a tank ship shall not commence until the necessary barricades to complete the enclosure have been erected, and manned to the satisfaction of the Harbour Master.

- (ii) During the period the tank ship is berthed at the wharf the master shall not permit admission to the vessel by any other means than the recognised gangway connecting the vessel with the wharf, nor shall the person in charge of

any other vessel permit such vessel to approach within thirty metres of such berth or the tank ship itself, the prohibited area for this purpose being usually marked by red buoys, which each exhibit a fixed red light at night, and a red flag by day at about two metres above water level.

- (c) **Matches, Smoking, etc, Prohibited** — Before entering the Inner Harbour all matches shall be collected from members of the crew and other persons on the vessel, and no person shall smoke or bring matches or other means of making a fire or light on the vessel while such vessel is within the Inner Harbour.
- (d) **Engineer to be in Charge** — In addition to having a responsible officer on duty as required by these regulations, a crew to assist such officer and a competent member of the engine room staff shall be on duty at all times when inflammable liquid is on board to be available in case of emergency to operate the fire pumps or other fire extinguishing appliances.
- (e) **Fires and Lights on Tank Ships:**
  - (i) From the time when the tanks or holds of tank ships carrying inflammable liquid are first unsealed or opened for the purpose of loading or unloading inflammable liquid until such tanks or holds have been closed and sealed down, no fires or lights other than of approved ship's boilers, approved electric lamps or approved safety lamps shall be lit or used either on board the vessel or on shore within thirty metres

of any place at which inflammable liquid is being loaded or unloaded.

- (ii) The master shall not allow any furnace, galley or other fires to be re-lighted until he is permitted to do so in writing by the Harbour Master.
- (iii) The master shall not allow any furnace, (other than that required to produce steam for pumping), galley or other fires to be alight on board his tank ship while running water for ballast or other purposes into any tank, receptacle, or enclosure on board which has contained inflammable liquid. No ballasting shall be permitted unless all tanks are sealed down as required by the Harbour Master. The rate of ballasting any tank ship shall be so reduced as required by the Harbour Master, and any directions given by him for other safety measures to be taken in such ballasting shall be strictly observed. No ballasting shall be allowed by the master until he is so permitted in writing by the Harbour Master, who shall lay down such further conditions under which this work shall be carried out as he may in the circumstances deem necessary.
- (iv) The master of a motor-driven tank ship shall cause all internal combustion engines on board his ship to be shut down to the satisfaction of the Harbour Master before any connection is made to the shore pipe line, or any preparation made to pump inflammable liquid, and such engines shall be kept



shut down by the master until he is permitted in writing by the Harbour Master to put them or any of them in operation.

- (f) **Safety Gauzes on Openings to Tanks** —  
Except during inspection or when samples or ullage measurements are being taken, wire gauze as defined shall be fitted over all openings of tanks that contain or have recently contained, inflammable liquid in bulk; provided always that the lids, screw caps or other coverings are not removed from tanks or other receptacles containing, or having recently contained, inflammable liquid, in respect of which pumping operations are not in progress.
- (g) **Pipes, Hoses, etc., to be Free From Leakage** —  
Pipes, hoses, pumps, and other appliances used for the transferring of inflammable liquid shall be maintained free from leakage and gastight to the satisfaction of the Harbour Master, and unless it is otherwise authorised on the completion of loading or unloading all gear shall be thoroughly freed from inflammable liquid and the hoses disconnected from the shore pipe lines.
- (h) **Loading or Unloading in Bulk** — The following precautions in the loading or unloading of inflammable liquid in bulk shall be taken: —
- (i) Hoses, constructed to be resistant to inflammable liquid and maintained in good order, shall be used for connecting from ship to shore installation.
  - (ii) A non-return valve shall be placed immediately behind the connection between hose and shore installation pipe and where required by the Harbour Master at the shore end of the wharf

also. Pumping operations shall not be commenced before the correct position of all valves has been verified by the Harbour Master.

- (iii) When pumping ceases temporarily, valves on ship and shore pipe line shall be closed. All pipe lines under any wharf shall be thoroughly cleared of inflammable liquid by flushing with water and shall be kept full of water.
- (iv) On completion of loading or unloading the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid. The satisfactory condition of the pipe line in this respect shall be verified by the Harbour Master.
- (v) All openings in the tanks shall be closed gastight immediately on suspension or completion of loading or unloading.
- (vi) The master of a tank ship shall see that a competent signalling staff is in attendance both at the tank installation and on board the ship and that telephonic communication between the same points is established.
- (vii) Pipelines and hoses shall not be coupled or uncoupled or otherwise interfered with until —
  - (I) permission so to do has been given by the Port Authority;
  - (II) a representative of the Port Authority is present;

- (III) a satisfactory electrical connection has been made between the tank ship and the shore pipelines by means of a suitable continuous bonding cable, which connection shall remain intact until all hoses have been disconnected from the tank ship at the completion of discharging or loading. The shipboard connection always to be made first and disconnected last;
- (IV) approved equipment and tools for the purpose are available;
- (V) a drain cock as well as a test cock has been fitted in the pipelines where required by the Harbour Master so as to enable controlled draining of hoses and pipes before they are disconnected and to ensure that only water is in the hoses and pipes prior to such disconnection;
- (VI) all inflammable liquid therein is cleared by pumping water as provided in subparagraph (iii) of paragraph (h).

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

- (viii) The rate of loading inflammable liquid shall be so reduced as required by the

Harbour Master, and any directions given by him for other safety measures to be taken for such loading shall be strictly observed.

- (ix) Arrangements shall be made by the master of the tank ship to ensure that there shall be a sufficient staff of officers and men available at all times, day and night, to ensure the efficient carrying on of the work, or to remove the vessel if so required.
- (i) **Loading or Unloading of Inflammable Liquid in Bulk At Night** — Subject to the approval in writing of the Harbour Master inflammable liquid in bulk may after sunset, be unloaded into shore tanks, and in special circumstances only, loaded into tank ships, provided that the following conditions and such other conditions as may be prescribed by the Harbour Master in special cases, are complied with —
  - (i) unless circumstances render it unavoidable pipelines and hoses shall not be coupled, uncoupled or otherwise interfered with except in daylight;
  - (ii) sufficient electric floodlighting of approved type shall be provided to give ample light for all operations.
- (j) **Repairs or Alterations to Tanks** — Immediately it becomes known that repairs or alterations are necessary to tanks in which oil or inflammable liquid has been conveyed, application shall be made to the Harbour Master for permission to undertake such work. Repairs or alterations involving operations such as welding, cutting, boring, soldering or hammering, which may produce heat or be liable

to cause ignition of inflammable vapours, shall not be commenced until the said permission in writing has been obtained, and then not until the measure prescribed in regulation 191 (i) and (j) shall have been taken.

- (k) **Prompt Departure of Inflammable Liquid Tank Ships after Completion of Loading or Discharging** — So soon as possible following completion of loading or discharging the inflammable liquid tank ship shall leave the Harbour.
- (l) **Bunkering of Inflammable Liquid Tank Ships** — Should it be necessary for an inflammable liquid tank ship to replenish bunker supplies, such operation shall only be allowed within the Inner Harbour upon permission in writing so to do being obtained from the Harbour Master.

*[Regulation 193 amended by Gazettes 21 June 1974 p.2085; 22 June 1990 p.3087.]*

**194. Inflammable liquid on wharves or in sheds**

The following provisions shall be observed in respect to the handling of inflammable liquids in containers on wharves or in sheds: —

- (a) The master of every vessel intending to load from or to discharge on to any wharf any quantity of inflammable liquid shall give at least twenty-four hours' notice of such intention on the form provided to the Manager.
- (b) In no case shall any inflammable liquid be placed on any wharf or in any shed or other part of the premises of the Port Authority without the written permission of the Manager.
- (c) Inflammable liquid in containers shall not be discharged from any vessel direct into railway wagons or other

vehicles nor on to any wharf for the subsequent loading up into vehicles, without the permission of the Manager. In the former case, discharging shall not be commenced until the said wagons or other vehicles are alongside the vessel ready to receive such cargo. In the latter case, the discharge of such cargo shall be so regulated that at no time shall a greater quantity be on any wharf than can be removed within one hour with the means of transport available.

- (d) Inflammable liquid shall not be discharged from any vessel on to any wharf in hours other than the ordinary working hours, except where such vessel is discharging inflammable liquid directly into railway wagons or other vehicles and the written permission of the Manager has been obtained extending the hours of work and the time for delivery of such inflammable liquid off the premises of the Port Authority to full daylight hours.
- (e) Inflammable liquid shall not be received upon any wharf for shipment except during working hours and then only if the vessel about to take the same is prepared to receive it.
- (f) Inflammable liquid shall not be handled or deposited upon any wharf or other part of the premises of the Port Authority until notice boards bearing the words: —  

“NO SMOKING” — THIS VESSEL HANDLING  
“INFLAMMABLE LIQUID”

have been erected in such conspicuous positions as to be visible from every point of access to such wharf or other part.
- (g) When inflammable liquid is upon any wharf or other part of the premises of the Port Authority, no person shall have in his possession or under his control any fire or means of ignition or light, other than any approved safety lamp, within fifteen metres of such inflammable liquid.

- (h) The Port Authority will employ watchmen to supervise —
- (a) the discharge from a vessel of inflammable liquid;
  - (b) the loading onto a vessel of inflammable liquid, unless the quantity does not exceed 2 000 litres and is immediately placed aboard the vessel; or
  - (c) the storage of any quantity of inflammable liquid, in excess of 200 litres, which is permitted by the Manager, to accumulate on any wharf for shipment,

during the whole of the time the inflammable liquid is handled or remains on any wharf or other part of the premises of the Port Authority.

*[Regulation 194 amended by Gazette 21 June 1974 p.2085; 22 June 1990 p.3087.]*

## **Section V**

### Vessels at Oil Refinery Jetty

#### **195. Interpretation**

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

**“Refinery”** means the Oil Refinery established pursuant to the provisions of the *Oil Refinery Industry (AngloIranian Oil Company Limited) Act 1952*.

**“Restricted Area”** means all areas of water extending to ninety metres from the Refinery jetty in all directions.

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

**Class “A”** — Oil having a closed flash point below 23 ° Celsius, and includes motor spirit, aviation spirit,

benzine, benzol, low flash distillate and crude oils having a closed flash point below 23° Celsius.

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

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

*[Regulation 195 amended by Gazette 21 June 1974 p.2085.]*

**196. General requirements for all vessels**

The following provisions shall be observed by the master of a vessel which is berthed or which it is intended shall be berthed at the Refinery jetty in the Outer Harbour: —

Entering, Remaining Within and Leaving the Restricted Area

- (1) A vessel of any description whatsoever shall not enter within, depart from, or move in the Restricted Area, unless the vessel is authorised by the Harbour Master to do so.
- (2) The Harbour Master shall be advised beforehand of any special damage to or disability with any vessel which it is intended shall be berthed at the Refinery jetty.
- (3) Upon berthing at the Refinery jetty, the main engines of the vessel shall always be kept ready for immediate use and, in the case of steam vessels, the steam pressure shall be so maintained as to enable the vessel to execute any manoeuvre necessitated by any particular circumstances.
- (4) Except with the written permission of the Harbour Master, repairs to the main engines of the vessel shall not be undertaken.



- (5) (a) Sufficient members of the crew to work the vessel shall be retained on board at all times.
- (b) Prior to the transference of any oil between the vessel and the Refinery, action shall be taken to ensure that all provisions of this regulation are duly observed.

Loading and Unloading

- (6) Appropriate supervision and control prior to, throughout and after the transference of oil between the vessel and the Refinery shall be exercised as follows: —
  - (a) a responsible officer of the vessel having full knowledge of all operations and being thoroughly familiar with the arrangement of oil cargo lines, valves, pumps and oil cargo venting systems of the vessel shall be in attendance at all times, and the officer shall ensure that a responsible member of the crew is stationed near the main oil cargo control valves of the vessel.
  - (b) the officer shall confirm with the appropriate officer of the Refinery that all operational signals for the proper loading and unloading of oil are understood and agreed before any such work is commenced.
- (7) A vessel having on board any oil classified as of Class “A” or of Class “B”, or not having rendered gas-free any holds or tanks following unloading of the oil, shall display the following signals apart from any navigational lighting which the vessel may otherwise be required to exhibit: —
  - (a) when actually loading, unloading, or ballasting —
    - (i) by day, a Red Burgee flag (International Code Flag B), to be flown at a masthead or yardarm;

- (ii) by night, a red light at the masthead or where it can best be seen but not less than six metres above the deck and of such a character as to be visible all round the horizon for a distance of at least two miles.
  - (b) when loading, unloading or ballasting has been completed and tank lids have been closed, and lines disconnected and blanked off —
    - (i) by day a Red Burgee flag, (International Code Flag B), to be flown from the triatic stay amidships;
    - (ii) by night, a red light at the masthead or where it can best be seen but not less than six metres above the deck and of such a character as to be visible all round the horizon for a distance of at least two miles.
- (8) During the transference of oil between the vessel and the Refinery, flexible hose of adequate length shall be provided to guard against any surge or other movement of vessels, and where bolted flanged joints are used, a sufficient number of bolts shall be provided to guard against any leakage of oil. Not less than three bolts shall be regarded as sufficient in the case of a bolted flanged coupling.
- (9)
  - (a) Prior to the transference of oil between the vessel and the Refinery, all sea suction and discharge valves of the vessel shall be securely closed and sealed with the Port Authority Seal and all stern discharge and other lines not then in use, shall be effectively blanked.
  - (b) The responsible Officer of the vessel, as referred to in paragraph (6) of this regulation, shall, immediately after transference of oil is

commenced, make an oversight inspection in the vicinity of the stern discharge line of the vessel and shall check all sea valves to ensure against any leakage of oil and the inspection shall be periodically made during the course of the operations.

- (10) (a) During the transference of oil classified as Class "A" and of Class "B" and also whilst ballasting of the vessel is being undertaken after the unloading of oil, tank lids and other openings from oil tanks, excluding gas escape lines shall be kept closed, but ullage plugs or sighting ports may be removed for taking dips or samples.
- (b) The ullage plugs or sighting ports shall be closed immediately this work has been completed, but when frequent operations of this nature are in progress on particular tanks, the openings may be left open so long as they are adequately protected by sand bags or by strong non-corroding wire gauze or other flame proof device approved by Lloyds Register of Shipping or other approved Classification Society, while the dipping or sampling operations are not actually being undertaken. The wire gauze shall be kept clean and free from obstruction.
- (c) When the vessel returns from the outer anchorage after having gas-freed the Master will be responsible for the tank lids and sighting ports being properly closed unless a gas-free certificate can be produced.
- (11) Whilst any oil classified as of Class "A" or of Class "B" is being transferred between the vessel and the Refinery, or whilst ballasting, gas-freeing or tank cleaning of the vessel is being undertaken, all doors and port-holes of the vessel's after-house facing onto the oil tank deck and the door leading to the centre-castle accommodation

shall be kept securely closed and all after-house ventilators shall be turned to face aft during these operations.

- (12) Prior to commencing the transference of oil between the vessel and the Refinery, the maximum pressure and rate of transference shall be agreed with the appropriate Refinery representative, having regard to the grade of oil to be transferred and the size and capacity of the vessel's oil lines and gas venting system.
- (13)
  - (a) Under no circumstances shall any person attempt to reduce the rate of loading from the Refinery by closing any vessel's valves and where tanks are being topped off, loading rates may be reduced only by means of pumps or control valves at the Refinery installation.
  - (b) particular care shall be taken that during a changeover from one tank to another, the valves to an empty tank are opened well before the valves of the tank being finished are shut down.
- (14) Where air or water is used to clear any pipeline on completion of unloading of oil from the vessel, a low pumping speed shall be maintained to eliminate danger from static electricity.
- (15) During severe electrical storms, transference of oil classified as of Class "A" shall be suspended by the responsible officer of the vessel, or by the appropriate Refinery representative, and all valve and tank openings shall be closed until the storm has passed.
- (16) Before any oil classified as of Class "A" or of Class "B" is transferred, all awnings and sun-screens extending over and on to the cargo deck of the vessel shall be furled and shall remain furled until all operations including loading, unloading, or ballasting have been completed.

- (17) (a) Under no circumstances shall any oil classified as of Class “A” or of Class “B” be loaded or transferred over all, ie. loaded direct into a tank of the vessel through a hose with the tank lid open.
- (b) Under special circumstances and with the written approval of the Harbour Master, oil classified as of Class “C” may be loaded or transferred overall, in which case the following special safety precautions shall be observed: —
- (i) the hose shall be lashed inside the tank coaming and a bond wire shall be connected between the vessel and the jetty pipelines.
  - (ii) in addition to the bond wire above referred to, a further earthing wire with a metal disc at its end shall be connected to the flange of the hose inserted in the tank and lowered to the tank bottom.
- (18) All precautions laid down in this regulation relating to the transference of oil classified as of Class “A” or of Class “B” shall equally apply to a vessel loading oil classified as of Class “C” if any tank of the vessel has previously contained oil classified as of Class “A” or of Class “B” and has not been rendered gas-free.
- (19) (a) Craft other than tugs assisting in an emergency shall not proceed to within thirty metres of the vessel while engaging in transference of oil classified as of Class “A” or whilst ballasting or gas-freeing of tanks is in progress.
- (b) Under all other circumstances, tugs, barges, water lighters, oil bunker lighters and other craft shall obtain the permission of the Harbour Master to lie alongside the vessel whilst it is

transferring oil, which craft shall be fully manned whilst alongside and fully equipped with efficient fire fighting appliances.

**Oil Spillage and Leakage**

- (20) Before transference of any oil from the Refinery to the vessel is commenced, all scupper holes on the vessel shall be blocked and sealed in such a manner as shall make them oil tight. If a spillage of oil should occur, the oil shall be disposed of by mopping up or by some other method approved of by the Harbour Master. Under no circumstances shall oil be washed or swept overboard.
- (21) All pipes, valves, connections and fittings of whatever kind used for the transference of oil shall be kept free from leakages and drip trays shall always be used where pipeline connections are broken.

**General Fire and Safety Regulations**

- (22) Upon an outbreak of fire in the vessel an immediate signal shall be made by all or any of the following means available in the vessel — a rapid and continuous ringing of the fire bell, pressing of electric alarm bells, or prolonged sounding of the whistle or siren.
- (23)
  - (a) Except as is hereinafter provided the use of naked lights is prohibited on board the vessel at all times. The term “naked light” includes all open flames, fires, exposed incandescent material, lamps of unapproved pattern, electric welding arcs, welding and cutting torches rivet fires, blow lamps, primus stoves, portable electrically operated tools and hand tools liable to cause sparking.
  - (b) Lamps, electric or otherwise, not being of a standard approved by a recognised Vessel’s Classification Society or by the Harbour Master as the case may be, shall not be used and under

no circumstances shall wandering leads be permitted.

- (24) Boiler cleaning, chipping, scaling or scraping of steelwork or other work likely to cause sparks shall not be undertaken on the vessel and iron or steel hammers or other instruments capable of causing sparks shall not be used for the opening of hatches. Where any repair work is required to be carried out on the vessel before it can depart, the work being additional to that referred to in paragraph (4) of this regulation, the written permission of the Harbour Master shall be obtained before the additional work is commenced.
- (25) Prior to the transference of oil all fire fighting appliances aboard the vessel shall be examined by a responsible officer of the vessel to ensure that they are ready for immediate use. Fire hoses with nozzles attached shall be uncoiled and connected to the deck service line on the fore and aft cargo deck of the vessel and at least one fire pump capable of a high water pressure supply shall be readily available.
- (26) In addition to the supervision and control which shall be exercised on the vessel, as specified in paragraph (6) of this regulation, an engineer of the vessel shall be on duty in the engine room or boiler room or both at all times whilst the vessel is in the restricted area.
- (27) At all times while the vessel is in the restricted area steel wire hawsers sufficiently strong to tow the vessel away shall be placed fore and aft of the vessel and the hawsers shall so remain while the vessel is alongside the berth and shall be tended and adjusted to meet changes in the draft of the vessel. Each hawser shall have an eye in the outboard end and be of sufficient length to allow fifty-five metres of it to lay on the deck after the inboard end has been made fast.
- (28) Boiler fires on the vessel may be kept alight irrespective of the grade of oil being transferred between the vessel

and the Refinery. During the transference of oil classified as of Class “A” or of Class “B” and during gas-freeing or ballasting operations, all boiler room doors opening on to the poop deck of the vessel shall be kept securely closed and the boiler fires kept under constant supervision.

- (29) Unless written permission to use an approved type of electric stove is given by the Harbour Master or unless their use is otherwise authorised under this paragraph, all galley fires and electric stoves shall be extinguished and be kept extinguished throughout the following, namely: —
- (a) During the loading of oil classified as of Class “A” or of Class “B” from the time connection with the shore hoses is commenced until such time as all hoses have been disconnected, deck lines blanked off and all deck openings securely closed.
  - (b) During the unloading of any oil classified as of Class “A” or of Class “B” through the stern discharge line, from the time connection with the shore hoses is commenced until such times as all hoses have been disconnected and deck and shore lines blanked off.
  - (c) During draining, ballasting, or gas-freeing operations following the completion of unloading of oil classified as of Class “A” or of Class “B”.
  - (d) During the loading or unloading of packed oil cargo (Class “A” or Class “B”) unless the galley is situated at a distance of more than ninety metres from the fore hold or compartment being loaded or unloaded and from any conveyors, trucks, barges, wagons or other means of conveyance which are in use for the conveyance of the packed oils to or from the vessel, and provided that in the opinion of the Harbour



Master the use of the vessel's galley is entirely safe having regard to prevailing weather conditions.

- (30) Articles of an inflammable or combustible nature shall not be melted, heated, or permitted to accumulate on the deck of the vessel and inflammable or explosive stores of the vessel shall be kept in a safe place securely fastened.

**Smoking and Use of Matches or Lighters**

- (31) Smoking is strictly prohibited on the vessel under the following conditions: —
- (a) During the transference of any oil and during draining, ballasting or gas-freeing operations, except as provided by paragraph (32) of this regulation. This prohibition shall apply from the time the tanks are first opened or the operation of connecting shore hoses commences, until such time as all hoses have been disconnected, deck lines blanked off and all tank openings securely closed.
  - (b) At any time in any oil tank, pumproom, cofferdam, centre castle space and adjoining compartments, forecastle space (if not occupied by the crew) or on any open deck, irrespective of the grade of oil being carried by the vessel, or whether the vessel be gas-freed.
- (32) Except where the Authority's Jetty Superintendent, the Refinery Fire and Safety Officer or some other responsible officer otherwise directs, smoking may be permitted in any of the following circumstances, namely: —
- (a) During the transference of oil classified as of Class "C" if the vessel is gas-free — in any living or recreational accommodation in the vessel.

- (b) During the loading, unloading or transference of oils or packed oils, classified as of Class “A” or “B”, or while draining ballasting or gas freeing the vessel — in accommodation in the vessel selected in accordance with, and complying with, the provisions of paragraph (33) of this regulation.
- (33) For the purposes of paragraph (32) of this regulation, accommodation shall be such as is selected by the Master of the vessel, is approved by both the Authority’s Jetty Superintendent and the Refinery Fire and Safety Officer and complies with the following requirements, namely: —
  - (a) The accommodation shall be part of the after accommodation of the vessel and consist of two rooms, only, without doorways or ports facing forward or opening on to an open deck.
  - (b) All ports, scuttles and other such openings to the vessel’s side shall be effectively sealed to the satisfaction of the Authority’s Jetty Superintendent.
  - (c) Containers of sand suitable for use as ash trays shall be provided in the accommodation.
- (34) Warning notices specifying the conditions where and when smoking is prohibited or may be permitted shall be exhibited in conspicuous places on the vessel and the selected smoking accommodation clearly indicated in the notices. The possession and use of other than approved safety matches on the vessel is prohibited at all times.
- (35)
  - (a) Flint lighters of any description shall not be brought aboard the vessel by any person unless he is a member of the vessel’s crew.
  - (b) Flint lighters possessed by members of the vessel’s crew shall be left in the selected

smoking room accommodation and shall not be carried on the person of any member of the crew whilst he is working on or about the vessel.

- (c) Special precautions shall be taken to ensure that under no circumstances shall any person having matches or flint lighters in his possession enter any oil tank, general cargo hold, cofferdam, or pump room of the vessel.

General Cargo, Packed Oils and Passengers

- (36) The loading or unloading of miscellaneous general cargo, packed oils, ships' stores, luggage or other articles involving the use of mechanical lifting gear is prohibited while oil classified as of Class "A" is being transferred between the vessel and the Refinery, and also whilst ballasting or gas-freeing operations are being undertaken on the vessel, but any materials which may cause a spark when coming in contact with concrete or other metal shall not be lifted or lowered from the ship in any manner.
- (37) The loading or unloading into or from the vessel of miscellaneous general cargo, packed oils, luggage, or other articles involving the use of mechanical lifting gear may be permitted whilst oil classified as of Class "B" or of Class "C" is being transferred between the vessel and the Refinery, but only at the discretion of the Harbour Master.
- (38) All precautions required by this regulation to be taken with the loading or unloading of oil in bulk shall also be taken with the loading or unloading of packed oils with such further precautions as under: —
  - (a) Slings shall be by approved methods using only rope slings and non-ferrous drum hooks suitably mounted on rope slings.
  - (b) The hatch coamings and any steel ladders, deck, or stanchions within the vessel's hold shall be

adequately protected by mats or other suitable covering.

- (c) Packed oils classified as of Class “A” or of Class “B” shall not be loaded or unloaded, brought alongside or lie alongside the vessel during hours of darkness.
  - (d) Soldering of leaking tins containing or having contained oil is prohibited on the vessel.
- (39) Passengers shall not be embarked upon or disembarked from the vessel during the loading or unloading of oil classified as of Class “A” or of Class “B”, nor during ballasting operations.

*Access to Vessels and Notice Boards*

- (40) Only one means of access to the vessel shall be permitted and for that purpose a gangway of approved pattern shall be provided. A reliable watchman, who shall be equipped with a whistle in order to attract attention where circumstances require it, shall also be provided. The watchman shall be stationed by day and night on the vessel at or within such distance from the gangway as will enable him to prevent unauthorised persons boarding the vessel and to ensure that no person smokes or is carrying matches, lighters or other appliances likely to start a fire. During the hours of darkness the gangway shall be adequately lighted.
- (41) Where an intoxicated member of the crew boards the vessel, the circumstances shall be reported immediately by the watchman to the Duty Officer of the vessel who shall personally ensure that all practical steps are taken with respect to the crew member in order to protect the safety of the vessel against fire, explosion or accident.
- (42) (a) Notice boards shall be displayed in a prominent position near the vessel’s gangway and shall contain the following warning: —

“NO ADMITTANCE EXCEPT ON  
BUSINESS”  
“SMOKING STRICTLY PROHIBITED”

- (b) Such other notices as may be required by the Harbour Master shall also be displayed on the vessel.

Notice of the Conveyance, Loading or Unloading of Oil

- (43) The master, owner, or agent of the vessel shall give at least 24 hours' notice on the form provided to the Harbour Master in respect of the conveyance, loading or unloading of oil.
- (44) The Master of a vessel is responsible for ensuring that any passenger of, or visitor to, the vessel complies with the provisions of this regulation relating to smoking and the possession and use of matches and lighters on the vessel.
- (45) In the event of a major spillage of an “A” or “B” Class white oil cargo a series of six blasts on the vessel's whistle or siren shall be given and all work at the Refinery jetties shall cease until an “all clear” signal of one prolonged blast is given.

*[Regulation 196 amended by Gazette 21 June 1974 p.2085.]*

**197. Prohibited area**

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

Bounded by a line as shown on Chart Aus. 117 and commencing at a point at high water mark on the Northern boundary of land known as a portion of each of Cockburn Sound Location 244 and 704 and being Lot 1, Diagram 16889 and proceeding over the Outer Harbour in an arc having a radius of 1650 metres to a point at high water mark on the southern boundary fence of the said land.

## **Section VI**

Dangerous Materials, Explosives Etc.

### **198. Noxious or dangerous goods**

- (1) Subject to these regulations —
- (a) The master of any vessel shall not discharge, nor shall any person bring onto any wharf, any noxious or dangerous goods without the permission of the Manager in writing;
  - (b) Containers of noxious or dangerous goods shall be distinctly labelled with the nature of the contents and shall be so constructed as to comply with standards approved by the Port Authority;
  - (c) All goods of a dangerous, noxious or inflammable character shall be removed from the wharves with all possible despatch after having been placed thereon; and
  - (d) The Port Authority shall not be responsible for any loss or damage which may accrue to such goods whilst on its premises and the master of the vessel from which any such goods have been discharged, or the owner, agent or consignor of such goods shall be held responsible for damage or loss arising directly or indirectly therefrom.

### **199. Exemptions**

Nothing in this section of these regulations shall apply to any vessel having on board exclusively explosives of the following kind or kinds, or to the loading or unloading into or out of, or conveyance to or from that vessel of the following kind (that is to say): —

- (a) Explosives classified as code 1.4S under the International Maritime Dangerous Goods Code.

*[(b) Deleted.]*

- (c) Other explosives; and in such quantities and under such authorities as may be from time to time approved by the Inspector.
- (d) Explosives on any vessels of war.
- (e) Explosives carried for a vessel's own use, and in such quantities as are necessary to meet the law's requirements for signalling purposes, and provided that the explosives are kept, while the vessel is in Port, in a magazine of copper or other suitable material, and that if two or more of the following explosives be in the vessel they shall be kept in separate and completely enclosed receptacles in the magazine: —
  - 1. Gunpowder.
  - 2. Rockets.
  - 3. Sound signal rockets.
  - 4. Blue lights.
  - 5. Holmes lights.
  - 6. Pyrotechnic signals of any other kind.

*[Regulation 199 amended by Gazette 17 March 1992 p.1225.]*

**200. Power of Inspector**

The enforcement of the succeeding regulations in this section, as well as the supervision of the work of discharging or shipping of explosives, within the Port of Fremantle, shall be entirely under the control of the Inspector, who shall have full and sole authority to take whatever action may seem necessary or advisable to him in any circumstances arising out of such shipping or discharging of explosives.

**201. Where vessels are to anchor**

Vessels arriving at the Port with explosives on board, or desiring to load explosives while in the Port, shall anchor in Gage Roads not less than half a mile from any other vessel, or

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2 miles from any wharf or landing place as directed by the Harbour Master.

*[Regulation 201 inserted by Gazette 17 March 1992 p.1225.]*

**202. Signals to be exhibited**

- (1) The master or person in charge of every vessel having explosives on board shall keep conspicuously exhibited at the foremast-head, from sunrise to sunset, the Red burgee flag, being letter "B" of the International Code, and from sunset to sunrise, in addition to the lights ordinarily required for navigation purposes, a red light in such a position as to be above such ordinary lights, and to show a clear, uniform and unbroken light all round the horizon, visible on a clear night at a distance of half a mile from such light.
- (2) The person in charge of any vessel shall observe due caution when approaching another vessel having the aforesaid flag or signal exhibited, and shall not approach any such vessel nearer than 180 metres, unless duly authorised by the Harbour Master.

*[Regulation 202 amended by Gazette 21 June 1974 p.2085.]*

**203. 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.

**204. Lighters to be licensed**

All lighters conveying explosives either to or from vessels, wharves or other places, shall be duly licensed "in accordance with the provisions of the *Western Australian Marine Act 1982*" under such conditions as shall be prescribed in the license by the Chief Inspector of Explosives, and shall be subject to all the regulations (as far as the same may be applicable) in force for the time being for the management of magazines.

*[Regulation 204 amended by Gazette 17 March 1992 p.1225.]*



**205. No explosives on passenger vessels**

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

**206. Segregation of explosives**

Explosives shall be segregated in accordance with the requirements of the International Maritime Dangerous Goods Code.

*[Regulation 206 inserted by Gazette 17 March 1992 p.1225.]*

**207. Explosive to be protected from fire**

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

**208. Iron and steel to be covered**

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

**209. Matches**

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

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**210. Stowing of explosives**

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

**211. No smoking**

A person whilst on, in, or attending any licensed powder lighter containing any explosive shall not smoke, except in a place (if any) prescribed in the license.

**212. Conduct of persons**

A person in charge of any vessel, or licensed powder lighter containing explosives, shall not conduct it in a dangerous or reckless manner; and a person who is intoxicated shall not be permitted to be or continue in charge of any vessel or licensed powder lighter, nor shall any such intoxicated person be permitted to be in, on or attending the same.

**213. Prevention of accidents**

While the loading, unloading, or conveyance of explosives is being carried out, all persons engaged thereon shall observe due precautions for the prevention of accidents by fire or explosion and shall prevent unauthorised persons having access to the explosive and shall abstain from any act which tends to cause fire or explosions and is not reasonably necessary for the purpose of the loading, unloading or conveyance of that explosive.

**214. Loading or unloading to be expedited**

After the loading or unloading of explosives in or out of any vessel or licensed powder lighter is begun, no longer time shall be suffered to pass than, with the use of all due diligence, is

reasonably necessary for the purpose of such loading or unloading.

**215. Place of loading or unloading**

No explosive shall be loaded or unloaded from any vessel or licensed powder lighter in or upon any public highway, street, road, thoroughfare, or public place, or at any public wharf or landing place, except with the consent of and under conditions approved by the Inspector.

**216. Not to be conveyed with other merchandise**

Explosives shall not be conveyed in a vessel which is carrying any inflammable liquid or oil, or other goods liable to cause fire or explosion.

**217. Delays to be avoided**

A person in charge of any vessel conveying explosive shall not delay for a longer time than may be necessary, or stop unnecessarily at any place where stopping would cause public danger.

**218. Fires, lights, water, etc.**

Where a vessel or licensed powder lighter is conveying explosives, due provision shall be made by the master and owner for preventing the introduction into that vessel of any inflammable liquid or oil or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel, or grit in such a manner as to come in contact with the explosive, and if the explosive carried in any vessel or licensed powder lighter is liable to be dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with it, but nothing in this regulation shall be construed to prevent the introduction of an artificial light or safety matches of such character as not to cause any danger of fire or explosion.

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**219. Regulations to be exhibited**

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

*[Regulation 219 amended by Gazette 21 June 1974 p.2085.]*

**220. Lighters to have person in charge**

- (1) Each licensed powder lighter conveying explosives shall be in the exclusive charge of, and constantly attended by, some competent person; and that person shall not have charge of more than one lighter.
- (2) Where more than 2 250 kilograms of explosives are on, or are being conveyed in, a licensed powder lighter there shall be two persons continuously on board.

*[Regulation 220 amended by Gazette 21 June 1974 p.2085.]*

**221. Quantity to be conveyed**

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

**222. Space between lighters**

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

*[Regulation 222 amended by Gazette 21 June 1974 p.2085.]*

**223. General precautions**

Where a vessel is loading or discharging explosives within the Port of Fremantle —

- (a) An officer of the vessel shall be constantly and exclusively in charge of the shipment, stowage, or discharge of such explosives.
- (b) All fires and lights on that vessel and on every vessel alongside of or attached to it shall be completely extinguished and no smoking shall be allowed on board any of those vessels.
- (c) Men working in the magazine of the vessel or boat must not have any matches, fuses, knives, or hooks about their person, nor wear boots or shoes with any iron or steel on them.
- (d) All exposed iron or steel in or near the place where any explosive is being passed or handled must be covered over with tarpaulin or other suitable covering.
- [(e) Deleted.]*
- (f) No person shall be allowed to work aloft, or in those parts of the rigging which may be near to the magazine.
- (g) Special care must be exercised in selecting the men to work the explosives to see that they are perfectly sober.
- (h) In the event of any necessity arising for the stoppage of the loading or discharging of any kind of explosive for any purpose or from any cause whatever, it will devolve upon the officer in charge to take precautions that the hatches of the vessel, as well as those of the licensed powder lighter delivering or receiving, are put on and covered with tarpaulins, and that no person is allowed to remain below in the magazine or hold during such stoppage.
- (i) Paraffin, naphtha, petroleum, or other volatile oil must not be used for any purposes whatever, unless approved by the Inspector, on board a vessel after that vessel has

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on board more than 500 kilograms of any explosives other than ammunition whilst the vessel is within the limits of the Port of Fremantle.

*[Regulation 223 amended by Gazettes 21 June 1974 p.2085; 17 March 1992 p.1226.]*

*[224. Repealed by Gazette 17 March 1992 p.1226.]*

**225. Explosives to be inspected**

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

**226. 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 upon that licensed powder lighter for such time as is specified in the permission, but unless such permission has been given all explosives shall be removed as soon as possible from the licensed powder lighter to some duly licensed magazine or other place where it may be legally kept.

*[227. Repealed by Gazette 17 March 1992 p.1226.]*

**228. Prohibited explosives area**

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

From a line commencing at the shoreline  
Position A      Latitude 32° 11.172 'S  
   Longitude 115° 46.439 'E  
thence in a westerly direction to  
Position B      Latitude 32° 11.168 'S  
   Longitude 115° 45.987 'E



## **Part V**

### Hire of Cranes and Scale of Charges

#### **229. Applications**

- (1) All applications for the hire of wharf cranes shall be made at the office of the Port Authority on the form provided and as far as possible having regard for obligations to other hirers, cranes shall be available for use in the order of the applications received and as near to the time specified in such application as can be arranged.
- (2) All charges for the hire of cranes shall be payable when making application.
- (3) The Manager may at any time re-allocate the cranes or remove a crane from any hirer if the exigencies of the working of vessels generally, in his opinion, require such action.

*[Regulation 229 amended by Gazette 14 March 1980 p.864;  
22 June 1990 p.3087.]*

#### **230. Calculation of crane hire**

- (1) Crane hire shall be payable from the time at which the crane is ordered to be ready for work until notification by the hirer that it is no longer required.
- (2) The minimum charge for continuous work in respect of each application shall be as for two hours' hire at the relevant hire rate of charges.
- (3) The Port Authority may in its discretion according to the circumstances of each particular case, waive hire charges for cranes and apply relevant standing-by charges.

*[Regulation 230 amended by Gazette 22 June 1990 p.3087.]*



**231. No liability for loss**

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

**232. Expenses to be paid**

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

**233. Responsibility of hirers**

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

**234. General responsibility**

- (1) The Port Authority will work the cranes, but will not supply nor accept any responsibility for the safety of slings for lifting cargo out of or into vessels.
- (2) The Port Authority will supply a driver with each crane hired who will, as far as possible and consistent with safety, be subject to and obey the instructions of the hirer, his stevedore or agent, but the Port Authority shall not be liable for any loss or damage whatever which may occur while such driver is operating the crane during the period of hire, unless such loss or

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damage is proved to be the direct result of wilful misconduct or wilful disobedience of any reasonable order on the part of the driver.

**235. 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 climb about any crane.

**236. Special lifts**

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

*[Regulation 236 amended by Gazette 28 June 1973 p.2480.]*

*[237. Repealed by Gazette 22 June 1990 p.3087.]*

*[238. Repealed by Gazette 22 June 1990 p.3087.]*

## Part VI — Licences and permits

*[Heading inserted by Gazette 6 December 1991 p.6114.]*

### 239. **Baggage porters to be licensed**

A person shall not ply or tout for hire as a baggage porter at or on any wharf or upon any vessel within the port unless the person holds a licence issued under regulation 241.

*[Regulation 239 inserted by Gazette 6 December 1991 p.6114.]*

### 240. **Application for licence**

An application for a licence or renewal of a licence shall be —

- (a) submitted on a form approved by the Port Authority;
- (b) in the case of an initial application, accompanied by 2 written testimonials supporting the application;
- (c) signed by the applicant; and
- (d) lodged with the Port Authority, at least 14 days prior to the expiry of any existing licence, together with an application, or renewal, fee of \$5.

*[Regulation 240 inserted by Gazette 6 December 1991 p.6115.]*

### 241. **Issue of licence**

Following an application in accordance with regulation 240, the Port Authority may issue a licence to a person allowing that person to operate as a baggage porter independently, or as the servant, agent or contractor of a business.

*[Regulation 241 inserted by Gazette 6 December 1991 p.6115.]*

### 242. **Terms of licence**

A licence issued under regulation 241 —

- (a) expires on 30 June after the issue of that licence unless otherwise provided in that licence;

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- (b) is subject to the terms and conditions (if any) imposed upon that licence by the Port Authority; and
- (c) may, by written notice given personally or by post to the licensee by the Port Authority, be varied or revoked by the Port Authority.

*[Regulation 242 inserted by Gazette 6 December 1991 p.6115.]*

**243. Badge to be worn by licensee**

A licensee under this Part shall wear an identifying badge, approved by the Port Authority, whenever operating under the licence.

*[Regulation 243 inserted by Gazette 6 December 1991 p.6115.]*

**244. Transfer of licence**

A licensee under this Part shall not assign or transfer his licence, or allow his badge to be used by another, without the written consent of the Authority.

*[Regulation 244 inserted by Gazette 6 December 1991 p.6115.]*

**245. Carriers and drivers**

- (1) A person who enters the premises of the Port Authority with a vehicle to ply for hire for the carriage of passengers or passengers' luggage, or for the carriage of goods, shall not —
  - (a) park other than in a space allotted by the Port Authority and indicated as such by signs;
  - (b) discharge passengers or any light luggage in the vicinity of a vessel unless —
    - (i) the vehicle is, in the opinion of the Manager, left in a safe position; and
    - (ii) the vehicle is removed immediately after the passengers or luggage have been discharged.

- (2) A carrier or driver described in subregulation (1) may join a “rank” of other carriers or drivers in a space allocated by the Port Authority for that purpose and when joining that rank —
- (a) shall park in the next available position after those vehicles already parked in that rank; and
  - (b) shall not accept a hiring before a carrier or driver with a prior position in that rank.

*[Regulation 245 inserted by Gazette 6 December 1991 pp.6115-6.]*

**246. Cancellation of licence or refusal of entry**

- (1) Notwithstanding anything in this Part, where a licensed baggage porter, or a carrier or driver, refuses to comply with a direction given by a Port Authority officer or a police officer, or where, in the Port Authority’s opinion, misconduct is established against a porter, carrier or driver, the Port Authority may —
- (a) in the case of a licensed baggage porter, suspend or cancel the porter’s licence;
  - (b) in the case of a carrier or driver, refuse that person entry to the premises of the Port Authority.
- (2) A licensed baggage porter shall, if his licence is cancelled under subregulation (1) (a), deliver his licence and badge to the Port Authority.

*[Regulation 246 inserted by Gazette 6 December 1991 p.6116.]*

## **Part VII**

### **Section I**

#### General

**260. Touting**

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

**261. Stray boats**

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

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

**262. Discharge of wastes, etc., into harbour waters**

- (1) Notwithstanding any other provision of this regulation, a person shall not discharge, or cause or permit to be discharged, into the waters of the Port any substance which contains —
  - (a) oil, oily water, oil sludge, oil refuse, oily bilge water;
  - (b) sewage;
  - [(c) *deleted*]
  - (d) poisons (within the meaning of the *Poisons Act 1964*);  
or
  - (e) any substance which is likely —
    - (i) to contribute to the formation of sludge or other deposit;

- (ii) to contribute to the formation of scum, fat, oil, grease or floating material; or
  - (iii) to contribute to the formation of objectionable odours or discolouration.
  - [(iv) and (v) deleted]*
- (2) Without limiting the generality of subregulation (1) of this regulation, but notwithstanding any other provision of this regulation, a person shall not discharge, or cause or permit to be discharged, into the waters of the Port any waste matter —
  - (a) if its reasonably practicable to dispose of the waste matter satisfactorily in some other manner; and
  - (b) unless every reasonable and practicable step has been taken to improve the quality and appearance of the waste matter prior to discharge.
  - [(c) deleted]*
- (3) Without limiting the generality of subregulations (1) and (2) of this regulation, a person shall not deposit or permit to fall into the waters of the Inner Harbour, any garbage, ashes, mud or other similar matter, or cause any offensive matter to be deposited or discharged into those waters.
- (4) Without limiting the generality of subregulations (1) and (2) of this regulation, a person shall not, except —
  - (a) at such places in the Outer Harbour as the Harbour Master from time to time appoints; and

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

*[Regulation 262 amended in Gazette 19 September 1995 p.4432.]*

**262A. Discharge of ballast into port waters prohibited unless approved by Harbour Master**

- (1) A person shall not except with the approval of the Harbour Master discharge, or cause or permit to be discharged, any ballast into the waters of the port.
- (2) The Harbour Master may give or refuse approval under subregulation (1) of give approval subject to any conditions that the Harbour Master considers appropriate, including conditions —
  - (a) that require the ballast to be inspected or tested by the Port Authority, as specified by the Harbour Master, before or while the ballast is discharged; or
  - (b) that require the ballast to be discharged in places, or in quantities, as specified by the Harbour Master.
- (3) In determining whether to give or refuse approval, or to give approval subject to conditions, the Harbour Master shall have regard to —
  - (a) the nature of the ballast;
  - (b) the means available to the Port Authority to inspect or test the ballast;
  - (c) the movement of vessels in the port; and



(d) any other matter that the Harbour Master considers relevant to the discharge of the ballast into the waters of the port.

(4) Nothing in this regulation limits the operation of section 75 of the Act.

*[Regulation 262A inserted in Gazette 19 September 1995 pp.4432-3.]*

**263. Dead animals, etc., in harbour**

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

**264. Interference with notice boards**

A person shall not take down or injure any board put up for the purpose of publishing any regulation, notice, or penalty, or obliterate any of the letters or figures thereon.

**265. Defacement and bill posting prohibited**

A person shall not soil, deface, mark or injure or without the consent of the Port Authority, write or paint or place any placard or other document upon any shed, waitingroom, barricade, railing, fence, wharf or wharf post; nor shall any person place or deposit any rubbish, refuse matter, or article of any offensive character, or likely to create a nuisance upon or under any of the piers, wharves or approach roads, except at the places and in the manner determined by the Manager.

**266. Life-saving appliances**

Except for the purpose of saving life, a person shall not interfere with any life-saving gear, boathook, drag, grapnel, life buoy or other apparatus placed within the Harbour and intended to be used for the purpose of saving life, but this regulation shall not prohibit the police from using that equipment in dragging for drowned persons.

**267. Dragging or grappling in the harbour**

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

**268. Launching of vessels**

When a vessel is to be launched from any yard or place within the Harbour, the builder or other person in charge of the vessel, shall give to the Harbour Master at least forty-eight (48) hours, notice in writing of the day and the hour at which the launching is to take place.

**269. Preservation of order**

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

**270. Horses on beaches**

A person shall not bring a horse or permit a horse to remain upon any beach that is within the Harbour except between the hours of midnight and 5.30 a.m. next following during the months of November, December, January, February and March or between the hours of midnight and 6 a.m. next following during the months of April, May, June, July, August, September and October.

**271. Prohibition of animals within the harbour**

Subject to the provisions of regulations 270, 272 and 300, of these regulations, a person shall not cause, allow or suffer any animal of whatsoever kind belonging to him or in his charge to enter, stray, depasture or remain within the limits of the Port, without the written permission of the Port Authority or an

officer of the Port Authority authorised in that behalf and payment of such fees (if any) as the Port Authority may direct.

**272. Riding or driving upon wharves**

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

**273. Riding or driving on Port Authority property in general**

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

**274. Drivers to stop at entrance or exit**

The driver of a vehicle, when entering or leaving the premises of the Port Authority, shall stop his vehicle at or near to the office of the Check Clerk at the point of entrance to or exit from the wharf, and shall explain to the Check Clerk the nature of his business, pay whatever dues (if any) are payable in respect of any goods or luggage he may be conveying, and allow his load to be checked and otherwise dealt with according to these regulations, and that driver shall, at all times while on the premises of the Port Authority, obey all directions of the Manager.

**275. 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 leave the immediate vicinity of his vehicle and shall not take or permit the vehicle to approach within fifteen metres of any inflammable goods.

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

*[Regulation 275 amended by Gazette 21 June 1974 p.2085.]*

**276. Parking and standing of vehicles**

- (1) For the purpose of controlling the parking and standing of vehicles, within any area under its control, the Port Authority may constitute, determine and vary, and for that purpose cause to be indicated from time to time by means of painted lines, notices and signs or any one or more of them —
- (a) areas or stalls in which the parking of vehicles is permitted and the manner, conditions, times and limitations upon the parking of vehicles therein;
  - (b) areas in which the parking of vehicles of a particular class is permitted and the manner, conditions, times and limitations upon the parking of vehicles therein;
  - (c) areas in which the parking of vehicles is prohibited;
  - (d) areas in which the standing of vehicles is prohibited.
- (2) The first three letters of any day of the week when used on a sign or notice indicate that day of the week.
- (3) An inscription on a sign or notice erected pursuant to this regulation has effect according to its tenor, and any person who parks or stands a vehicle in any manner contrary to the manner indicated by the painted lines, notices or signs or any one or more of them, or contrary to any conditions or limitations indicated by the notices or signs unless specifically instructed otherwise by a member of the Police Force or a member of the staff of the Port Authority authorised in writing by the Port Authority to act in that behalf, commits an offence.

**277. Vehicles may be moved**

- (1) Where, in the opinion of the Manager, any vehicle should be moved from any stand or place, it is lawful for him to direct the driver thereof to remove the vehicle to such place as the Manager directs and any driver refusing to obey those directions is guilty of an offence.
- (2) The Manager or an officer of the Port Authority may lawfully remove or cause to be removed any unattended vehicle or any vehicle that the driver fails to remove when so directed.

**278. Disorderly persons**

- (1) The Manager or an officer of the Port Authority may lawfully prevent any drunken, idle or disorderly person from entering upon the premises of the Port Authority.
- (2) A person shall not be drunken, idle or disorderly upon the premises of the Port Authority.

**279. Convicted and undesirable persons**

The Port Authority, the Manager or the Harbour Master, may prohibit, for such period as they or he, thinks fit, the entry to any area within the Port of a person who has on more than one occasion, been convicted of a breach of these regulations or whose presence is in the opinion of the Port Authority, reasonably likely to prejudice the proper working of the Port, and may cause any person whose entry is prohibited to be removed from any area within the boundaries of the Port.

**280. Drinking of liquor**

- (1) A person shall not consume liquor on any property vested in the Port Authority unless he —
  - (a) obtains the permission of the General Manager; and
  - (b) abides by the conditions (if any) imposed by the General Manager.

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- (2) Any person committing a breach of this regulation shall be liable to a penalty not exceeding two hundred dollars (\$200).
- (3) For the purpose of this regulation the expression “**liquor**” means spirits, wine or beer containing more than two per centum of proof spirit.

*[Regulation 280 amended by Gazette 5 December 1986 p.4469.]*

**281. Smoking, loitering, etc. and unauthorised speeches**

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

**282. Nuisances**

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

**283. Selling or distributing papers, etc.**

- (1) A person shall not use wharves, docks, quays, landing stages or other landing places for the purpose of selling or distributing (free of charge or otherwise) or carrying for sale or distribution or exposing for sale or distribution (free of charge or otherwise) thereon, any goods, articles, printed or written papers, or things of whatever description without first having obtained permission from the Port Authority in writing.
- (2) A person employed in the Port, not being an officer of Customs shall not, whilst, in or upon any area within the boundaries of the Port, as defined in the Schedule to the *Fremantle Harbour Trust Act 1902*, hold any auction sale or distribute (free of charge or otherwise) or sell or carry for sale or distribution, or expose for sale or distribution (free of charge or otherwise) any

goods, articles, printed or written papers or things of whatever description without first having obtained permission from the Port Authority in writing.

**284. 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 any part of the Port without the permission of the Manager.

**285. Unserviceable vessels to be removed**

- (1) The master or person in charge of a vessel which is not ordinarily used for sea service and which is unseaworthy or insufficient, shall not allow it to become a risk to life or property or an obstruction to the navigation of the Port.
- (2) Where there is in the Port a vessel which is not ordinarily used for sea service —
  - (a) the Harbour Master, with any other persons appointed for the purpose by the Authority, may board and inspect the vessel at all reasonable times during any day to ascertain whether the vessel is unseaworthy, insufficient or a risk to life or property or an obstruction to the navigation of the Port; and
  - (b) the master or person in charge of the vessel shall do all that is reasonably necessary to enable the Harbour Master to exercise the power referred to in paragraph (a) of this subregulation.
- (3) Where a vessel referred to in this regulation is unseaworthy, insufficient or a risk to life or property or an obstruction to the navigation of the Port, the Harbour Master shall give notice, in writing, to the master or owner to remove the vessel to a place named in the notice, and if within seven days of the notice being given the vessel is not dealt with in accordance with the terms of the notice, the Harbour Master may cause the vessel to be moored, unmoored, placed or removed as he shall think fit and

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for that purpose may cast off, unloose or cut the rope or shackle or break the chain by which the vessel is moored or fastened, first providing, where there is not person on board to protect it, a sufficient number of persons on board for the protection of the ship, and all expenses incurred by the Harbour Master in removing the vessel shall be paid to the Port Authority by the master of the vessel and in default may be recovered from the master in any court of competent jurisdiction.

**286. Entering upon wrecks**

- (1) A person shall not, without the written permission of the Harbour Master, enter upon, climb about or otherwise remain on any vessel that is sunk, stranded, or abandoned within the limits of the Port.
- (2) The Port Authority may remove from such vessel any person contravening this regulation, and, in addition to any penalty incurred for such contravention, the person so removed shall pay to the Port Authority the expenses of and incidental to such removal, and in default the Port Authority may recover the same in any court of competent jurisdiction.

**287. Fire alarms and appliances**

Any person breaking, sounding, opening, or in any way interfering with any electric or other fire alarm apparatus on the premises of the Port Authority, except in order to give notice of an outbreak of fire, or using without permission, or in any way interfering with any apparatus for the suppression of fire, shall be guilty of a breach of these regulations and liable for any loss or damage caused to the Port Authority thereby.

**288. Wharves, etc., may be closed**

The Port Authority may close off any portion of the land and premises vested in or under the control of the Port Authority whenever it considers it advisable to do so, and a person shall not enter any land or premises so closed without the consent of



the Port Authority and subject to any conditions which the Port Authority may impose.

**289. Presence on wharves may be queried**

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

*[Regulation 289 amended by Gazette 5 April 1978 p.1019.]*

**290. Public demonstrations**

A person shall not ring any bell or gong, play any musical instrument, or walk or take part in any demonstration or procession of any kind, or make or deliver any speech or address, or sing any song or hymn likely to attract a crowd or assemblage of persons upon any portion of the Port Authority's premises without first having obtained permission from the Manager, and any persons so assembled or gathered or standing together shall immediately upon being required so to do by an authorised person, disperse, and leave the premises.

*[Regulation 290 amended by Gazette 5 April 1978 p.1019.]*

**290A. Interpretation of "authorised person"**

In regulations 289 and 290 of these regulations "**authorised person**" means the General Manager to the Port Authority, a person appointed to be in charge of any wharf or other premises vested in the Port Authority, a member of the Police Force, and any other person acting on the instructions of the General Manager to the Port Authority.

*[Regulation 290A inserted by Gazette 5 April 1978 p.1019.]*

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**291. Children not allowed on wharves**

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

**292. 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 steps or landing-place for passengers.

**293. Fishing**

- (1) A person shall not fish from any part of the wharf structure below wharf deck level nor from pontoons or any public landing steps or place for landing passengers.
- (2) Any person fishing from wharf deck level shall comply with the following conditions: —
  - (a) He will use only rod or line.
  - (b) He will not interfere with or obstruct the general wharf work or the convenience of other uses of the wharf.
  - (c) He will forthwith comply with each and every direction of any officer of the Fremantle Port Authority or Police Officer in regard to his use of the wharf.
  - (d) He will not deposit or leave upon the wharf any fish, fish refuse or offensive matter.

**293A. Removal of marine life from structures prohibited**

A person shall not remove any form of marine life (whether animal or plant) from —

- (a) a wharf, jetty, pile light, buoy or beacon; or
- (b) a pile supporting any structure referred to in paragraph (a),

within the Inner Harbour or the Outer Harbour.

*[Regulation 293A inserted by Gazette 26 January 1993 p.848.]*

**294. No building without Port Authority permission**

A person shall not erect without permission from the Port Authority, any building, staging, or structure upon the property vested in the Port Authority.

**295. Climbing about structures not permitted**

A person shall not, without the permission of the Manager, clamber on or about the structure of any wharf below the deck level, or upon or about any crane or hoist, or on or over any gate or fence.

**296. Tampering with water appliances**

A person shall not, without the permission of the Manager, turn any valve or cock or shut any fire-plug or hydrant.

**297. Tampering with electric lights or power mains**

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

**298. Tugs, lighters and other vessels to be licensed**

A person shall not within the port, ply for hire or reward with a steamer, vessel, or boat of any description or hold or let the same for hire or reward for towing, conveyance of passengers, goods, water, ballast, refuse, or any other commodity or things, or for any other purpose, unless it is licensed in accordance with the provisions of the *Western Australian Marine Act 1948*.

**299. Complaints**

Any complaint concerning the Manager, or any person under his direction, shall be made in writing to the Port Authority.

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**300. Where livestock to be landed**

- (1) Livestock may be landed or shipped at the Inner Harbour wharves, on permission being first obtained from the Manager and subject to the terms and conditions which he may impose.
- (2) Application for permission shall be made at least 24 hours prior to the loading or landing of stock.
- (3) Stock shall not be landed until all necessary precautions have been taken to ensure their being at all times properly tended and under control.

**301. Stock vessels to be cleaned**

- (1) Every vessel that has discharged its consignment of livestock, in accordance with regulation 300 of these regulations shall thereupon be removed to the ballast ground and there be cleaned.
- (2) Refuse of any kind shall not be put overboard into the waters of the port, except within the limits of the ballast ground.
- (3) Notwithstanding any other provision of this regulation, the Manager may permit the cattle decks of a vessel to be cleaned at a wharf or jetty if —
  - (a) that work is commenced immediately the livestock is landed and is carried on rapidly and continuously, until completed;
  - (b) all refuse is put into barges, railway wagons or other vehicles, in such manner that none is permitted to find its way into the waters of the Inner Harbour; and
  - (c) every barge containing refuse is, when filled, forthwith taken to the ballast ground and there discharged and cleaned and every wagon or other vehicle is forthwith removed from the premises of the Port Authority.
- (4) Where a vessel is permitted to be cleaned under the provisions of subregulation (3) of this regulation, the master or other

person in charge of that work shall comply with every condition imposed by that subregulation; and nothing in the subregulation relieves a person of the requirement of complying with the provisions of the *Health Act 1911* and any regulations made thereunder.

**302. Exemption from liability**

The Port Authority shall not be liable for any damage or loss suffered by any person in consequence of an act of God, act of war, act of public enemies, strikes, lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general, riots and civil commotions, acts of sabotage or terrorism, unlawful seizure or control of persons, vessels, vehicles or property or the use for the purposes of war or defence or training or preparation for war or defence of any of the property vested in the Port Authority.

*[Regulation 302 amended by Gazette 29 July 1977 p.2483; 4 December 1986 p.4469.]*

**303. Wharf holidays**

The following days shall be observed as wharf holidays —

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

**304. Decaying matter not to be left on wharves**

- (1) A person shall not place or leave or cause to be placed or left, upon any wharf, or in any shed, any vegetable or animal matters, or goods, or other things whatsoever, which are in a state of decay or putrefaction.
- (2) Any goods or other things whatsoever, which are, in the opinion of the Manager, unfit to remain on any wharf, or in any shed, or harmful to other goods stored on or in such wharf, or shed, may

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be removed by the Manager, and the consignee and owner of such goods or other things shall, upon demand, repay the Port Authority the cost of such removal.

**305. 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, and such service is not defined in these regulations, the Manager shall determine the rate or charge payable in respect thereof.

**305A. 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 269, 288, 289, or 290 of these regulations, give his name and address and if required by the member of the Police Force leave the wharf or such other premises or such part of the wharf or such other premises as may be specified by the member of the Police Force.

*[Regulation 305A inserted by Gazette 5 April 1978 p.1020.]*

**305B. 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 269, 288, 289, 290 or 305A of these regulations.

*[Regulation 305B inserted by Gazette 5 April 1978 p.1020.]*

*[PART VIII Repealed in Gazette 6 December 1991 p.6116.]*

## **Part IX — Bathing, beach, boating and water ski-ing regulations**

### **Section I**

#### Bathing and Beach Regulations

#### **351. Interpretation**

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

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

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

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

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

**“Beach Inspector”** means a person appointed as such under these regulations;

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

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

**“motor boat”** means a vessel propelled by any means other than oars or sail and includes a speed boat and a sailing

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vessel which is equipped with propelling machinery and propelled by mechanical power;

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

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

*[Regulation 351 amended by Gazette 3 May 1974 p.1453.]*

**352. Areas may be set aside**

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

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



**353. Prohibited activities**

A person shall not —

- (a) bathe in any part of the Inner Harbour or in an area in which bathing is prohibited;
- (b) bathe within any authorised boat launching area or authorised water ski take off and landing area;
- (c) launch a boat from a site or area other than a site or area set aside for that purpose;
- (d) play games in an area in which the playing of games is prohibited;
- (e) sell goods or services in an area in which their sale is prohibited;
- (f) fish in an area in which fishing is prohibited.

**354. Conduct generally**

A person shall not within the boundaries of the Port —

- (a) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (b) enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex;
- (c) dress or undress or remove or disarrange any part of his or her bathing costume or clothing in any place open to public view or in any building save those specifically set aside by the Port Authority for the purpose; but the provisions of this paragraph shall not prevent any person already clad in proper bathing costume from doffing or donning another garment or garments worn over such bathing costume;
- (d) unless he be a member of a life saving club acting in the course of his duty, climb on or over any building or structure;

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- (e) enter any portion of land or place that is fenced off or otherwise closed to the public;
- (f) alter, cut, mutilate, deface or disfigure or otherwise damage any building or structure or expectorate or throw lighted matches thereon;
- (g) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottles, paper, tins, jars, broken glass, china or litter of any kind except in receptacles provided for that purpose;
- (h) injure, cut, break, deface, pull up, pick, remove or destroy any tree, shrub, flowers, grass or plant of any kind or description or, without the consent of the Port Authority, plant any such or sow any seed;
- (i) without the written consent of the Port Authority, cut, collect or remove any timber, firewood, stone, sand or other material except seaweed;
- (j) unless he be a servant of the Port Authority or a member of a life saving club acting in the course of his duty as such, carry or discharge any firearm, air gun or other missile discharging device (other than a spear gun), or throw or discharge any firework, stone, spear or other missile;
- (k) load or discharge any spear gun except when such gun is under water and fifty metres or more from any swimmer other than a companion spear fisherman;
- (l) drive any mechanically propelled vehicle except upon a road-way, turning place or parking place constructed for that purpose;
- (m) light any fire, except in an area set aside for barbecues;
- (n) drive or propel a boat into an area where bathing is taking place in such a way as to cause annoyance or injury to any person bathing or about to bathe;

- (o) ski or surf with the aid of a bathing appliance in any area where bathers are congregated together to the danger or annoyance of those bathers;
- (p) play games in such a way as to cause inconvenience and annoyance to persons bathing or using the beach;
- (q) enter or remain within those boundaries when under the influence of intoxicating liquor and any person who in the opinion of an authorised person is under the influence of intoxicating liquor shall immediately leave the Port area when ordered or requested by the authorised person to do so.

*[Regulation 354 amended by Gazette 5 December 1975 p.4390.]*

**355. Public activities**

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

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

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- (g) operate any radio, record player or radiogram at such volume as to cause annoyance to other persons in the vicinity.

**356. Animals and birds**

- (1) A person shall not allow any animal or bird under his control to enter upon any beach under the control of the Port Authority.
- (2) Any animal found on any beach in contravention of this regulation, may be removed and dealt with in accordance with the provisions of the *Dog Act 1976*, or as the case may require, any existing law relating to the impounding of animals and any bird found on any beach in contravention to this regulation may be destroyed.

**357. Fishing**

- (1) Where the Port Authority sets aside areas in which fishing is prohibited, it shall exhibit signs indicating that fishing is prohibited between the signs.
- (2) A person shall not at any place within the boundaries of the Port, whether that place is one in which fishing is permitted or not —
  - (a) clean fish or cut bait on any seat, handrail or stairway;
  - (b) leave or deposit any fish, fish offal, burley or bait anywhere on land at any time or in the sea within 200 metres of any portion of the beach at which people are swimming or are likely to swim within twelve hours after such disposal;
  - (c) without written permission of the Port Authority fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks.

*[Regulation 357 amended by Gazette 5 December 1975 p.4390.]*

**358. Boats**

- (1) Where the Port Authority sets aside areas or sites for the launching and beaching of boats at any place within the boundaries of the Port, it shall exhibit signs indicating that the area is one in which that action may be taken.
- (2) The Port Authority may, by the erection of notices, prohibit the launching and beaching of boats elsewhere within the boundaries of the Port.
- (3) The Port Authority may set aside areas in which boats may be left or parked when out of the water and no boat shall be left on the beach other than in an area so set aside.
- (4) A person using a car or other vehicle to tow a boat to a launching site shall use the road set aside for that purpose, and after launching he shall withdraw the vehicle from that road to an area set aside for parking, or if there is no such area set aside, he shall remove the vehicle to the public road or to a public parking area.

**359. Camping**

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

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

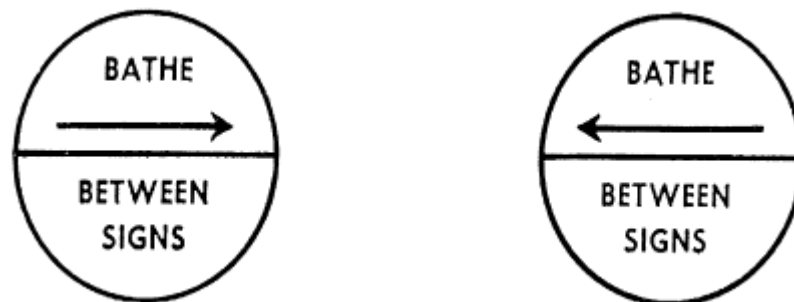
**360. Bathing**

- (1) Within the portions of the boundaries of the Port where life saving services are provided, the authorised person who first commences duty each morning during the patrol season

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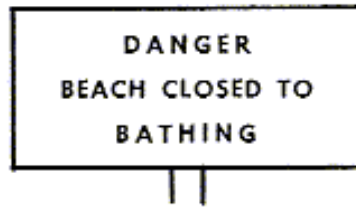
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approved by the Western Australian State Centre of the Surf Life Saving Association of Australia, and during any additional period for which the Port Authority may maintain their paid Beach Inspector on duty, he shall, immediately upon commencing duty, select what in his opinion is the safest and most suitable part of the patrolled area to be set aside as a bathing area and shall thereupon define the limits of such bathing area by erecting at each extremity thereof either or both a red and yellow flag at least 750 millimetres square and a sign in the following form: —



- (2) The upper half of each sign shall be painted yellow and the lower half red with lettering in black and such lettering shall be at least seventy-five millimetres high.
- (3) The sign shall have a minimum diameter of 600 millimetres and the lowest point thereof shall be not less than two metres and not more than three metres above the immediate ground level.
- (4) The erection of such patrol flags or signs, or their re-erection as hereinafter provided, shall define the bathing area for the time being and denote that an officer of the Port Authority appointed as a permanent beach patrol or, as the case may be, a surf life saving club, is providing life saving services in that area.
- (5) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that the limits of the bathing area should be altered, he may remove such red and yellow patrol flags or signs and re-erect them in another position within the patrolled area.

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



- (7) The sign referred to in subregulation (6) shall be painted white with red lettering at least seventy-five millimetres high and shall be at least 900 millimetres in length by 600 millimetres in width and the lowest point thereof shall be not less than two metres and not more than three metres above the immediate ground level.
- (8) During any time life saving services are not provided in the bathing area, an authorised person shall remove the patrol flags and signs referred to in this regulation.
- (9) An authorised person may —
- (a) place any life saving gear or appliance in a position considered by him to be the most suitable;
  - (b) set aside a roped enclosure not greater than four metres square for the exclusive use of members of a life saving patrol;
  - (c) order the discontinuance of use within a bathing area of bathing appliances (either generally or a particular class) which, in his opinion, could cause inconvenience or danger to bathers;
  - (d) require any or all persons to leave the water within the bathing area or any part thereof during the course of any rescue.

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- (10) During the presence in or near the bathing area of a shark or other danger, an authorised person may cause a shark alarm to be given; the signal for the shark alarm shall be the prolonged ringing of a shark alarm bell or a long blast on a shark alarm siren and the erection of a red and white quartered flag upon the lookout tower or some prominent position, or the holding of a red and white quartered flag stationary above the head, and when he is of the opinion that the danger has passed, such authorised person shall cause the signal of “all clear” to be given by a short ringing of the shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red and white quartered flag.
- (11) The Port Authority may set aside and designate by signs a part of the patrolled area (other than the bathing area) for use by persons using bathing appliances, either generally or of the particular class concerned, at any time during which the discontinuance of use of bathing appliances (either generally or a particular class) is ordered pursuant to paragraph (c) of subregulation 9 of this regulation, and the part so set aside may be defined by notice, flag or such other means as the Port Authority may deem necessary.
- (12) Each member of a life saving patrol shall wear a red and yellow quartered swimming cap whilst engaged on patrol.

*[Regulation 360 amended by Gazette 5 December 1974 p.4390.]*

**361. Areas for lifesaving competitions**

- (1) The Port Authority may, from time to time, authorise a life saving club to —
- (a) temporarily set apart any part of the beach area for the holding of a life saving competition;
  - (b) enclose a competition area with rope, hessian, wire or other means;



- (c) divide a competition area into sections, some of which may be set aside for use by the public and some of which may be set aside for competition use only, in which case, such areas shall be clearly defined as to the nature of their respective uses;
  - (d) prescribe the terms and conditions of entry of the public into such competition area, in which case the terms and conditions of such entry shall be clearly defined by notice erected at each end and every entrance to such competition area.
- (2) During the period of such authorisation, a person shall not —
- (a) enter into or remain within such competition area except upon compliance with the conditions of admission indicated by notice at the entrance or entrances to such areas;
  - (b) if he is a member of the public, enter upon any part of the competition area set aside for competition use; or
  - (c) do any act or thing to create, or which may be likely to create, any interruption or interference to the smooth running of the competition.

**362. Adequate clothing**

- (1) Any person bathing in water exposed to the public view or using the beach for sun bathing in the public view, shall in order to secure the observance of decency, be properly and adequately clad.
- (2) If a Beach Patrol Officer or Inspector appointed by the Port Authority considers that the costume or other clothing of any person using any area within the boundaries of the Port, is not proper and adequate to secure decency, he may order that person to don adequate clothing, and if that person refuses to do so, he may be removed from such area by that officer or inspector.

**363. Conduct of persons bathing**

A person shall not —

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

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

**364. Beach inspectors**

- (1) The Port Authority may appoint any of its members or employees to be a Beach Inspector under these regulations.
- (2) The Port Authority may also appoint any member of a life saving club as a Beach Inspector under these regulations,

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provided that a member so appointed shall not prosecute any person for a breach of any provisions of these regulations but shall report such breach to the Port Authority for action by them.

- (3) Any person appointed a Beach Inspector pursuant to subregulation (1) or (2) of this regulation, shall be given a certificate of his appointment and shall have issued to him a badge bearing the words "Beach Inspector" and the wearing of the badge or the production of it or of the certificate of appointment when exercising his authority under these regulations, shall be *prima facie* evidence of the appointment and authority of the person producing the same.
- (4) Every member of the Western Australian Police Force shall have the powers of an authorised person under these regulations.
- (5) Any Beach Inspector or authorised person who finds any person committing or attempting to commit a breach of any of the provisions of these regulations may demand from such person his name and current place of abode and usual place of abode, and shall report the fact of such breach and the name and place or places of abode of such person as soon as conveniently may be, to the Port Authority.
- (6) Any person who refuses to state his name and place or places of abode to any Beach Inspector or any authorised person commits an offence against these regulations.

*[Regulation 364 amended by Gazette 3 May 1974 p.1457.]*

## **Section II**

### **Boating and Water Ski-ing Regulations**

#### **365. Registration of boats**

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

**366. Identification of boats**

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

**367. Interpretation**

- (1) Subject to the provisions of regulation 351 of these regulations, a reference in this Section of this Part of these regulations to a motor boat is a reference to a motor boat that is a vessel, within the meaning of Section 205 of the *Western Australian Marine Act 1948*; and the word “**owner**” has the meaning provided by that section and the word “**ownership**” shall be construed accordingly.
- (2) In this Section of this Part of these regulations —
  - “**trick water ski-ing**” means the sport or exercise of being towed over the water by a motor boat, without being continuously supported on the surface;
  - “**water ski-ing**” means the sport or exercise of being towed over water by a motor boat, so as to be supported on the surface by a ski or skis, an aquaplane or the feet; and
  - “**water skier**” means a person engaging in water ski-ing or in trick water ski-ing.

*[Regulation 367 inserted by Gazette 3 May 1974 p.1453.]*

**367A. Limits on use of motor boat for water skiing**

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

- (a) without the approval of the Port Authority —
  - (i) in any water having a depth of less than three metres;

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- (ii) within forty-five metres of a river bank or low water mark;
- (b) in or through a mooring area;
- (c) within fifteen metres of a vessel under way;
- (d) within forty-five metres of —
  - (i) a moored vessel;
  - (ii) a person in the water;
  - (iii) a jetty or wharf; or
- (e) through an arch of a bridge.

*[Regulation 367A inserted by Gazette 3 May 1974 p.1453; amended by Gazette 5 December 1975 p.4391.]*

**367B. Areas for water ski-ing**

- (1) The Port Authority may, by notice published in the *Government Gazette*—
  - (a) limit the speed of any specified class or classes of motor boat, within the boundaries of the Port or within any specified area of the Port therein defined;
  - (b) define and set aside any area within the boundaries of the Port for the purpose of racing by speed boats of which the owners have been granted permission to race by the Port Authority;
  - (c) define and set aside, and impose conditions on the use of, any area within the boundaries of the Port for the purposes of water ski-ing and may, subject to such conditions as it sees fit, to impose, permit the use of any waters mentioned in regulation 367A of these regulations, for that purpose; and
  - (d) define and set aside any area within the boundaries of the Port for the purpose of swimming only.
- (2) A person shall not race a motor boat or drive a motor boat, towing a water skier within the boundaries of the Port, except in an area defined and set aside by the Port Authority for the

purpose and where the Port Authority has imposed any conditions on the racing of speed boats, or on water ski-ing in any such defined area, a person failing to comply with those conditions commits an offence.

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

*[Regulation 367B inserted by Gazette 3 May 1974 p.1453-4.]*

**367C. Age limit for driver of speed boat towing water skier**

- (1) A person shall not drive a speed boat towing a water skier unless he is at least 17 years of age and is accompanied in the boat, by a person of at least 14 years of age.
- (2) A person driving a speed boat towing a water skier, shall maintain a constant lookout ahead and the person accompanying him in the boat, shall maintain a constant watch over the skier or skiers being towed by that boat.

*[Regulation 367C inserted by Gazette 3 May 1974 p.1454.]*

**367D. Age limit for driver of speed boat**

- (1) Subject to subregulation (2) of this regulation —
- (a) a person under the age of 17 years, shall not drive or operate a speed boat;
  - (b) the owner or person having the control of a speed boat, shall not knowingly permit or suffer the speed boat to be driven or operated by a person under the age of 17 years.
- (2) Subregulation (1) of this regulation, does not apply to or in relation to —
- (a) a person under the age of 17 years, but not under the age of 14 years, driving or operating a speed boat when

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accompanied in the boat by a person of at least 21 years of age; or

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

*[Regulation 367D inserted by Gazette 3 May 1974 p.1454; 17 January 1975 p.126.]*

**367E. Dangerous or negligent driving of vessel or water ski-ing**

Every person who —

- (a) drives or operates a vessel; or
- (b) water skis,

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

*[Regulation 367E inserted by Gazette 3 May 1974 p.1454.]*

**368. Limits on motor boat in “diver below” area**

- (1) A person shall not drive a motor boat towing a water skier or carry out any water ski-ing within the boundaries of the Port, within forty-five metres of any vessel or buoy displaying a flag indicating “diver below”.
- (2) A person shall not drive a motor boat at a speed exceeding eight knots within the boundaries of the Port within forty-five metres of any vessel or buoy displaying a flag indicating “diver below”.

*[Regulation 368 inserted by Gazette 3 May 1974 p.1454; amended by Gazette 4 December 1974 p.4391.]*



**368A. Driving speed boat near water skier**

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

*[Regulation 368A inserted by Gazette 3 May 1974 p.1454; amended by Gazette 5 December 1974 p.4391.]*

**368B. Priority in take-off area**

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

*[Regulation 368B inserted by Gazette 3 May 1974 p.1454.]*

**368C. Rope handles to be held by water skier**

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

*[Regulation 368C inserted by Gazette 3 May 1974 p.1454; amended by Gazette 5 December 1975 p.4391.]*

**368D. Trick ski-ing not to be within 90 metres of landing area**

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

*[Regulation 368D inserted by Gazette 3 May 1974 p.1454; amended by Gazette 5 December 1975 p.4391.]*

**368E. Ski-ing not to be within 30 metres of landing area**

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

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*[Regulation 368E inserted by Gazette 3 May 1974 p.1454;  
amended by Gazette 5 December 1975 p.4391.]*

**368F. Duty of speed boat driver on landing skier**

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

*[Regulation 368F inserted by Gazette 3 May 1974 p.1454;  
amended by Gazette 5 December 1975 p.4391.]*

**368G. Speed boat not to approach within 25 metres of landing area**

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

*[Regulation 368G inserted by Gazette 3 May 1974 p.1454;  
amended by Gazette 5 December 1975 p.4391.]*

**368H. Driver not to ride gunwale**

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

*[Regulation 368H inserted by Gazette 3 May 1974 p.1454.]*

**368I. Ski to be retrieved**

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

*[Regulation 368I inserted by Gazette 3 May 1974 p.1454.]*

**368J. Use of vessels while intoxicated**

A person shall not —

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

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

*[Regulation 368J inserted by Gazette 3 May 1974 p.1455.]*

**368K. Ski Jumping**

A person shall not use any area within the boundaries of the Port for the purpose of —

- (a) a slalom course or ski-jump unless prior approval in writing has been obtained from the Port Authority;
- (b) a slalom course or ski-jump unless a safety zone surrounding such slalom course or ski-jump is defined by red marker buoys, each having a diameter of 200 millimetres and fitted with a 300 millimetre high orange triangular pennant;
- (c) slalom ski-ing unless that person is wearing an approved buoyancy vest and in the event of attempting a ski-jump, that person is wearing an approved vest and wet suit rubber pants; and
- (d) slalom ski-ing or ski-jumping unless that person is permitted to use the slalom course or ski-jump by the person or club having the approval of the Port Authority to use the water for that purpose.

*[Regulation 368K inserted by Gazette 3 May 1974 p.1454; amended by Gazette 5 December 1975 p.4391.]*

**368L. Silencer to be fitted on motor boat**

A person shall not use a motor boat unless it is fitted with an efficient silencer approved by the Harbour and Light Department.

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*[Regulation 368L inserted by Gazette 3 May 1974 p.1455.]*

**368M. Motor boat driver not to cause nuisance**

- (1) Subject to this regulation, a person shall not within the boundaries of the Port —
  - (a) drive a boat at such a speed or in such a manner as to cause nuisance or damage to any person or to any other vessel or to any bank or property;
  - (b) navigate a boat in such a manner as to —
    - (i) endanger the safety of that boat or any other vessel or any person; or
    - (ii) obstruct, impede or otherwise interfere with any other vessel;
  - (c) except in the case of an emergency, cause or permit a motor boat to emit smoke or vapour to such an extent as to cause danger, nuisance or annoyance to the public;
  - (d) drive a motor boat through or under a bridge with more than one vessel in tow.
  - (e) use a boat for the purposes of towing unless he is at least 17 years of age and is accompanied in the boat by a person of at least 14 years of age; or
  - (f) have control of a towing boat unless he maintains a constant look out ahead and the person accompanying him in the boat maintains a constant watch over the vessel or object being towed by that boat.
- (2) The provisions of paragraphs (e) and (f) of subregulation (1) of this regulation do not apply where —
  - (a) a distressed vessel is being towed in an emergency situation and no other person is available as an observer; or
  - (b) the person having control of a boat is unaccompanied at the time that he finds a drifting vessel or object in any of the waters within the boundaries of the Port and is

towing the vessel or object away in order to prevent a danger arising to vessels using those waters.

*[Regulation 368M inserted by Gazette 3 May 1974 p.1455; amended by Gazette 18 April 1980 p.1147.]*

**368MA. Risk of injury**

The person in charge of a vessel shall not permit any other person not engaged in activities required by the navigation of the vessel or the purposes for which that vessel is being used to remain in a position where any portion of his body is exposed to the risk of injury beyond the limits of the hull of that vessel.

*[Regulation 368MA inserted by Gazette 24 December 1975 p.4657.]*

**368N. Advertisements prohibited**

Except with the permission in writing of the Port Authority, a person shall not cause or permit any advertisement or sign to be carried by, or displayed on, a motor boat.

*[Regulation 368N inserted by Gazette 3 May 1974 p.1455.]*

**369. Fire extinguishers**

Every motor boat other than a motor boat propelled by an outboard motor of 13.5 kilowatt brake power or less shall be equipped with a fire extinguisher that bears the stamp of the Standards Association of Australia and conforms to one of the following standards issued by that body —

- (a) AS A32, AS 1843, AS 1844 or AS 1845 (foam);
- (b) AS A137 or AS 1846 (dry chemical);
- (c) AS A138 or AS 1847 (carbon dioxide);
- (d) AS A163 or AS 1848 (halogenated hydrocarbon).

*[Regulation 369 inserted by Gazette 26 November 1976 p.4792; amended by Gazette 6 May 1977 p.1328.]*

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**369A. Life jackets**

Every vessel shall, when proceeding outside protected waters, be equipped with a life jacket for each person on board, that —

- (a) bears the stamp of and conforms to Australian Standards ASZ 27 or AS 1512; or
- (b) has been approved by the Marine Board of Victoria, or of the Department of Transport of the Australian Government, as a life jacket.

*[Regulation 369A inserted by Gazette 3 May 1974 p.1455; amended by Gazette 24 December 1975 p.4657.]*

**369B. Flares**

- (1) Every vessel shall, while being navigated outside protected waters, be equipped with the following distress signals —
  - (a) not less than two red hand flares or not less than two parachute distress rockets; and
  - (b) not less than two orange smoke flares.
- (2) Distress signals required by this regulation shall be maintained in a serviceable condition at all times, they shall be capable of functioning satisfactorily after immersion in water for one minute, and shall be of such a quality as to enable them to remain serviceable under good average storage conditions for a period of at least three years, the container of each distress signal shall be stamped indelibly with the date on which it is filled and in the case of —
  - (a) red hand flares, the flare shall be capable of emitting a red light of minimum luminous intensity of fifteen thousand candelas for not less than fifty-five seconds;
  - (b) parachute distress rockets, the rocket shall be capable of projecting a single bright red star to a minimum height of 230 metres which burns while falling, with a minimum luminous intensity of twenty-five thousand candelas for not less than forty seconds;

- (c) smoke flares, the flare shall be capable of emitting a dense volume of bright orange smoke for a period of not less than fifty-five seconds.

*[Regulation 369B inserted by Gazettes 3 May 1974 p.1455; 24 December 1975 p.4657.]*

**369BA. Situation of equipment**

- (1) All the items of equipment required to be carried on board any vessel pursuant to regulations 369, 369A and 369B, shall be —
  - (a) maintained in a serviceable condition; and
  - (b) situated so as to be readily accessible to all persons on board the vessel.
- (2) Where any of the items of equipment referred to in regulations 369, 369A and 369B are stored under cover, the position of those items shall be clearly indicated by appropriate markings.
- (3) All equipment required to be carried on board any vessel, pursuant to regulations 369, 369A, 369B and 369C shall be produced to an authorised person on demand.

*[Regulation 369BA inserted by Gazettes 17 January 1975 p.126; 26 November 1976 p.4792.]*

**369C. Anchor and line**

Every vessel, when proceeding outside protected waters, shall be equipped with an efficient anchor and line.

*[Regulation 369C inserted by Gazette 3 May 1974 p.1455.]*

**369D. Unseaworthy vessels**

When under the circumstances for the time being prevailing, a vessel is unseaworthy, overloaded or insufficiently equipped or is in an unsafe position or locality, the person in charge of the vessel shall forthwith obey any demand or instruction given to him by an authorised person, relating to the removal of the

**r. 369E**

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vessel, to reducing the load thereof or to providing any additional equipment required therefor.

*[Regulation 369D inserted by Gazette 3 May 1974 p.1455.]*

**369E. Fuel in motor boats**

The following provisions apply to the storage and use of fuel in all motor boats, namely —

- (a) fuel shall be carried in containers soundly constructed of metal or any other materials approved by the Harbour and Light Department and shall not, in any event, be carried in plastic containers;
- (b) subject to paragraph (c) of this regulation, the pipes leading from the fuel tank to the engine shall be of steel or copper, having all joints brazed and union faces ground and made of metal;
- (c) a short length of flexible piping of some other material may be used with the approval of the Harbour and Light Department; and
- (d) an efficient valve shall be fitted against the fuel tank outlet.

*[Regulation 369E inserted by Gazette 3 May 1974 pp.1455-6.]*

**369F. Ventilation of engine compartments**

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

*[Regulation 369F inserted by Gazette 3 May 1974 p.1456.]*

**369G. Lights**

- (1) Every vessel solely propelled by oars, every sailing vessel of not more than 4.25 metres in length and every motor boat of not more than 4.25 metres in length, shall, while operating between sunset and sunrise, be equipped with an all round white light which shall be kept lighted and shall be displayed whenever the vessel approaches, or is being approached by, any other vessel



in sufficient time to warn that other vessel so as to avoid the possibility of any collision.

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

*[Regulation 369G inserted by Gazette 3 May 1974 p.1456; amended by Gazette 5 December 1975 p.4391.]*

**369H. Priority on approaching jetty**

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

*[Regulation 369H inserted by Gazette 3 May 1974 p.1456.]*

**370. Organised regattas and sports**

- (1) A person shall not organise, promote or conduct a race, display or regatta for vessels of any description or an exhibition of any form of aquatic sport, including water skiing on any of the waters within the boundaries of the Port except with the written permission of the Port Authority, and in accordance with any conditions which it may impose, but this subregulation shall not apply to any carnival organised by a surf life saving club as approved by the Western Australian State Centre of the Surf Life Saving Association of Australia.
- (2) A person shall not navigate a vessel in such a manner or in such a position as to obstruct, impede or otherwise interfere with, or endanger the safety of boats or persons assembled or competing in events on the occasion of any form of aquatic sport, boat race, swimming carnival, regatta or other assembly for the purpose of entertainment within the boundaries of the Port.
- (3) The person in control of a vessel shall on the occasion of any event mentioned in subregulation (2) of this regulation

**r. 370A**

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immediately obey any instruction regarding navigation given to him by an authorised person.

*[Regulation 370 amended by Gazette 3 May 1974 p.1456.]*

**370A. Power to enter and inspect**

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

*[Regulation 370A inserted by Gazette 3 May 1974 p.1456.]*

**370B. Offences**

Every person who by act or omission contravenes the provisions of any regulation in this Section of this Part, or the provisions of any notice published under, and by virtue of, this Section of this Part, commits an offence and is liable on conviction to a penalty not exceeding two thousand dollars (\$2 000).

*[Regulation 370B inserted by Gazette 3 May 1974 p.1456;  
amended by Gazettes 26 November 1976 p.4792;  
5 December 1986 p.4469.]*

## Part X

### 371. Offences

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

### 372. Penalties

Except where specific penalties are imposed any person committing a breach of any of these regulations shall be liable to a penalty not exceeding two thousand dollars (\$2 000) in respect of each such breach and in addition, any expense incurred by the Port Authority in consequence of the breach shall be paid by the person committing that breach.

*[Regulation 372 amended by Gazette 5 December 1986 p.4469.]*

### 373. Modified penalties

Offence against the provisions referred to in Column 1 of the Table in Part 1 of Schedule AA are prescribed as offences in respect of which modified penalties are prescribed for the purposes of section 66B of the Act, and the amount of the modified penalty prescribed for each of those offences, if dealt with under that section, is the amount set out in Column 2 of that Table opposite and corresponding to the reference to the provision offended against.

*[Regulation 373 inserted by Gazette 5 December 1986 p.4469.]*

### 374. Infringement notice form

- (1) An infringement notice shall be in the form of Form 1 or Form 2 in Part 2 of Schedule AA.
- (2) A notice under section 66B (5) of the Act that an infringement notice has been withdrawn shall be in the form of Form 3 in Part 2 of Schedule AA.

**Fremantle Port Authority Regulations 1971**

**Part X** Bathing, beach, boating and water ski-ing regulations

**r. 374**

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*[Regulation 374 inserted by Gazette 5 December 1986 p.4496.]*

## Schedule AA

## Part 1

## FREMANTLE PORT AUTHORITY

Item No.	Regulation	Column 1	Column 2
		Nature of Offence	Penalty Modified
1	64	Person in charge small craft failing to take precautions to prevent collision with shipping while navigating Inner Harbour and entrance channel	\$ 100
2	65	Interference with pile light, dolphin, buoy or beacon	\$ 100
3	66 (a)	Failing to exhibit vessel anchor signals	\$ 50
4	66 (b)	Failing to exhibit vessel anchor lights	\$ 50
5	66 (c) (i)	Failing to display motor boat lights when underway	\$ 40
6	74	Failing to exhibit light on vessel lying in tier	\$ 40
7	272	Without prior permission, driving vehicle onto or upon wharf	\$ 40
8	272	Without prior permission impelling vehicle onto or upon wharf	\$ 40
9	273	Riding vehicle furiously or negligently	\$ 50
10	273	Driving vehicle furiously or negligently	\$ 50
11	273	Failing to drive vehicle on left side of road	\$ 40
12	274	Failing to stop vehicle at entrance to or exit from wharf	\$ 50
13	274	Failing with vehicle to explain nature of business	\$ 30
14	274	Failing to allow vehicle load to be checked	\$ 60
15	274	Failing as vehicle driver to obey directions	\$ 30

**Fremantle Port Authority Regulations 1971****Sch. AA**

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Item No.	Regulation	Column 1 Nature of Offence	Column 2 Penalty Modified
16	275 (1)	Failing as driver to stay with vehicle in cargo shed or on wharf	\$ 40
17	275 (1)	Failing to keep vehicle at least 15 metres from inflammable goods	\$ 60
18	275 (2)	Permitted vehicle to remain in cargo shed for period in excess of that necessary to discharge or load vehicle	\$ 40
19	276 (3)	Parking or standing vehicle in manner contrary to manner indicated by painted lines notice or sign or anyone or more of them	\$ 20
20	276 (3)	Parking or standing vehicle in manner contrary to condition or limitation indicated by notice or sign	\$ 20
21	277 (1)	Failing to remove vehicle as directed	\$ 30
22	353 (c)	Launching a boat from a site or area not set aside for that purpose	\$ 30
23	354 (1)	Driving mechanically propelled vehicle except upon a roadway turning or parking place constructed for that purpose	\$ 30
24	354 (n)	Driving or propelling a boat into a bathing area in such a way as to cause annoyance to a person	\$ 30
25	354 (n)	Driving or propelling a boat into a bathing area in such a way as to cause injury to a person	\$ 30
26	358 (3)	Boat left on beach other than in an area in which boats may be left or parked	\$ 20
27	358 (4)	Driving vehicle towing a boat to a launching site other than on a road set aside for that purpose	\$ 30
28	358 (4)	After launching a boat failing to withdraw a vehicle to an area set aside	

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Item No.	Regulation	Column 1 Nature of Offence	Column 2 Penalty Modified
		for public or other parking	\$ 30
29	367A (b) (c) or (d)	Driving motor boat at speed exceeding 8 knots —	
		(a) in or through mooring area	\$ 40
		(b) within 15 metres of vessel underway	\$ 40
		(c) within 45 metres of —	
		(i) moored vessel	\$ 40
		(ii) person in water	\$ 40
		(iii) jetty or wharf	\$ 40
30	367B (2)	Driving speed boat towing water skier in area not set aside for purpose	\$ 40
31	367C (1)	Towing water skier without another person at least 14 years in towing speed boat	\$ 40
32	367C (2)	Driver of or other person in speed boat towing water skier failing to maintain constant look out or watch	\$ 30
33	367 (D) (1) (b)	Owner or person in control of speed boat permitting person under 17 years to drive or operate speed boat	\$ 30
34	368A	Failing to drive speed boat at least 45 metres behind water skier or other boat	\$ 30
35	368B	Driver of boat about to take off failing to yield right of way to speed boat landing water skier	\$ 30
36	368C	Trailing ski rope within 30 metres of shore in water ski area	\$ 30
37	368E	Failing to keep speed boat towing water skier at least 30 metres from shore when not engaged in landing or taking off water skier	\$ 30
38	368F	Driver of speed boat failing to maintain	

**Fremantle Port Authority Regulations 1971**

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Item No.	Regulation	Column 1 Nature of Offence	Column 2 Penalty Modified
		correct distance after landing water skier before retrieving tow line or thereafter driving speed boat at more than 8 knots or so as to interfere with or obstruct other boat towing water skier	\$ 30
39	368G	Driver of speed boat failing to maintain distance of 25 metres from shore when landing water skier	\$ 30
40	368H	Sitting on gunwale or back of driving seat when driving speed boat	\$ 30
41	368I	Water skier failing to retrieve water ski	\$ 30
42	368K (a) or (b)	Using waters of the port for purpose of slalom course or ski-jump —	
		(a) without prior approval of Port Authority	\$ 30
		(b) without required marker buoys and pennants	\$ 30
43	368L	Using motor boat not fitted with approved efficient silencer	\$ 30
44	368M (i) (b) (ii)	Navigating a boat in such a manner as to obstruct or impede any other vessel	\$ 30
45	368M (a) (c)	Causing or permitting motor boat to emit smoke or vapour causing danger, nuisance or annoyance	\$ 30
46	369	Failing to equip motor boat with approved fire extinguisher	\$ 40
47	369A	Failing to equip vessel with required number of approved life jackets whilst being navigated outside protected waters	\$ 40
48	369B (1)	Failing to equip vessel with required number of distress signals whilst being navigated outside protected waters	\$ 40
49	369BA (1)	Failing to maintain items of safety	



Item No.	Regulation	Column 1 Nature of Offence	Column 2 Penalty Modified
	(a)	equipment of vessel in serviceable condition	\$ 40
50	369BA (1)	Failing to have safety equipment of vessel readily accessible to all persons on board	\$ 40
	(b)		
51	369BA (3)	Failing to produce items of safety equipment to authorised person on demand	\$ 40
52	369C	Vessel not carrying efficient anchor and line whilst outside protected waters	\$ 40
53	369G (1)	Failing to display navigation lights on small vessel as required	\$ 40

**PART 2**

**Form 1**

*FREMANTLE PORT AUTHORITY ACT 1902*

*FREMANTLE PORT AUTHORITY REGULATIONS 1971*

**INFRINGEMENT NOTICE**

Date .....

M .....

Surname (Block letters)

Other Names in full

Address .....

Number and street

Town or suburb

Postcode

Particulars of vessel/vehicle .....

Registration No. .... Expiry date ...../...../.....

Type/Make ..... colour .....

Length of vessel ..... Kw/Hp of vessel .....

It is alleged that at .....hours on ..... day of ..... 19 .....

in the area of .....

in connection with the abovementioned vessel/vehicle you committed the

offence(s) indicated hereunder .....

Signature .....

Authorised person

Offence(s): .....

Modified Penalty: .....

You, may dispose of this matter either —

- (a) if you do not wish to have a complaint of the offence concerned heard and determined by a court, by payment of the modified penalty shown within 21 days of the date of this notice to a designated officer specified on the back of this form; or
- (b) by having it dealt with by a court.

If the modified penalty is not paid within the time specified, court proceedings may be taken against you. (See over).

**NOTE:**

Unless within a period 21 days after the date of service of this notice —

- (a) the modified penalty(ies) shown above is/are paid; or
- (b) the owner of the vessel/vehicle described above —
  - (i) informs an authorized person of the identity and address of the person who was in charge of that vessel/vehicle; or
  - (ii) satisfies an authorized person that that vessel/vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time when the offence(s) described in this notice is/are believed to have been committed,

the owner of the vessel/vehicle described above is, in the absence of proof to the contrary, deemed to be the person who was in charge of that vessel/vehicle at the time when the offence(s) described in this notice is/are believed to have been committed.

**A PERSON, OTHER THAN THE OWNER OR PERSON IN CHARGE OF THE ABOVEMENTIONED VESSEL/VEHICLE, WHO REMOVES THIS NOTICE FROM THAT VESSEL/VEHICLE COMMITS AN OFFENCE AND IS LIABLE TO A PENALTY NOT EXCEEDING \$200.**

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**Sch. AA**

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**Form 2**

*FREMANTLE PORT AUTHORITY ACT 1902*

*FREMANTLE PORT AUTHORITY REGULATIONS 1971*

**Notice to Identify Person in Charge of Vessel/Vehicle**

M .....  
Surname (Block letters) Other names in full

Address .....  
Number and street Town or suburb Postcode

Particulars of vessel/vehicle .....

Registration No. .... Expiry date ...../...../.....

Type/Make .....Colour .....

Length of vessel ..... Kw/Hp of vessel ..... engine:..Inboard  
Outboard

It is alleged that at ..... hours on ..... day of ..... 19.....  
in the area of .....

the offence(s) indicated hereunder were committed while the abovementioned  
vessel/vehicle was in the charge of a person whose identity is not known and  
cannot immediately be ascertained.

You, being the owner of the abovementioned vessel/vehicle, are hereby required  
to identify the person who was in charge of that vessel/vehicle at the time when  
that offence (those offences) is/are alleged to have been committed.

**NOTE:**

Unless within 21 days of the date of service of this notice —

- (a) you inform an authorized person of the identity and address of the person who was in charge of the abovementioned vessel/vehicle; or
- (b) satisfy an authorized person that the abovementioned vessel/vehicle had been stolen or unlawfully taken, or was being unlawfully used,

at the time when the abovementioned offences(s) is/are alleged to have been committed, you are, in the absence of proof to the contrary, deemed to be the person who was in charge of that vessel/vehicle at the time when that offence (those offences) is/are alleged to have been committed.

Offence(s).....

Date ...../...../.....Signature .....

Authorized person

**Form 3**

FREMANTLE PORT AUTHORITY ACT 1902

FREMANTLE PORT AUTHORITY REGULATIONS 1971

**Withdrawal of Infringement Notice**

Date .....

M .....

Surname (Block letters)

Other names in full

Address .....

Number and street

Town or suburb

Postcode

Infringement Notice No. .... Date ...../...../.....

for alleged offence(s) of .....

specifying modified penalty(ies) of \$ .....

is hereby withdrawn.

(a) \* No further action will be taken.

(b) \* It is proposed to institute court proceedings for that alleged offence (those alleged offences).

\* Strike out that which is not applicable.

.....

Authorized person  
Fremantle Port Authority

(Complete and detach this portion if penalty has been paid).

Accountant,  
Fremantle Port Authority

I hereby apply for a refund of the amount of \$ ....., being the amount of the modified penalty(ies) paid in respect of infringement notice No. which was withdrawn by notice dated ...../...../.....

Receipt No. .... Dated ...../...../..... is attached.

.....

(Signature)

.....

(Print full name)

Address for  
refund.....

Number and street

Town or suburb

Postcode

**Sch. AA**

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The Common Seal of the Fremantle Port Authority  
was affixed on the 1st day of December  
1986 by order and in the presence of —  
[L.S.]

T. J. LEWIS,  
Chairman.

J. R. WATSON,  
Commissioner.

R. SIMPSON,  
Acting Secretary.

\_\_\_\_\_

Approved by His Excellency the Governor in Executive Council this 2nd day of  
December, 1986.

L. E. SMITH,  
Clerk of the Council.

*[Schedule AA inserted by Gazette 5 December 1986 pp.4469-73.]*

**Schedule A**  
**SPECIMEN FORM OF INWARD AND OUTWARD MANIFEST**

Manifest of the  $\frac{SS}{M.V}$  , Trip , Master  
from to

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

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

.....  
Master or Agent

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

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

*[Schedule A amended by Gazette 28 June 1973 p.2480.]*

*[Schedule B repealed in Gazette 22 June 1990 p.3087.]*

### **Notes**

- <sup>1.</sup> This is a compilation of the *Fremantle Port Authority Regulations 1971* and includes the amendments referred to in the following Table.

#### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Fremantle Port Authority Regulations 1971</i>	10 Dec 1971 pp.5045-168 14 Mar 1980 p.864 18 Apr 1980 p.1147 13 Jun 1980 pp.1739-45 3 Oct 1980 p.3387 5 Jun 1981 p.1709 26 Jun 1981 pp.2421-25 12 Mar 1982 pp.817-20 11 Jun 1982 pp.1922-6 1 Jul 1983 pp.2123-8 29 Jun 1984 pp.1767-72 21 Sep 1984 p.3097 16 Aug 1985 pp.2928-33	
Erratum	23 Aug 1985 p.2996 4 Apr 1986 pp.1354-5 27 Jun 1986 pp.2168-72	
Erratum	4 Jul 1986	



Citation	Gazettal	Commencement
	p.2292	
	5 Dec 1986 pp.4468-73	
	26 Jun 1987 pp.2463-7	
Erratum	3 Jul 1987 p.2564	
	24 Jun 1988 pp.2008-12	
	30 Jun 1989 pp.1907-11	
	22 Jun 1990 pp.3082-87	
	5 Oct 1990 p.5159	
	28 Dec 1990 pp.6397-8	
	14 Jun 1991 pp.2911-12	Operative 1 Jul 1991
	5 Jul 1991 pp.3372-75	Operative 10 Jul 1991
	6 Dec 1991 pp.6112-16	
	28 Jan 1992 p.462	
	17 Mar 1992 pp.1224-26	
	26 Jun 1992 pp.2799-803	Operative 1 July 1992
	21 Aug 1992 pp.4170-72	
	27 Oct 1992 p.5292	
<i>Fremantle Port Authority Amendment Regulations (No.5) 1992</i>	26 Jan 1993 p.848	
<i>Fremantle Port Authority Amendment Regulations (No. 2) 1993</i>	23 Jul 1993 pp.4038-40	23 Jul 1993
<i>Fremantle Port Authority Amendment</i>	30 Nov 1993	30 Nov 1993

## **Fremantle Port Authority Regulations 1971**

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Regulations 1993</i>	pp.6426-34	
<i>Fremantle Port Authority Amendment Regulations 1994</i>	26 Aug 1994 pp.4451-2	26 Aug 1994
<i>Fremantle Port Authority Amendment Regulations 1995</i>	27 Jun 1995 pp.2607-15	1 Jul 1995 (see regulation 2)
<i>Fremantle Port Authority Amendment Regulations (No. 2) 1995</i>	19 Sep 1995 pp.4432-3	19 Sep 1995
<i>Fremantle Port Authority Amendment Regulations 1996</i>	23 Aug 1996 pp.4125-7	23 Aug 1996
<i>Fremantle Port Authority Amendment Regulations 1997</i>	6 May 1997 p.2270	6 May 1997
<i>Fremantle Port Authority Amendment Regulations (No.2) 1997</i>	5 Aug 1997 pp.4486-9	5 Aug 1997
<i>Fremantle Port Authority Amendment Regulations (No. 3) 1998</i>	18 Sep 1998 p.5178	18 Sep 1998
<i>Fremantle Port Authority Amendment Regulations 1999</i>	13 Apr 1999 pp.1545-6	13 Apr 1999
<i>Port Authorities (Charges for Pilotage Services) Regulations 2000, regulation 11</i>	20 Jun 2000 pp.3032-7	1 Jul 2000 (see regulation 2)

NOTE: Regulation 14 of the *Fremantle Port Authority Amendment Regulations (No. 3) 1986* reads as follows: —

“

### **14. Transitional**

Notwithstanding anything in regulation 130 of the principal regulations as amended by these regulations there shall be payable under that regulation in relation to the period commencing on 1 January 1987 and ending on 30 June 1987 a fee that is equal to half the fee prescribed under that regulation as in force on the day that these regulations come into operation.

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