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DAMPIER PORT AUTHORITY ACT 1985

DAMPIER PORT AUTHORITY REGULATIONS 1989

Western Australia

DAMPIER PORT AUTHORITY ACT 1985

DAMPIER PORT AUTHORITY REGULATIONS 1989

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INWARD AND OUTWARD MANIFEST

Western Australia

DAMPIER PORT AUTHORITY ACT 1985

DAMPIER PORT AUTHORITY REGULATIONS 1989

MADE by the Dampier Port Authority with the approval of His Excellency the Governor in Executive Council.

PART 1—PRELIMINARY

Citation

1. These regulations may be cited as the *Dampier Port Authority Regulations 1989*.

Commencement

2. These regulations shall come into operation on 1 March 1989.

Interpretation

3. In these regulations, unless the contrary intention appears—

“approved” means approved by the Harbour Master;

“cargo operations” means operations on board a vessel involving the handling, transfer, reliquefaction, or venting of cargo, ballasting or deballasting, or the management of residues from the cleaning of tanks;

“coasting vessel” means a vessel not more than 150 metres in overall length solely employed in trade between ports of the State, but does not include a flammable gas vessel or a flammable liquid vessel as defined in regulation 96;

“company wharf” means any wharf within the Port that—

- (a) Within the meaning of the Iron Ore (Hamersley Range) Agreement is the “Company’s wharf”;
- (b) has been constructed pursuant to, and is used for the purposes of the *Dampier Solar Salt Industry Agreement Act 1967* by the Salt Company; or
- (c) has been constructed pursuant to, and is used for the purposes of, the *North West Gas Development (Woodside) Agreement Act 1979* by the Joint Venturers;

“dangerous goods” means any substance—

- (a) declared under the *Explosives and Dangerous Goods Act 1961* to be dangerous goods; or

- (b) specified under regulation 4 to be dangerous goods for the purposes of these regulations;

“in bulk” means—

- (a) in relation to anything carried on a vessel, anything so carried in a container that is a structural part of, or is permanently fixed to, the vessel, without the use of any intermediate means of containment;
- (b) in relation to anything being loaded onto a vessel, anything that is loaded to be carried as mentioned in paragraph (a);
- (c) in relation to anything being unloaded from a vessel, anything that is unloaded after being carried as mentioned in paragraph (a);

“International Code”, followed by a reference to a designated flag or signal, refers to the flag or signal so designated in the publication known as the International Code of Signals (1969 Edition) as amended from time to time produced under the auspices of the International Maritime Organization;

“International Maritime Organization” means the International Maritime Organization (formerly known as the Intergovernmental Maritime Consultative Organization) of the body known as the United Nations Organization;

“interstate vessel” means a vessel not more than 150 metres in overall length registered or owned within the Commonwealth that is solely employed in trading between ports in the Commonwealth, but does not include a flammable gas vessel or a flammable liquid vessel as defined in regulation 96;

“Manager, Finance and Administration” means the person holding or for the time being acting in the office of the Port Authority known as Manager, Finance and Administration;

“officer of Customs” has the meaning given by section 4 of the *Customs Act 1901* of the Commonwealth;

“pilotage exemption certificate” means a pilotage exemption certificate issued under regulation 59;

“pleasure vessel” has the meaning given by section 98 of the *Western Australian Marine Act 1982*;

“vessel of war” means a vessel built for combatant service or converted for that purpose that—

- (a) is owned or directly managed or controlled by the government of the United Kingdom or of any of Her Majesty’s states, dominions, or colonies, or by the government of any foreign country that is a party with the government of the Commonwealth to any defence alliance; and
- (b) is not engaged in trade,

but does not include a vessel used solely for the transport of troops, stores or equipment;

“Withnell Bay Loading Terminal” means the Woodside product loading jetty and all works and facilities connected with, or incidental to, that jetty.

Goods may be specified to be dangerous goods

4. The Minister may, by notice published in the *Gazette*, specify goods to be dangerous goods for the purposes of these regulations in addition to those goods that are referred to in paragraph (a) of the definition of "dangerous goods" in regulation 3 and may, in the notice, classify such goods for the purposes of these regulations as flammable liquid, flammable gas or otherwise as the Minister sees fit.

Application

5. (1) Subject to this regulation, these regulations apply to and in relation to the Port.

(2) To the extent that the application of any of these regulations or the exercise of any power conferred by these regulations, would unduly prejudice or interfere with—

- (a) the Company's operations under the Iron Ore (Hamersley Range) Agreement;
- (b) the Joint Venturers' operations under the North West Gas Development (Woodside) Agreement; or
- (c) the Salt Company's operations under the Dampier Solar Salt Industry Agreement,

these regulations shall not apply in relation to, and a power conferred by these regulations shall not be exercised in relation to, a company wharf.

(3) Subject to subregulation (2), where there is any inconsistency between these regulations or a requirement made under these regulations and the *Hamersley Iron (Port of Dampier) By-laws* or a requirement made under those by-laws, these regulations or the requirement made under these regulations prevails and, to the extent of the inconsistency, those by-laws or a requirement thereunder do not apply.

(4) For the purpose of applying these regulations to or in relation to a vessel, dangerous goods for use as fuel for the propulsion of the vessel shall, unless the contrary intention appears, be disregarded.

Exemption

6. The Harbour Master may, where in his opinion the circumstances of the case warrant his so doing and the safety of any person or property will not thereby be endangered, exempt persons in writing from all or any of the requirements of Parts 4, 5, 7, 8 and 9, and may make such exemption absolute or for such term, upon such conditions, or otherwise subject to such limitations, as are referred to in the exemption and any exemption so given shall have effect according to its tenor.

PART 2—CONDUCT OF BUSINESS OF PORT AUTHORITY

Division 1—Procedure of Port Authority

Prescribed notice of meeting

7. For the purposes of section 14 (4) of the Act the prescribed notice is 7 days.

Procedure

8. Schedule 1 has effect with respect to the procedure of the Port Authority.

*Division 2—Common seal***Custody of common seal**

9. The Manager, Finance and Administration is responsible for the safe keeping of the common seal.

Use of common seal

10. The common seal of the Port Authority shall be affixed by the Chairman, another member and the Manager, Finance and Administration or in the absence of the Chairman, 2 members and the Manager, Finance and Administration.

PART 3—STAFF OF PORT AUTHORITY**Conduct of officers and employees**

11. An officer or employee of the Port Authority who divulges to any person not in the service of the Port Authority any information of a confidential nature, or who is knowingly a party to any act or procedure or conspiracy to defraud the general revenue, is liable to be dismissed from the service of the Port Authority.

PART 4—REGULATION OF VESSELS*Division 1—Signals***Prescribed signals**

12. (1) For the purposes of these regulations—

- (a) the signals described in column 2 of Table 1 are prescribed for the purposes respectively set out in column 1 of that Table; and
- (b) the signals described in Table 2 are prescribed for the purpose respectively set out in that Table.

(2) In this Division “Table” means a table in Schedule 2.

Vessels carrying dangerous goods

13. (1) The master of a vessel that has on board dangerous goods shall ensure that, when the vessel enters and at all times when the vessel is in the Port, the signals prescribed in item 3 of Table 1 are exhibited in accordance with that item.

Penalty: \$2 000.

(2) For the purposes of subregulation (1) a vessel that has had on board dangerous goods shall be regarded as having on board dangerous goods until—

- (a) an approved person has certified in writing that the vessel has been tested in an approved manner and found to be, for the purposes of this subregulation, sufficiently free of dangerous goods and gases and vapours resulting therefrom; or
- (b) the Harbour Master is otherwise satisfied that the vessel is, for the purposes of this subregulation, sufficiently free of dangerous goods and gases and vapours resulting therefrom.

Other mandatory signals

14. (1) The master of a vessel shall, when the vessel is in the Port in circumstances described in Table 2, ensure that the signal prescribed in that table for the purpose is exhibited in accordance with that table.

Penalty: \$2 000.

(2) Where by reason of the size of a vessel engaged in diving operations it would not be practicable to exhibit a signal required by subregulation (1) and Table 2, it is sufficient compliance with that requirement if a rigid replica of the International Code Flag "A" not less than 1 metre in height is so exhibited as to ensure all round visibility.

(3) The master of a power-driven vessel constrained by her draught shall ensure that, when the vessel enters and at all times when the vessel is in the Port, 3 all-round red lights in a vertical line are, or a cylinder is, so exhibited as to ensure all round visibility.

Penalty: \$2 000.

Signalling requirements not exclusive

15. A requirement under this Division to exhibit a signal is in addition to any other requirement to exhibit or use a signal, whether under this Division or otherwise.

Improper signals

16. The master of a vessel shall not use or exhibit or cause or permit any person on the vessel to use or exhibit—

- (a) a signal described in Table 1 or Table 2 except for the purpose for which that signal is prescribed; or
- (b) for a purpose set out in Table 1 or Table 2, a signal other than the signal prescribed for that purpose.

Penalty: \$2 000.

*Division 2—Vessels in Port***Vessel to be equipped with VHF radio**

17. The master of a vessel other than a pleasure vessel shall ensure that the vessel is equipped with a marine band VHF radio when navigating within the Port.

Penalty: \$2 000.

Radio watch

18. The master of a vessel shall, if able to do so, when approaching the limits of the Port or navigating within the Port, maintain a listening watch on VHF Radio Channel 16 (156.8 K/Hz), for the purpose of receiving communications from the Harbour Master.

Penalty: \$2 000.

Stranded vessels

19. Where a vessel is sunk or stranded within the Port or there is any obstruction that impedes the navigation and use of the Port or any part of the Port, the owner, master or agent of that vessel or the owner of the property causing the obstruction, shall—

- (a) immediately notify the Harbour Master of the position of the vessel or obstruction; and
- (b) exhibit on or near the vessel or obstruction such marine navigational aids as the Harbour Master may direct.

Penalty: \$2 000.

Anchor lights

20. The master of a vessel at anchor or fastened to a mooring buoy or other fixture within the Port shall ensure that the vessel exhibits the light, lights or shape prescribed in rule 30 of the rules set out in the *Prevention of Collisions at Sea Regulations 1983* for vessels at anchor.

Penalty: \$2 000.

Restricted areas

21. Subject to these regulations, where a vessel—

- (a) approaches within 700 metres of the Withnell Bay Loading Terminal; or
- (b) approaches within 100 metres of the Woodside Slug Catcher Vent in Withnell Bay,

except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, the owner and master of the vessel each commit an offence.

Penalty: \$2 000.

Notice of entry

22. The master of a vessel intending to enter the Port shall, unless it is impracticable to do so, notify the Harbour Master at least 24 hours before the intended time of entry of his intention and shall when so notifying the Harbour Master—

- (a) advise him as to whether the equipment and machinery for the navigation and propulsion of the vessel are fully operational for the purposes of safely piloting and berthing the vessel; and
- (b) if the vessel is to berth at a company wharf, advise him as to the vessel's proposed berthing, working and departure programme.

Power to board vessels

23. The Harbour Master or any person acting on his behalf may, at any time, board a vessel for the purpose of—

- (a) ensuring safe navigation;
- (b) protecting life and property; or
- (c) preventing the overloading or overcrowding of the vessel,

within the Port.

Mooring of vessels

- 24.** Subject to these regulations, where a vessel—
- (a) is fastened to any part of a wharf other than bollards or fastenings provided for the purpose; or
 - (b) lies alongside a wharf and is not properly moored and fastened so as to relieve, so far as is practicable, the wharf from the weight of the vessel,

except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, the owner and master of the vessel each commit an offence.

Penalty: \$2 000.

Certain duties of master

- 25.** The master of a vessel within the Port—
- (a) shall, upon demand, produce to the Harbour Master or an officer authorized by the Harbour Master the certificate of registry or other national papers of that vessel;
 - (b) shall anchor, moor, or berth the vessel only at the place appointed by the Harbour Master;
 - (c) shall ensure that while alongside a wharf anchors are stowed in the hawse pipe;
 - (d) shall not, except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, permit the propeller of the vessel to be worked while the vessel is berthed at a wharf and shall, in any event, ensure before the propeller is worked that damage or injury to any person or property will not result therefrom;
 - (e) shall not, except in unavoidable circumstances or with the permission of the Harbour Master, beach the vessel within the Port.

Penalty: \$2 000.

Notice to be given before removal

26. The master of a vessel shall not remove the vessel from any mooring or wharf in the Port, without first giving notice of that intended removal to the Harbour Master.

Penalty: \$2 000.

Gangways

27. (1) Whenever a vessel is berthed at a wharf in the Port the master of the vessel shall ensure that—

- (a) the vessel is fitted with such gangways and man-ropes as the Harbour Master considers necessary for the safety and convenience of the public;
- (b) a safety net or other device that the Harbour Master considers suitable to prevent a person falling into the water from the gangway is provided for each gangway;
- (c) lights are provided capable of adequately illuminating every gangway fitted to the vessel and, from sunset until sunrise, those lights are kept on;
- (d) a watch is kept on each gangway;
- (e) a lifebuoy and line are kept alongside each gangway,

unless the Harbour Master otherwise permits or directs.

Penalty: \$2 000.

(2) A person who is not—

- (a) a member of the crew of the vessel;
- (b) the Harbour Master; or
- (c) a person authorized by the Harbour Master,

shall not board or leave, or attempt to board or leave, a vessel that is berthed or berthing at a wharf until a gangway has been fitted to the vessel, and a safety net or other device has been provided, in accordance with subregulation (1) (a) and (b).

Penalty: \$2 000.

(3) A person employed to control the use of a gangway fitted to a vessel berthed at a wharf shall not permit any person to leave or board, or to attempt to leave or board, a vessel before a gangway has been fitted to the vessel, and a safety net or other device has been provided, in accordance with subregulation (1) (a) and (b).

Penalty: \$2 000.

Persons to remain on certain vessels in Port

28. The master of a vessel exceeding 150 tons shall, unless the Harbour Master otherwise permits or directs, cause at least one responsible person to be on board the vessel when the vessel is in the Port.

Penalty: \$2 000.

Burning of fires and certain lights prohibited

29. (1) The master of a vessel within the Port shall not, except with the permission of the Harbour Master, cause or permit any person to light a fire or use a flare-up lamp or naked light in any hold of the vessel.

Penalty: \$2 000.

(2) If the Harbour Master suspects that subregulation (1) is being contravened he may search the vessel and may extinguish any fire, flare-up lamp or naked light found to be so burning and take such other measures in respect of the fire, lamp or light as are necessary in the interest of safety.

Smoking

30. A person on a vessel within the Port shall not smoke—

- (a) in the hold of the vessel; or
- (b) in any other part of the vessel where the master of the vessel or the Harbour Master has directed that persons shall not smoke.

Penalty: \$2 000.

Outbreak of fire

31. Where a fire breaks out on a vessel within the Port, the master of the vessel shall forthwith notify the Harbour Master or a person under the authority of the Harbour Master, and every person on board the vessel or under the authority of the master of the

vessel shall render such assistance in extinguishing the fire and protecting other vessels or property as the Harbour Master directs.

Penalty: \$2 000.

Bunkering

32. The master of a vessel within the Port shall not cause or permit bunkering operations to commence in respect of the vessel without the written approval of the Harbour Master.

Penalty: \$2 000.

Ballast

33. The master of a vessel berthed at a wharf within the Port shall ensure that there is, at all times, a sufficient quantity of cargo or ballast on board to keep the vessel stable and capable of vacating the berth.

Penalty: \$2 000.

Speed

34. The master of a vessel shall ensure that the speed of the vessel within the Port does not exceed the speed at which it is capable of being safely navigated.

Penalty: \$2 000.

Navigation of pleasure vessels

35. (1) The master of a pleasure vessel within the Port shall ensure that the vessel does not impede the passage of a vessel of any other kind navigating within the Port and remains sufficiently clear of such other vessels to enable them to be safely navigated.

Penalty: \$2 000.

(2) Without limiting subregulation (1), the master of a pleasure vessel shall ensure that the vessel is at all times clear of vessels of any kind navigating in the anchorages, channels, and fairways of the Port.

(3) Without limiting the application of the *Prevention of Collisions at Sea Regulations 1983*, the master of a pleasure vessel who takes action to keep his vessel clear of another vessel in accordance with subregulation (1) or (2) shall ensure that such action is in accordance with those regulations.

Penalty: \$2 000.

Fishing from vessels

36. The master of a vessel shall ensure that a person does not fish from a vessel in any of the channels, fairways, anchorages or prohibited anchorage areas within the Port and shall ensure that the vessel does not impede the passage of any vessel, not being a pleasure vessel, navigating within the Port.

Penalty: \$2 000.

*Division 3—Control of moorings***Interpretation**

37. In this Division, unless the contrary intention appears—

“mooring” means a structure or apparatus used, or proposed to be used, to secure any vessel whether or not that structure or apparatus is, or is proposed to be, used for any other purpose;

“mooring owner” means—

- (a) the person to whom approval for the installation or use of a mooring is granted under regulation 40; and
- (b) where the mooring is sold or otherwise disposed of, the person to whom it is sold or otherwise disposed of.

Installation or use of mooring to be approved

38. (1) A person shall not—

- (a) install a mooring; or
- (b) use an existing mooring,

within the Port unless that installation or use is approved by the Harbour Master.

Penalty: \$2 000.

(2) Notwithstanding subregulation (1) a person may use an existing mooring within the Port for the period of 21 days immediately after the commencement of these regulations.

Application for approval

39. An application for approval of the installation of a mooring or the use of an existing mooring within the Port shall be made to the Harbour Master in an approved form and shall contain the following information—

- (a) the full name, residential address and telephone number of the applicant;
- (b) the location of the mooring;
- (c) the purpose for which the vessel to be placed on the mooring is to be used, whether private or commercial;
- (d) the type, size and tonnage of the vessel to be placed on the mooring; and
- (e) construction specifications of the mooring.

Approval for mooring

40. On receipt of an application under regulation 41, the Harbour Master may, if he is satisfied that—

- (a) the location of the mooring is appropriate;
- (b) the mooring is generally suitable for the vessel to be located thereon; and
- (c) the vessel to be located on the mooring will not constitute a danger or interfere with the navigation of other vessels in the Port,

grant approval for the installation of a mooring or the use of an existing mooring by notice in writing to the applicant.

Revocation of approval

41. The Harbour Master may by notice in writing served on the mooring owner revoke an approval granted under regulation 40 if—

- (a) the mooring owner has failed to supply an inspection report in accordance with regulation 45; or
- (b) he considers that it is desirable in the public interest to do so.

Repair

42. A mooring owner shall—

- (a) keep and maintain the mooring in good and substantial condition and repair; and
- (b) cause regulations 43 and 44 to be complied with at all times in respect of the mooring.

Penalty: \$2 000.

Requirement for floats

43. The float or buoy connected to a mooring within the Port shall be—

- (a) of sufficient size to provide buoyancy when supporting the rope, chain or other connection between the mooring block and surface float, with at least half of the mooring float projected above the water line at all times;
- (b) of a colour designated by the Harbour Master;
- (c) spherical, with a minimum diameter of 300 mm; and
- (d) legibly marked with such means of identification as the Harbour Master may require.

Mooring apparatus

44. Unless the Harbour Master otherwise permits in a particular case, every mooring apparatus shall be of such design, material, dimensions, size, type and construction as in the opinion of the Harbour Master will provide a secure mooring for the vessel to be placed thereon during cyclone conditions.

Inspection reports

45. A mooring owner shall provide the Harbour Master with an inspection report by an approved person as to the condition of the mooring upon installation and thereafter by 1 November in each year.

Penalty: \$2 000.

Mooring not to be used by other vessel

46. A person shall not secure a vessel to a mooring within the Port without the consent of the mooring owner and the Harbour Master.

Penalty: \$2 000.

Sale or disposal of mooring

47. A mooring owner shall notify the Harbour Master of the sale or other disposal of the mooring.

Penalty: \$2 000.

*Division 4—Licensing of vessels***Certain vessels to be licensed**

48. A person shall not operate a ferry boat, tug, ballast boat, tank boat, cargo boat, lighter or any other vessel plying for hire either for goods or passengers within the Port unless that vessel is licensed in accordance with regulation 49.

Penalty: \$2 000.

Application for licence, etc.

49. (1) The owner of a vessel of a kind described in regulation 48 may apply in an approved form to the Harbour Master for the grant of a licence in respect of the vessel.

(2) After due consideration of the application the Harbour Master may, upon payment by the owner of the vessel of a fee calculated in accordance with subregulation (3), grant a licence to the applicant for a period of 12 months.

(3) The licence fee in respect of a vessel shall be at the rate of \$10 per metre of the vessel's overall length.

(4) The Harbour Master may suspend or cancel a licence granted under subregulation (2) at any time in such circumstances as he thinks fit.

PART 5—PILOTAGE*Division 1—General***Requirement to use pilotage services**

50. (1) Subject to subregulation (2), the master of a vessel other than—

- (a) a vessel of war; or
- (b) a vessel the tonnage of which does not exceed 150 tons,

shall not cause or permit the vessel to enter or depart from the Port and, unless with the consent of the Harbour Master, shall not cause or permit the vessel to move within the Port, except under the direction of an approved pilot.

Penalty: \$2 000.

(2) Subregulation (1) does not apply to the master of—

- (a) a coasting vessel or an interstate vessel entering or departing from the Port; or
- (b) a vessel exclusively used either—
 - (i) in the carrying out of harbour construction works within the Port;
 - or
 - (ii) for offshore works connected with the development or operation of the Port,
 entering, departing from, or moving within, the Port.

if the master holds an appropriate pilotage exemption certificate.

(3) For the purposes of these regulations a vessel is under the direction of an approved pilot notwithstanding that an approved pilot is not on board that vessel if the vessel is guided by another vessel that has on board an approved pilot for the purpose of so guiding the vessel.

Provision to be made for approved pilot to board or leave vessel

51. (1) Where—

- (a) the master of a vessel wishes to enter the Port and, for the purposes of complying with regulation 50, an approved pilot is to be taken on board; or
- (b) a vessel has, for the purposes of complying with regulation 50, departed from the Port under the direction of an approved pilot who is on board the vessel and the approved pilot has discharged his duties,

the master of the vessel shall ensure that the requirements of subregulation (2) are complied with.

Penalty: \$2 000.

(2) The requirements referred to in subregulation (1) are that the vessel—

- (a) shall lay to on the pilot boarding ground described in Schedule 3 so as to provide the best possible lee;
- (b) shall be provided, on the lee side, with a pilot ladder that is fitted with spreaders and, if the approved pilot is to board or, as the case may be, leave the vessel at night, is suitably illuminated, and shall be provided with a man-rope made of natural fibres on either side of the ladder and made fast to the vessel independently of the ladder; and
- (c) have all scuppers and sanitary or other refuse outlets near the pilot ladder closed.

(3) Where the point of access to a vessel is more than 9 metres above sea level, the pilot ladder required by subregulation (2) (b)—

- (a) shall be rigged at an open gangway door the sill of which is not more than 9 metres above sea level; or
- (b) shall be rigged immediately adjacent to, and shall extend at least 2 metres above, the lower platform of an accommodation ladder provided for the purposes of access to and egress from the vessel.

(4) Where an accommodation ladder is provided as mentioned in subregulation (3) (b)—

- (a) the accommodation ladder shall be as near the mid-length of the vessel as is practicable and shall lead aft;
- (b) the lower end of the accommodation ladder shall be not more than 9 metres above sea level and rest firmly against the side of the vessel; and
- (c) precautions shall be taken to bowse-in the accommodation ladder falls against the roll of the vessel.

Requirements when approved pilot on board

52. The master of a vessel on board which an approved pilot has been taken shall—

- (a) declare to the approved pilot the draught of the vessel and the manoeuvring characteristics of the vessel;
- (b) by day, ensure that the International Code Flag “H” is so flown as to be easily discernible from a reasonable distance; and
- (c) by night, ensure that 2 white lights in a vertical line are so exhibited as to ensure all round visibility for at least 2 nautical miles.

Penalty: \$2 000.

Signals on pilot vessels

53. The master of a pilot vessel shall ensure that whenever the pilot vessel is in service—

- (a) by day, a flag of which the upper half is white and the lower half is red is so flown from the pilot vessel as to be easily discernible from a reasonable distance; and
- (b) by night, lights are exhibited as described in rule 29 of the rules set out in the *Prevention of Collisions at Sea Regulations 1983*.

Penalty: \$2 000.

Directions by approved pilot

54. The master of a vessel being employed to tow, move, or in any way assist the manoeuvring of a vessel that is under the direction of an approved pilot shall comply with every direction given by the approved pilot.

Penalty: \$2 000.

Detention of approved pilot to be avoided

55. The master of a vessel having on board an approved pilot shall take all reasonable steps to ensure that the approved pilot is not—

- (a) required to be taken into quarantine, whether ashore or afloat; or
- (b) without the consent of the approved pilot, taken to sea or otherwise detained for any time beyond that reasonably required for the purposes of piloting the vessel.

Penalty: \$2 000.

Pilot to assist vessel in distress

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

Penalty: \$2 000.

Complaints to be in writing

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

Division 2—Pilotage exemption certificates

Application for pilotage exemption certificate

58. Application for a pilotage exemption certificate may be made to the Harbour Master by a person who has, not less than 24 hours before making the application, given to the Harbour Master notice of his intention to make the application accompanied by a fee of \$250 and, in the case of an application for a pilotage exemption certificate relating to a coasting vessel or an interstate vessel, who—

- (a) is a natural born or naturalized subject of Her Majesty; and
- (b) has, within the 12 months immediately before the application is made, made not

less than 3 trips into and out of the Port as the master or chief officer of a coasting vessel or an interstate vessel.

Issue of pilotage exemption certificate

59. The Harbour Master shall examine a person who makes an application in accordance with regulation 58 as to his knowledge of all matters concerning the navigation of vessels within the Port and, if he is satisfied that the applicant—

- (a) has sufficient knowledge of those matters to enable him to safely navigate a vessel—
 - (i) in the case of a pilotage exemption certificate relating to a coasting vessel or an interstate vessel, into and out of the Port;
 - (ii) in the case of a pilotage exemption certificate relating to a vessel referred to in regulation 50 (2) (b), into and out of and within the Port, without using pilotage services;
- (b) has, within the 3 months before the application is made, passed such medical and eyesight tests as the Harbour Master considers satisfactory; and
- (c) is otherwise a fit and proper person to hold the pilotage exemption certificate for which application is made,

may issue to the applicant a pilotage exemption certificate.

Periodic eyesight test

60. (1) Subject to regulations 61, 62 and 63, a pilotage exemption certificate remains in force only while the holder has, within the immediately preceding period of 24 months, passed an eyesight test that the Harbour Master considers satisfactory.

(2) The result of an eyesight test required by subregulation (1) or regulation 59 (b) and the date on which it was conducted shall be furnished to the Harbour Master.

Expiry through disuse

61. (1) A pilotage exemption certificate ceases to have effect if the holder—

- (a) has not, within the immediately preceding period of 12 months, made at least one trip into and out of the Port as the master or chief officer of a vessel of the kind to which the pilotage exemption certificate relates; or
- (b) does not, upon request, produce to the Harbour Master satisfactory evidence that he has fulfilled the requirements to avoid his pilotage exemption certificate ceasing to have effect under paragraph (a).

(2) A person holding a pilotage exemption certificate that has ceased to have effect under subregulation (1) may, after having made at least one trip into and out of the Port in the capacity referred to in subregulation (1) (a) and upon payment of a fee of \$250, apply to the Harbour Master for examination as provided in regulation 59 and the Harbour Master shall thereupon so examine that person and, if he is satisfied as provided in that regulation, shall renew the pilotage exemption certificate.

Suspension

62. (1) The Harbour Master may suspend a pilotage exemption certificate by notice given to the holder if he is of the opinion that, for whatever reason, that person might not be able to safely navigate a vessel in the manner required by regulation 59 (a), and while so suspended a pilotage exemption certificate is of no effect.

(2) A person holding a pilotage exemption certificate that is suspended under subregulation (1) may, without paying any fee therefor, request the Harbour Master to examine him as provided by regulation 59 and the Harbour Master shall thereupon so examine that person and, if he is satisfied as provided in that regulation, shall terminate the suspension.

Cancellation of pilotage exemption certificate

- 63.** The Harbour Master may cancel a pilotage exemption certificate if—
- (a) he considers the holder of that certificate to be incompetent to safely navigate a vessel in the manner required by regulation 59 (a); or
 - (b) the holder of that certificate contravenes any of these regulations.

PART 6—PORT CHARGES AND STORAGE CHARGES

Division 1—General

Manner of payment

64. (1) Port charges shall not be paid to any person other than a collector of port charges.

(2) The receipt of any sum of money on behalf of the Port Authority by any person other than a collector of port charges shall not be binding on the Port Authority.

Collector of port charges may enter vessel, etc.

65. A collector of port charges may, either alone or with other persons, enter a vessel in order to ascertain the port charges payable in respect of the vessel or of the goods therein.

Port charges to be paid before clearance

66. (1) The port charges in respect of a vessel shall be paid before that vessel is given clearance from the Port and the person obtaining a clearance for a vessel shall forthwith exhibit the clearance to the officer of Customs at the Port.

(2) A person who causes or permits a vessel to leave the Port without clearance commits an offence and the owner, master or agent of that vessel shall forthwith pay to the Port Authority any amount due and payable in respect of that vessel.

Penalty: \$2 000.

Payment of port charges may be guaranteed

67. Notwithstanding regulation 66, the Port Authority may accept from the owner, master or agent of a vessel sufficient guarantee for the payment of any port charges in respect of that vessel, within a time specified by the Port Authority, and may upon the receipt of such guarantee give a clearance for that vessel to leave the Port.

Computation of port charges and storage charges in respect of goods

68. (1) Port charges and storage charges in respect of goods shall be computed on the mass and measurement of goods set forth in the receipt, bill of lading, manifest or other proper account of the cargo of a vessel, but the Port Authority may at its own option 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 except in the case of storage.

(2) In all cases port charges and storage charges in respect of goods shall be calculated on the gross mass or measurement, and the Port Authority reserves the right at any time to demand that goods be reweighed or remeasured, in the presence of an officer and at the expense of the owner of the goods.

Division 2—Port dues

Interpretation

69. In this Division “authorized person” has the meaning given by section 52 (3) of the Act.

Port dues

70. (1) Port dues at the rate specified in Schedule 4 are payable in respect of every vessel entering the Port, other than a vessel which is—

- (a) a vessel of war;
- (b) a vessel calling at the Port either for the purpose of remedying a situation endangering the safety of the vessel or for obtaining medical treatment for a person on board;
- (c) a pleasure vessel; or
- (d) a vessel licensed under regulation 49.

(2) Port dues imposed in respect of a vessel under subregulation (1) are payable on the date of the entry of the vessel into the Port.

Ascertainment of tonnage of vessels

71. (1) An authorized person may in the case of any vessel calculate or determine the tonnage of that vessel or of any space on that vessel either wholly or in part by reference to—

- (a) the particulars of tonnage or other information appearing in the certificate of registry or certificate of tonnage of that vessel; or
- (b) the measurement of the vessel appearing in the latest edition of “Lloyd’s Registry” in the possession of the Port Authority.

(2) Where the tonnage of a vessel cannot be ascertained under subregulation (1), or where in the opinion of an authorized person the tonnage so ascertained is inaccurate, the authorized person may estimate the tonnage of the vessel.

Powers of authorized person

72. (1) For the purpose of ascertaining the tonnage of a vessel or enabling that tonnage to be ascertained an authorized person may—

- (a) board, inspect, measure or survey the whole or any part of the vessel or any goods therein or thereon;
- (b) detain the vessel; and
- (c) require the unshipment of any goods in or on the vessel at the expense and risk of the owner of those goods.

(2) Where a vessel is detained under subregulation (1) (b) the normal port charges in respect of the vessel and any rebate from those port charges apply during that period of detention.

(3) The Port Authority and any authorized person is exempt from liability for any loss or damage occasioned by any act done in good faith under a power conferred by subregulation (1).

Certificates to be produced

73. The owner or master of a vessel shall produce the certificate of registry, and any certificate of tonnage, of the vessel when requested to do so by an authorized person.

Penalty: \$2 000.

Division 3—Wharfage charges

Wharfage charges

74. Wharfage charges are payable at the rates specified in Schedule 4 in respect of the matters described in that Schedule.

Division 4—Service charges

Service charges

75. Service charges are payable at the rates specified in Schedule 4 in respect of the matters described in that Schedule.

Division 5—Storage charges

Storage charges

76. (1) All goods landed from a vessel or intended for shipment by any vessel, and placed on Port Authority property, shall be removed within 24 hours of being so placed.

(2) If goods are not removed from Port Authority property as required by subregulation (1), the owner of the goods is liable to pay to the Port Authority storage charges at the rate specified in Schedule 4 in respect of those goods.

(3) Storage charges are payable upon removal of the goods from Port Authority property.

*Division 6—Pilotage and related charges***Pilotage and related charges**

77. (1) Where pilotage services have been used for a vessel other than—
- (a) a vessel of war; or
 - (b) a vessel owned by any of Her Majesty's States or Colonies or the government of any country that is a member of the British Commonwealth of Nations, that is not engaged in trade or carrying goods under freight or charter,

the owner and master of the vessel are jointly and severally liable to pay to a collector of port charges the pilotage dues set out in Table 1 that are appropriate to the tonnage of the vessel and the nature of the pilotage services concerned.

(2) Where, contrary to regulation 50, the master of a vessel entering, departing from, or moving within, the Port is not under the direction of an approved pilot, the pilotage dues that would have been payable if pilotage services had been used for the vessel when so entering, departing or moving, shall be payable.

(3) Where an approved pilot is detained at a vessel waiting for the vessel to be ready to leave its berth the owner of the vessel is liable to pay the charge set out in item 1 of Table 2 in respect of that detention.

(4) Where an approved pilot is called out to attend a vessel in accordance with an application for pilotage and the vessel does not arrive at the pilot boarding ground at the time given or at all, the owner of the vessel is liable to pay the charge set out in item 2 of Table 2 in respect of the detention of the approved pilot and pilot vessel for such period as the approved pilot is required to wait for the arrival of the vessel or, where the vessel does not arrive, for such period as the pilot reasonably waits.

- (5) Where an approved pilot providing pilotage services for a vessel is—
- (a) required to be taken into and detained in quarantine, whether ashore or afloat; or
 - (b) without the consent of the approved pilot, taken to sea or otherwise detained for any time beyond that reasonably required for the purpose of piloting the vessel,

whether or not an offence has been committed against regulation 55 and without affecting any penalty that may be imposed for such an offence, the owner of the vessel is liable to pay the charge set out in item 3 of Table 2 in respect of that detention and, in addition, any expenses incurred in returning the approved pilot to the Port.

(6) The charges and expenses payable under subregulations (2) to (5) are payable and recoverable in addition to the pilotage dues, if any, under subregulation (1).

- (7) In this regulation "Table" means a table in Schedule 5.

PART 7—GOODS AND CARGO**Master responsible for equipment, etc.**

78. (1) The master of a vessel is responsible for the operation of equipment used in the loading or unloading of goods onto or from that vessel and shall ensure that after loading or unloading such equipment is removed from the wharf to the satisfaction of the Harbour Master.

Penalty: \$2 000.

(2) If the master of a vessel fails to ensure the removal of equipment as required by subregulation (1) the Harbour Master may cause the equipment to be removed at the expense of the owner of the vessel.

(3) In this regulation “equipment” includes cranes, engines, hoisting, weighing and other machines.

Cleaning of cargo spillage

79. The Port Authority may clean up a cargo spillage of whatever kind and the cost of that cleaning shall be paid to the Port Authority by the consignor or the consignee of the cargo.

Placement of goods on wharf

80. A person who lands or brings goods onto a wharf shall place those goods where directed by the Harbour Master, so as to provide clear access of at least one metre to all mooring points, hose connections and electrical fixtures.

Penalty: \$2 000.

Damage by water from vessels

81. The master of a vessel lying alongside a wharf within the Port is responsible for any damage to goods on that wharf caused by spillage of water from that vessel.

Inward manifest

82. (1) The master of every vessel arriving at the Port—

- (a) shall deliver to the office of the Port Authority, prior to commencing to discharge cargo, 2 certified, legible and complete copies in the English language of—
 - (i) the manifest of that vessel in the form set out in Schedule 6; or
 - (ii) the manifest of any shipping company acceptable to the Port Authority that contains sufficient information for the purposes of the Port Authority; and
- (b) shall furnish within 14 days 2 certified statements of the amendments (if any) made to the manifest by reason of re-measurement of goods included in the manifest or otherwise, but such amendments shall not be recognised unless they are furnished prior to the removal of the goods affected thereby from Port Authority property.

(2) In the case of a vessel not discharging any cargo, the master of the vessel shall furnish a “nil” manifest.

Outward manifest

83. (1) The master of every vessel in which outward cargo is to be shipped shall, prior to the departure of that vessel, deliver to the office of the Port Authority a certified, legible and complete copy in the English language of—

- (a) the manifest of that vessel in the form set out in Schedule 6; or
- (b) the manifest of any shipping company acceptable to the Port Authority that contains sufficient information for the purposes of the Port Authority,

and that copy shall also show the quantity of fuel bunkered.

(2) In the case of a vessel not shipping any cargo, the master of the vessel shall furnish a "nil" manifest.

Limitation on liability for goods

84. (1) Subject to subregulation (2), the liability of the Port Authority for damage to or loss of goods deposited, stored, in transit, warehoused, landed, lodged or left on any Port Authority property from any cause whatever shall not exceed the cash value of those goods at Dampier, provided that value does not exceed the cash value (including any freight, insurance, duty and shipping charges) at the port of shipment on the date of shipment.

(2) The liability of the Port Authority shall not exceed—

- (a) \$100 for gold, silver, bullion, specie, precious stones, precious metals, bank notes, bonds or securities for money, painting, sculpture or other works of art; or
- (b) \$1 000 for each package or parcel of any other kind of property, irrespective of the nature or value of the contents.

Limitation of liability to declared value

85. (1) Without affecting, restricting, or limiting regulation 84, the liability of the Port Authority for each package of goods coming into its custody shall not exceed the amount of any declaration of value made by a consignor or consignee of such goods.

(2) The Port Authority may rely on, and the owner of the goods is bound by, all statements, exceptions and conditions enclosed on receipts, bills of lading or manifests of vessels as to declarations of value.

Cargo deposited on wharf

86. A person shall not deposit goods in bulk on a wharf within the Port without the permission of the Harbour Master.

Penalty: \$2 000.

Unloading of heavy goods on wharves

87. A person shall not deposit machinery, heavy merchandise or heavy commodities of any kind on a wharf within the Port except in accordance with the directions of the Harbour Master.

Penalty: \$2 000.

Master responsible for proper slinging of goods

88. The master of a vessel is responsible for the proper slinging of goods discharged onto a wharf or vehicle from the vessel, and for any damage that may occur either from the breakage of slings or from goods being imperfectly slung.

Sorting, packing, etc. of goods

89. Except with the permission of the Harbour Master or as may be required by an officer of Customs, a person shall not sort any timber, pack, repack or repair any goods or screen bulk goods on Port Authority property.

Penalty: \$2 000.

Placement of goods on Port Authority property

90. A person shall not place goods on Port Authority property without the permission of the Harbour Master.

Penalty: \$2 000.

Discharge and loading to be continuous

91. The master of a vessel berthed at a wharf shall cause the discharge or loading of that vessel to be commenced and continued until completed, by working such hours as the Harbour Master directs.

Penalty: \$2 000.

Goods falling overboard

92. (1) Where goods are by accident or otherwise dropped or allowed to fall overboard, the master, agent or other officer of the vessel present at the time shall forthwith report the event to the Harbour Master and the Harbour Master may take such steps as seem to him expedient to recover and land those goods.

(2) Any expense incurred by the Harbour Master in recovering and landing the goods referred to in subregulation (1) is a debt due to the Port Authority from the owner or master of the vessel from which the goods were being landed, or into which they were being shipped, or from any person responsible for permitting or suffering the goods to drop or fall overboard.

Power to deal with or dispose of goods

93. (1) If the consignee of goods placed on Port Authority property has not removed those goods within 4 weeks of their being so placed, the Port Authority may—

- (a) cause the goods to be delivered to the consignee, at the risk and expense of the consignee; or
- (b) remove the goods to any premises of the Port Authority or other convenient place, and there keep possession of the goods until payment is made to the Port Authority of the expenses of removal and any port charges or storage charges payable in respect of the goods.

(2) Subject to subregulation (3), if the expenses, port charges and storage charges referred to in subregulation (1) (b) are not paid within 7 days—

- (a) after demand has been made on the owner of the goods; or
- (b) if the owner of the goods is unknown or cannot be found, after public notice by advertisement, at least once in each of 2 consecutive weeks, in the *West Australian* newspaper,

the Port Authority may sell the goods by public auction.

(3) Where goods removed under subregulation (1) (b) are perishable, the Port Authority may sell those goods without demand or advertisement not less than 24 hours after their removal.

(4) The proceeds of sale of the goods shall be applied in payment of the expenses of removal, keeping and sale of the goods and any port charges or storage charges in respect of the goods and the surplus, if any, shall be paid to the owner of the goods on demand but in the meantime shall be paid into the Account.

Goods left on wharf may be opened, etc.

94. Where any goods remain, without the permission of the Harbour Master, upon a wharf or on the approaches to a wharf or in any shed in the Port, for longer than the period referred to in regulation 93, the Harbour Master may open and examine the goods, before they are dealt with under regulation 93 or otherwise according to law.

Relocation or removal of goods

95. The Harbour Master may direct a person storing goods on Port Authority property to relocate or remove those goods and a person who fails to comply with any such direction commits an offence.

Penalty: \$2 000.

PART 8—HANDLING OF DANGEROUS GOODS*Division 1—Interpretation***Interpretation**

96. In this Part, unless the contrary intention appears—

“Chief Inspector” has the meaning given to that expression by section 7 (1) of the *Explosives and Dangerous Goods Act 1961*;

“classified pollutant” means any substance that is a noxious liquid substance within the meaning given to that expression by the regulations set out in Annex II to the *International Convention for the Prevention of Pollution from Ships, 1973*;

“dangerous goods vessel” means a vessel—

- (a) that has on board dangerous goods; or
- (b) that has had on board dangerous goods and that—
 - (i) has not been certified as mentioned in regulation 13 (2) (a) to be sufficiently free of those dangerous goods and gases and vapours resulting therefrom for the purposes of regulation 13 (2); and
 - (ii) the Harbour Master is not otherwise satisfied is, for the purposes of regulation 13 (2), sufficiently free of those dangerous goods and gases and vapours resulting therefrom;

“explosive” has the meaning given to that expression by section 7 (1) of the *Explosives and Dangerous Goods Act 1961*;

“flammable dangerous goods” means flammable liquid, flammable gas, or a substance that is—

- (a) declared under the *Explosives and Dangerous Goods Act 1961* to be dangerous goods and classified under that Act as of Class 4; or
- (b) for the purposes of these regulations specified by the Minister to be dangerous goods and classified as flammable dangerous goods under regulation 4;

“flammable dangerous goods vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable dangerous goods;

“flammable gas” means a substance that is—

- (a) declared under the *Explosives and Dangerous Goods Act 1961* to be dangerous goods and classified under that Act as of Sub-class 2.1; or
- (b) for the purposes of these regulations specified to be dangerous goods and classified as flammable gas under regulation 4,

and in the case of substances referred to in paragraph (a), includes those substances when being transferred from one container to another;

“flammable gas vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable gas;

“flammable liquid” means any liquid substance that is—

- (a) declared under the *Explosives and Dangerous Goods Act 1961* to be dangerous goods and classified under that act as of Sub-class 3.1 or 3.2; or
- (b) for the purposes of these regulations specified to be dangerous goods and classified as flammable liquid under regulation 4;

“flammable liquid vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable liquid;

“handle” means to load, unload, or carry out any other operation incidental to or arising from loading or unloading;

“to inert” means, in relation to a tank or space, to introduce into that tank or space a sufficient volume of nitrogen or other gas that is not flammable to reduce the oxygen content of the atmosphere in the tank or space to not more than a half of the oxygen content necessary to support combustion and, in any case, not more than 8% by volume;

“International Maritime Dangerous Goods Code” means the *International Maritime Dangerous Goods Code* (1986 Edition) published by the International Maritime Organization as read with the appropriate Australian Supplement published by that body as amended from time to time;

“liquefied flammable gas” means flammable gas that has been liquefied by pressure or cooling and includes both the liquid and gaseous phase;

“package”, in relation to dangerous goods, includes any means of encasing, covering, enclosing, containing, or packing dangerous goods that are not in bulk;

“tank” means a totally enclosed tank, space, or compartment that is suitable for use for the carriage of liquid or gas;

“wire gauze” means a gauze made of copper, brass, bronze, stainless steel, or monel metal wire that has a melting point of not less than 900° Celsius and that consists of—

- (a) single layer having not less than 140 mesh per square centimetre; or
- (b) a double layer having not less than 62 mesh per square centimetre in each layer and having a distance of not less than 25 mm and not more than 30 mm between the layers.

Division 2—Vessels and tanks

Classification of vessels carrying certain dangerous goods

97. The owner of a vessel shall ensure that flammable liquid or liquefied flammable gas is not carried on, or loaded into any tank on, the vessel when it is within the Port unless the vessel is classified for the purpose by an approved Classification Society.

Penalty: \$2 000.

Declaration for certain vessels

98. (1) Where a vessel has been, or is intended to be, loaded, so as to have on board in bulk flammable liquid, the master of the vessel shall, at least 24 hours before the intended time of the vessel's entry into the Port or, where that is not practicable, as early as is

practicable before entering the Port, send to the Harbour Master a declaration to the best of his knowledge and belief—

- (a) as to whether or not the vessel is free from tank leakages;
- (b) where the vessel is fitted with an inert gas system, as to whether or not the system is fully operational and tanks have been inerted;
- (c) that the cargo systems and transfer equipment have been inspected and tested and as to whether or not they have been found to be free of leaks and operating correctly; and
- (d) that stress calculations have been made for the intended programme of cargo transfer, ballasting, and bunkering and the hull stress calculated as resulting is within the safety limits subject to which the vessel has been classified as referred to in regulation 97.

Penalty: \$2 000.

(2) Where a vessel has been, or is intended to be, loaded so as to have on board in bulk liquefied flammable gas, the master of the vessel shall, at least 24 hours before the intended time of the vessel's entry into the Port or, where that is not practicable, as early as is practicable before entering the Port, send to the Harbour Master a declaration, to the best of his knowledge and belief—

- (a) as to whether or not the vessel is free from tank leakages;
- (b) that the cargo systems, transfer equipment and reliquefaction or boil off control equipment have been inspected and tested and as to whether or not they have been found to be free of leaks and operating correctly;
- (c) as to whether or not the gas detection analysers are operating correctly;
- (d) that the cargo system emergency stops from all locations and associated alarms and interlocks have been tested and as to whether or not they have been found to be operating correctly;
- (e) that the tank high level alarms have been tested and as to whether or not they have been found to be operating correctly;
- (f) that the tank high and low pressure alarms have been tested and as to whether or not they have been found to be operating correctly;
- (g) as to whether or not the remote-operated valves are operating correctly;
- (h) as to whether or not the cargo tanks and lines are free of oxygen; and
- (i) that stress calculations have been made for the intended programme of cargo transfer, ballasting, and bunkering and the hull stress calculated as resulting is within the safety limits subject to which the vessel has been classified as referred to in regulation 97.

Penalty: \$2 000.

(3) The master of a vessel who is required by subregulation (1) or (2) to make a declaration shall not, in that declaration, make any statement that he knows or has reason to believe is false or misleading in any material respect.

Penalty: \$2 000.

Compliance with certain requirements

99. (1) The master of a vessel having on board flammable liquid or onto which flammable liquid is being loaded shall ensure that, in handling the flammable liquid, the requirements of the International Safety Guide for Oil Tankers and Terminals (Third Edition) published by the International Chamber of Shipping as amended from time to time are complied with in addition to the other requirements of these regulations.

Penalty: \$2 000.

(2) The master of a vessel having on board liquefied flammable gas or onto which liquefied flammable gas is being loaded shall ensure that, in handling the liquefied flammable gas, the requirements of the International Chamber of Shipping Tanker Safety Guide (Liquefied Gas) (1979 Edition) published by the International Chamber of Shipping as amended from time to time are complied with in addition to the other requirements of these regulations.

Penalty: \$2 000.

Safety testing of certain vessels

100. (1) In this regulation—

“the rules” means the *Rules for the Safe Handling and Storage of Dangerous Substances and Oils in Port Areas* (1984 Edition) made by the Association of Australian Port and Marine Authorities as amended from time to time;

“hot work” means any construction, demolition, alteration, repair or maintenance involving burning, welding, riveting, grinding, drilling, grit, sand or shot blasting, or any other heat, fire or spark producing operation.

(2) Subject to subregulation (4), the master of a vessel within the Port shall not cause or permit—

- (a) ore in bulk to be loaded onto the vessel into tanks or spaces in which flammable liquid has previously been carried; or
- (b) any hot work to be carried out in or near tanks or spaces in which—
 - (i) flammable dangerous goods have previously been carried; or
 - (ii) danger may arise from breathing the atmosphere,

unless he first obtains—

- (c) a Certificate of Test in accordance with the rules from an approved person, to the effect that—
 - (i) the appropriate standard safety designation of the tanks or spaces into which the ore is to be loaded or in or near which the hot work is to be carried out is, in accordance with the rules, “Safe for Men—Safe for Hot Work”;
 - (ii) the appropriate standard safety designation of every other tank or space on the vessel is, in accordance with the rules, “Safe for Men—Safe for Hot Work” or “Not Safe for Men—Safe for External Hot Work Only”; and
 - (iii) every such other tank or space on the vessel has been inerted or filled with water;

and

- (d) in the case of hot work to be carried out as described in paragraph (b), the written approval of the Harbour Master.

Penalty: \$2 000.

(3) The Harbour Master may exempt the master of a vessel from the requirements of subregulation (2) if he is satisfied that—

- (a) flammable liquid has not, or for the purposes of subregulation (2) (b) flammable dangerous goods have not been carried in the tanks or spaces into which the ore is to be loaded or in or near which the hot work is to be carried out during the last 3 voyages on which cargo has been carried in those tanks or spaces; and
- (b) since flammable liquid was or, for the purposes of subregulation (2) (b), flammable dangerous goods were last carried in the tanks or spaces they have been properly cleaned and ventilated and a certificate as described and to the effect described in subregulation (2) (c) has been obtained from an approved person,

and any such exemption may be given subject to the taking of such other precautions as are specified by the Harbour Master.

(4) An exemption under subregulation (3) shall have effect according to its tenor.

(5) Application to the Harbour Master for an exemption under subregulation (3) may be made in writing setting out a description of the cargo carried on each of the last 3 voyages and the dates on which they were loaded and the application shall be accompanied by a copy of the certificate referred to in subregulation (3) (b) that the Harbour Master is satisfied is authentic.

Certificate of Test to be displayed

101. Where a Certificate of Test has been obtained for the purposes of regulation 100, the master of the vessel shall ensure that the certificate and a copy of the rules are clearly displayed in a prominent position on the vessel.

Penalty: \$2 000.

Division 3—General safety measures

Warning notice

102. (1) Where a flammable dangerous goods vessel is berthed or moored within the Port, the master of the vessel shall ensure that there is posted at the foot of each gangway, if any, fitted to the vessel and any other point of access to the vessel a notice board bearing the words—

NO ADMITTANCE
—DANGER
NO SMOKING
NO NAKED LIGHTS

in red letters not less than 150 millimetres high against a white background.

Penalty: \$2 000.

(2) A notice board required by subregulation (1) shall, by night, be illuminated by a white light of an approved design.

Flammable dangerous goods on Port Authority property

103. (1) A person shall not place flammable dangerous goods upon a wharf or within 30 metres of a wharf, within the Port, except with the permission of the Harbour Master.

Penalty: \$2 000.

(2) Where flammable dangerous goods are placed upon a wharf or any premises of the Port Authority, the person responsible for placing those goods shall ensure that there is posted at every point of access to the wharf or premises a notice board, not less than 1.5 metres by 1 metre in size, bearing the words set out in regulation 102 (1).

Penalty: \$2 000.

Vessel to be ready to depart

104. Where a flammable dangerous goods vessel is berthed within the Port, the master of the vessel shall ensure that the main engines and other essential machinery of

the vessel are at all times maintained in a state of readiness for leaving the berth at short notice.

Penalty: \$2 000.

Adequate crew required on vessel

105. Where a flammable dangerous goods vessel is berthed within the Port, the master of the vessel shall ensure that there is adequate crew on board the vessel at all times for firefighting and for vacating the berth in the event of an emergency arising.

Penalty: \$2 000.

Torches and lamps

106. A person shall not use on a flammable dangerous goods vessel within the Port a hand torch or portable lamp, whether electric or otherwise, that is not of a type classed by an approved authority so as to indicate that it is suitable for use in a vapour laden atmosphere capable of ignition.

Penalty: \$2 000.

Wandering electric leads

107. A person shall not use on a flammable dangerous goods vessel within the Port any portable equipment or lamp that is on a wandering electric lead.

Penalty: \$2 000.

Other sources of ignition

108. A person shall not, while on the open deck of a flammable dangerous goods vessel within the Port, carry any matches, mechanical lighter, or other appliance capable of producing ignition.

Penalty: \$2 000.

Smoking

109. Without limiting regulation 30, a person shall not smoke while on the open deck of—

- (a) a flammable dangerous goods vessel; or
- (b) a vessel that is alongside a flammable dangerous goods vessel.

Penalty: \$2 000.

Materials liable to spontaneous combustion

110. The master of a flammable dangerous goods vessel within the Port shall ensure that there is not stowed on or adjacent to the cargo area or weather deck of the vessel any rags, waste, or other material liable to spontaneous combustion.

Penalty: \$2 000.

Certain work on metal

111. The master of a flammable liquid vessel or flammable gas vessel within the Port shall not cause or permit any chipping, scraping, or hammering of iron or steel on the vessel except in a place where smoking is, or boiler or galley fires are, permitted.

Penalty: \$2 000.

Static electricity

112. The master of a flammable liquid vessel or flammable gas vessel within the Port shall ensure that, when cargo tanks are being loaded, ullaged, or sampled, appropriate precautions are taken against static electricity.

Penalty: \$2 000.

Air conditioning

113. (1) The master of a vessel within the Port shall ensure that, before commencing and throughout any cargo operations involving flammable gas on the vessel, effective measures are taken to prevent the entry of flammable gas into air conditioning intakes on the vessel.

Penalty: \$2 000.

(2) The master of a flammable gas vessel berthed in the Port shall ensure that, while the vessel is so berthed, a window-type air conditioning unit that contains an electric motor, switch, or other device that may produce a spark capable of igniting flammable gas drawn in through the unit, is not used.

Penalty: \$2 000.

Use of radio equipment or radar scanner

114. The master of a flammable dangerous goods vessel shall ensure that—

- (a) while the vessel is berthed in the Port neither the main transmitting aerial nor the radar scanner is energized unless the permission of the Harbour Master has been first obtained;
- (b) while flammable dangerous goods are being carried on or loaded onto the vessel, telephone or portable radio equipment is not used on the vessel unless—
 - (i) it is designed, constructed, positioned, and maintained in accordance with the requirements subject to which the vessel has been classified as referred to in regulation 97; and
 - (ii) the equipment is maintained in good order.

Penalty: \$2 000.

Periodic checks

115. The master of a dangerous goods vessel shall, periodically while the vessel is in the Port, check the quantities of cargo, ballast, and bunkers on board the vessel to ensure that no leakage is taking place of dangerous goods or ballast contaminated with dangerous goods.

Penalty: \$2 000.

Avoidance of leakage

116. The master of a vessel within the Port shall ensure that all deck pipelines, valves, hoses, and sea valves are free of leakage and are used in such a manner as to prevent the escape of dangerous goods therefrom.

Penalty: \$2 000.

Valves

117. The master of a dangerous goods vessel within the Port shall—

- (a) on request, inform the Harbour Master as to the location on the vessel of every sea inlet and overboard discharge valve; and
- (b) ensure that, when they are not in use, the valves referred to in paragraph (a) are properly closed and lashed or otherwise adequately secured.

Penalty: \$2 000.

Ullage plug and other openings

118. (1) The master of a dangerous goods vessel within the Port that is fitted with arrangements for closed loading and discharging shall ensure that every ullage plug or sighting port opening is, as far as is practicable, kept closed and properly seated but is not secured, except when it is required to be open for the purpose of sighting, gauging or sampling a tank.

Penalty: \$2 000.

(2) The master of a dangerous goods vessel within the Port shall ensure that, while a tug or other vessel is alongside the vessel, a person does not open any ullage plug, cargo hatch, vent, or other cargo opening.

Penalty: \$2 000.

Alternative escape route

119. The master of a dangerous goods vessel berthed at a wharf within the Port shall ensure that the outboard side accommodation ladder or lifeboat is turned out as an alternative means of escape.

Penalty: \$2 000.

Gangway

120. The master of a dangerous goods vessel within the Port shall ensure that—

- (a) as far as is practicable, the gangway or, where there is more than one gangway, at least one gangway is positioned near to the vessel's accommodation and clear of cargo arms and shore manifolds; and
- (b) barricades are so placed as to keep the crew and other persons clear of the manifold areas on the vessel and the wharf.

Penalty: \$2 000.

Towing wires

121. The master of a dangerous goods vessel berthed in the Port shall ensure that, whenever dangerous goods are being handled, the vessel is provided with towing wires that are—

- (a) of sufficient strength to be used to tow the vessel;
- (b) secured to the offside bow and quarter bollards; and
- (c) so positioned and tended that the towing eyes have sufficient scope to be readily secured to by a tug.

Penalty: \$2 000.

Firefighting equipment

122. The master of a dangerous goods vessel within the Port shall ensure that at all times while a vessel is berthed at a wharf or is handling dangerous goods—

- (a) fire hoses complete with nozzles have been run out fore and aft, connected up, and are ready for immediate use;
- (b) the vessel's supply of water for firefighting is available;
- (c) the vessel's firefighting equipment is otherwise ready for immediate use;
- (d) the vessel's International Ship-Shore Fire Connection is connected to the fire hydrant of the vessel that is nearest to a gangway; and
- (e) a hose is connected between the vessel's International Ship-Shore Fire Connection and a shore hydrant unless a fire tug is standing by.

Penalty: \$2 000.

Outbreak of fire

123. (1) Without limiting regulation 31, where a fire breaks out on a dangerous goods vessel within the Port the master of the vessel shall, subject to any direction given by the Harbour Master, take immediate action to extinguish or contain the fire.

Penalty: \$2 000.

(2) Where the alarm is sounded to indicate that there is a fire on board a dangerous goods vessel berthed at a wharf within the Port, the master of every vessel berthed at that wharf, including the vessel on which the fire has broken out, shall ensure that—

- (a) all cargo operations on board the vessel are forthwith ceased; and
- (b) preparation is made to disconnect arms or hoses and be ready to leave the berth.

Penalty: \$2 000.

Classified pollutants

124. The master of a vessel within the Port shall ensure that classified pollutants are not discharged overboard from the vessel except where, in emergent circumstances, the Harbour Master permits their being discharged overboard.

Penalty: \$2 000.

*Division 4—Handling of cargo***Intervention by Harbour Master**

125. (1) The Harbour Master may direct that the loading onto, or unloading from, a vessel within the Port of dangerous goods be postponed or discontinued if, in his opinion, it is not in accordance with these regulations, and where loading or unloading has been so postponed or discontinued at the direction of the Harbour Master it shall not be commenced or resumed, as the case may be, until the Harbour Master or a person authorized by him gives his approval thereto.

Penalty: \$2 000.

(2) The master of a dangerous goods vessel within the Port shall ensure that all operations involving the handling of cargo, bunkers, ballast, stores, or provisions are carried out under the personal supervision of competent persons who are at all times available to act in response to an emergency that may arise or in response to any direction that he may be lawfully given.

Penalty: \$2 000.

(3) The Harbour Master may notify a person who is supervising operations on a vessel under subregulation (2) or the master of the vessel concerned that in his opinion the person so supervising is not competent for the purpose and upon such notification that person is to be taken not to be a competent person within the meaning of subregulation (2).

(4) Without limiting subregulation (1), where the Harbour Master gives notification under subregulation (3) that in his opinion a person is not competent to supervise operations involving the loading or unloading of dangerous goods, the Harbour Master may give a direction under subregulation (1) that the loading or unloading be discontinued.

Floodlighting

126. The master of a vessel shall ensure that where dangerous goods are being handled at anytime from sunset until sunrise, floodlighting of an approved type is provided so as to give ample light for all operations.

Penalty: \$2 000.

Overall loading

127. The master of a vessel within the Port shall ensure that liquid dangerous goods are not loaded overall except where the Harbour Master, by reason of special circumstances, so approves.

Penalty: \$2 000.

Pump and compressor rooms

128. (1) The master of a dangerous goods vessel within the Port shall ensure that the pump room or, if there is more than one, each pump room, is—

- (a) efficiently ventilated so that any dangerous gas present is removed; and
- (b) kept free of liquids that might otherwise accumulate in the pump room bilges.

Penalty: \$2 000.

- (2) The master of a dangerous goods vessel within the Port shall ensure that—
- (a) a person does not enter a pump room or compressor room unless such entry is necessary for the purpose of the person's work; and
 - (b) there are provided in a convenient position near the door of every pump room and compressor room—
 - (i) suitable protective clothing;
 - (ii) a self-contained breathing apparatus; and
 - (iii) a lifeline.

Penalty: \$2 000.

(3) The master of a dangerous goods vessel within the Port that has a gas detecting system fitted in the pump room shall, before commencing any cargo operations, ensure that the system is tested and is in working condition.

Penalty: \$2 000.

Holds to be sealed

129. The master of a vessel within the Port in any hold space of which is situated a tank used for containing liquefied flammable gas shall ensure that every opening to such a hold space is kept securely closed and gas tight.

Penalty: \$2 000.

Connections to be closed

130. The master of a vessel shall ensure that every cargo or bunkering connection for use for loading, unloading or bunkering dangerous goods that is not to be so used while the vessel is in the Port is properly closed and, where it is a manifold connection, is also secured by an effective blank flange.

Penalty: \$2 000.

Protection of openings in use

131. The master of a vessel within the Port shall ensure that, while cargo operations involving flammable liquid are in progress—

- (a) every tank opening is kept securely closed and gas tight except as is otherwise necessary for the loading or unloading of flammable liquid; and
- (b) any ullage plug that it is necessary to open is forthwith fitted with clean wire gauzes or is provided with other effective means of preventing the ignition of flammable liquid or vapour.

Penalty: \$2 000.

Exclusion of vapours

132. The master of a vessel within the Port shall ensure that, while cargo operations involving flammable liquid are in progress—

- (a) all ports and doors in the amidships house and poop area are at all times kept closed; and

- (b) all ventilators are suitably trimmed and the covers of engine room, boiler room, and galley skylights are suitably adjusted so that, having regard to prevailing conditions, the entry of vapour will be avoided.

Penalty: \$2 000.

Permission to board

133. A person, other than a person concerned in the loading or unloading of flammable liquid or flammable gas, shall not board a vessel within the Port unless authorized to do so by the master of that vessel.

Penalty: \$2 000.

Certain preliminary requirements

134. (1) The master of a vessel within the Port shall ensure the loading onto, or unloading from, the vessel of flammable liquid is not commenced until—

- (a) agreement has been reached between the persons on the vessel and those on the shore who are responsible for the loading or unloading upon a plan for the procedures to be followed;
 - (b) an effective barricade has been erected on the wharf to prevent access to the vessel or pipeline hose connections by persons not concerned in the loading or unloading;
 - (c) satisfactory provision has been made for watchmen to be in attendance—
 - (i) to prevent the entry onto the vessel of persons not authorized to do so under regulation 133;
 - (ii) to take possession from persons about to board the vessel of matches, mechanical lighters, and other appliances capable of producing ignition; and
 - (iii) generally to assist in complying with these regulations and to carry out such directions as may be given under these regulations;
- and
- (d) all persons concerned in the loading or unloading fully understand the stand-by requirements for normal stopping of shore pumps on completion of loading or unloading and the emergency stop procedures applicable to both the vessel and the terminal.

Penalty: \$2 000.

(2) A barricade shall be taken not to comply with the requirements of subregulation (1) (b) unless—

- (a) it encloses an area of the wharf extending to at least 30 metres beyond each end of the vessel concerned and to at least 30 metres measured from, and at right angles to, the side of the vessel that is closest to the wharf; and
- (b) it is erected and maintained by, under the authority or under and in accordance with the direction of, or otherwise to the satisfaction of, the Harbour Master.

(3) Provision made for watchmen shall be taken not to comply with the requirements of subregulation (1) (c) unless it is made by, under the authority or under and in accordance with the direction of, or otherwise to the satisfaction of, the Harbour Master.

(4) Where a vessel within the Port is to be loaded with, or unloaded of, flammable liquid, the master of the vessel shall ensure that, before loading or unloading is

commenced, a box or satchel on which the words "Emergency Documents", in black letters, are clearly displayed is placed on the wharf in a prominent and readily accessible position at least 30 metres from the vessel and that the box or satchel contains—

- (a) details of the plan referred to in subregulation (1) (a), including particulars of relevant times, sequences, and rates;
- (b) a list of the characteristics of—
 - (i) the cargo, if any, on board the vessel; and
 - (ii) the flammable liquid to be handled,
 and details of the position where it is or, as the case may be, is to be stowed;
- (c) a crew list, including reference to persons joining or leaving the vessel while it is in the Port; and
- (d) a plan of the general arrangement of the vessel.

Penalty: \$2 000.

Further preliminary requirements

135. The master of a vessel within the Port shall ensure that loading onto, or unloading from, the vessel of flammable liquid is not commenced until—

- (a) where loading or unloading is to be through any manifold, drip trays of sufficient capacity to contain minor spillage are placed beneath each such manifold;
- (b) all cargo hoses or arms have been properly fitted and rigged to prevent any stress beyond design limitations and all connections and couplings to flanges have been properly closed and secured;
- (c) the master of the vessel is satisfied that all associated valves on board the vessel are correctly set;
- (d) he has been advised that the necessary valves ashore have been correctly set; and
- (e) checks have been completed in accordance with an approved safety check list.

Penalty: \$2 000.

Sufficient staff and crew on vessel

136. The master of a vessel shall ensure that, at all times when flammable liquid is being loaded onto, or unloaded from, the vessel—

- (a) a sufficient number of competent staff and crew are in attendance on deck and in the control room to enable these regulations to be complied with;
- (b) a sufficient number of competent engine room staff and crew are available to operate the main engines of the vessel and fire pumps or other firefighting appliances and equipment should the need arise;
- (c) a sufficient number of competent staff and crew are available to ensure the safe execution of the loading or unloading and other related cargo operations and, in the event of an emergency, to move the vessel or take such other action as the circumstances may foreseeably require.

Penalty: \$2 000.

Precautions during certain cargo operations

137. Where flammable liquid is loaded onto, or unloaded from, a vessel within the Port, the master of the vessel shall ensure that—

- (a) at the commencement of, and at regular intervals during, loading or unloading checks are made to confirm that cargo is entering or, as the case may be, leaving only the appropriate tanks and flammable liquid is not escaping into any pump or cofferdam or through any sea or overboard discharge valve;
- (b) tanks are not, in the course of loading or subsequent cargo operations, filled or topped up to more than 98% of maximum capacity; and
- (c) at all times during cargo operations—
 - (i) all pressure and vacuum relief valves and vent pipes are effectively protected by wire gauze; and
 - (ii) all scuppers and overside deck openings, if any, are effectively plugged.

Penalty: \$2 000.

Communication to be maintained

138. (1) The master of a vessel within the Port engaged in cargo operations involving dangerous goods shall ensure that—

- (a) 2 suitable independent telephone or radio systems for communicating between the vessel and the shore are available; and
- (b) throughout the cargo operations, all reasonable endeavours are used to maintain communication between the vessel and a responsible person on the shore by means of each of the 2 systems referred to in paragraph (a).

Penalty: \$2 000.

(2) For the purposes of subregulation (1) (a), a radio system is not suitable unless each unit is portable and is carried by a person nominated for the purpose of maintaining communication in accordance with subregulation (1) (b).

Vessel to vessel transfers

139. (1) The master of a vessel within the Port shall not cause or permit the transfer of flammable liquid between that vessel and another vessel unless the written approval of the Harbour Master has first been obtained.

Penalty: \$2 000.

(2) Where an approval referred to in subregulation (1) has been obtained the master of each vessel, in addition to ensuring compliance with any conditions the Harbour Master may impose, shall ensure that—

- (a) his vessel is so positioned that any vapour released from the gas venting system of that vessel cannot be entrained in the vicinity of the machinery spaces, intakes or galley of the other vessel;
- (b) the main engines and other essential machinery of his vessel are at all times maintained in a state of readiness; and
- (c) adequate fendering is provided to prevent direct contact between the vessels.

Penalty: \$2 000.

(3) The master of a vessel from which flammable liquid is being, or is to be, transferred shall comply with any reasonable directions relating to the transfer operations given by the master of the receiving vessel.

Penalty: \$2 000.

Leakage and spillage

140. The master of a vessel within the Port shall ensure that—

- (a) if any leakage or spillage occurs during the loading onto, or unloading from, the vessel of flammable liquid, the loading or unloading shall be forthwith stopped, all valves shall be closed, and the Harbour Master shall be forthwith notified; and
- (b) if any leakage or spillage of oil or oily ballast water onto the deck occurs, scupper plugs are not removed and steps are taken forthwith to prevent oil or oily ballast water from going overboard.

Penalty \$2 000.

Cooking

141. The master of a vessel within the Port shall ensure that, during cargo operations involving flammable gas or flammable liquid—

- (a) an open fire is not permitted on the vessel; and
- (b) the use of cooking facilities is not permitted on the vessel unless they are designed, constructed, positioned, and maintained in accordance with the requirements subject to which the vessel has been classified as referred to in regulation 97.

Penalty: \$2 000.

Certain work prohibited

142. A person shall not, on a flammable dangerous goods vessel that is within the Port, heat any combustible matter, clean boilers or boiler tubes, or carry out any other work that involves a substantial risk of causing ignition on board the vessel.

Penalty: \$2 000.

Use of boil-off as fuel

143. The master of a vessel within the Port shall ensure that the boil-off from liquefied natural gas carried on the vessel as cargo is not burnt as fuel in the boilers of the vessel unless the gas-burning equipment and procedures used have been approved for the purpose by the authority which classified the vessel as referred to in regulation 97 and all of the safety precautions, if any, recommended by that authority to be observed in so burning boil-off are observed.

Penalty: \$2 000.

Venting of liquefied natural gas

144. The master of a vessel within the Port carrying liquefied natural gas shall ensure that, except in emergent circumstances or with the permission of the Harbour Master, liquefied natural gas vapour is not vented to the outside atmosphere while the vessel is within the Port.

Penalty: \$2 000.

Use of tools

145. The master of a vessel within the Port shall ensure that, where instruments or tools are required to be used on the vessel in connection with the handling of flammable liquids, they are used with the minimum of force necessary and that impact or other action by which a spark may be caused is avoided.

Penalty: \$2 000.

Quantity checks

146. Where flammable liquid in bulk is being loaded onto, or unloaded from, a vessel within the Port, the master of the vessel and the person on the shore responsible for loading or unloading shall, at regular intervals during the loading or unloading, check the pipelines and metal arm pressures and the estimated quantity of flammable liquid loaded or unloaded.

Penalty: \$2 000.

Loading or unloading to be stopped

147. (1) Where the master of a vessel within the Port onto which flammable liquid is being loaded, or from which flammable liquid is being unloaded, in bulk, or the person on the shore responsible for loading or unloading becomes aware by reason of a check required by regulation 146 or otherwise of any drop in pressure or substantial discrepancy between estimates of the quantities of flammable liquid loaded or unloaded, he shall forthwith cause loading or unloading to be stopped until the matter has been investigated and a satisfactory explanation has been found.

Penalty: \$2 000.

(2) Where flammable liquid or flammable gas is being loaded onto, or unloaded from, a vessel within the Port, the master of the vessel and the person on the shore responsible for loading or unloading shall maintain a close watch on the loading arms or hoses during loading or unloading and if, in the opinion of either of those persons, an unsafe situation develops, he shall forthwith cause loading or unloading to be stopped.

Penalty: \$2 000.

(3) Where flammable liquid is being loaded onto a vessel within the Port, the master of the vessel shall, if vapour accumulates on deck or any other situation develops that in the opinion of the master is or may become unsafe, forthwith request the person on the shore responsible for loading to stop loading.

Penalty: \$2 000.

Pressure surges to be avoided

148. The master of a vessel within the Port on which cargo operations involving flammable liquid are taking place shall ensure that precautions are taken to avoid surge pressures and reasonable care is taken to so adjust the cargo handling rate and to so operate valves that as far as possible pressure surges are not introduced into the cargo handling system.

Penalty: \$2 000.

Draining of arms before disconnecting

149. The master of a vessel within the Port onto which has been loaded, or from which has been unloaded, flammable liquid in bulk shall ensure that, before connections to the shore pipeline are broken at the completion of loading or unloading the loading arms have been—

- (a) completely and satisfactorily drained over their whole length of all flammable liquid; or
- (b) so isolated that no spillage occurs when the connections are broken.

Penalty: \$2 000.

Openings to be closed upon completion of operation

150. The master of a vessel within the Port on which cargo operations involving flammable liquid has taken place shall ensure that, as soon as cargo operations are completed or for the time being stopped, every tank opening is securely closed and made gas tight.

Penalty: \$2 000.

Prompt departure from Port

151. The master of a flammable gas vessel shall ensure that the vessel departs from the Port as soon as practicable after—

- (a) taking on board stores or ballast; and
- (b) dealing with such other matters as may be approved in a particular case.

Penalty: \$2 000.

Electric storms

152. The master of a vessel within the Port shall ensure—

- (a) that any cargo operations involving flammable liquid or flammable gas that are taking place when an electric storm occurs are forthwith stopped, every cargo tank opening is securely closed and made gas tight, every ullage plug is securely fitted, and every gas venting system is secured; and
- (b) that cargo operations involving flammable liquid or flammable gas are not commenced or resumed until the storm has passed.

Penalty: \$2 000.

Division 5—Dangerous goods in packages

Restriction on handling

153. The master of a vessel within the Port shall ensure that dangerous goods in packages are not handled on the vessel while—

- (a) any nearby hatch is open; or
- (b) any other goods are being handled on the vessel, except with the prior approval of the Harbour Master.

Penalty: \$2 000.

Weight, marking and construction of packages

- 154.** (1) Where dangerous goods in packages are handled or stored within the Port—
- (a) on a vessel, the master of the vessel; or
 - (b) on a wharf, the person on the wharf responsible for the handling or storage.

shall ensure that every package so handled or stored conforms to subregulations (2), (3) and (4).

Penalty: \$2 000.

(2) The outside of a package containing dangerous goods shall be clearly marked or labelled in accordance with the International Maritime Dangerous Goods Code in the English language.

(3) The weight of a package containing dangerous goods shall be in accordance with the International Maritime Dangerous Goods Code.

(4) A package containing dangerous goods shall be suitable and substantial having regard to the purpose for which it is used and shall be so constructed and closed that it completely encloses its contents on all sides.

Faulty packages

155. Where the master of a vessel within the Port on which there is, or from which there has been unloaded, any package containing dangerous goods becomes aware of any damage to, or deterioration of, any such package, he shall forthwith notify the Harbour Master and cause the package to be removed from the vessel or wharf in accordance with the directions of the Harbour Master.

Penalty: \$2 000.

Unloading

156. (1) The master of a vessel within the Port from which packages containing dangerous goods are unloaded shall ensure that—

- (a) before unloading commences, while unloading is taking place, and after unloading is completed, every hold containing such packages or from which such packages have been unloaded is thoroughly ventilated;
- (b) where any spillage occurs, the bilges are carefully cleaned, removing any liquid with hand pumps or suitable bailers and swabbing, and are then suitably ventilated; and
- (c) a fire or any light that is not approved for the purpose is not permitted in, or in the vicinity of, a hold containing such packages or from which such packages have been unloaded until—
 - (i) an approved person has certified in writing that the hold has been tested in an approved manner and found to be, for the purposes of this Division, sufficiently free of dangerous goods and gases and vapours resulting therefrom; or
 - (ii) written approval has been obtained.

Penalty: \$2 000.

(2) The master of a vessel shall ensure that persons who are required to clean up in accordance with subregulation (1) (b) when spillage occurs are provided with suitable breathing apparatus.

Penalty: \$2 000.

Ventilation of certain stowage places

157. The master of a vessel within the Port shall ensure that every place on the vessel where packages containing flammable dangerous goods are stowed is properly and efficiently ventilated and that every ventilator used for that purpose is covered with wire gauze.

Penalty: \$2 000.

Holds to be closed

158. (1) The master of a vessel shall ensure that any hold that contains packages containing dangerous goods is, as far as practicable, kept securely closed and gas tight except when it is being cleaned or ventilated in accordance with these regulations.

Penalty: \$2 000.

(2) For the purposes of subregulation (1), a hold that has contained packages referred to in that subregulation shall be regarded as containing such packages until an approved person has, in relation to that hold, certified in writing as mentioned in regulation 156 (1) (c) (i).

Precautions at night in certain cases

159. The master of a vessel within the Port shall ensure that goods are not handled on that vessel during the period from sunset to sunrise if they are in the vicinity of dangerous goods in packages unless the approval of the Harbour Master has been first obtained and, where such approval has been obtained, the master of the vessel shall ensure that, at all times while those goods are being so handled—

- (a) every hold containing dangerous goods in packages is kept securely closed and gas tight; and
- (b) every hold containing the goods that are being handled is separated from any place on the vessel where gas from dangerous goods could reasonably be expected to be found by means of water tight and gas tight bulkheads, decks, closed and gas tight hatchways, or other adequate means.

Penalty: \$2 000.

Division 6—Explosives

Permission required to enter Port

160. The master of a vessel having on board explosives shall not, for any purpose, bring the vessel into the Port unless with the permission of the Harbour Master.

Penalty: \$2 000.

Explosives to be authorized or approved by Chief Inspector

161. The master of a vessel shall ensure that—

- (a) explosives are not loaded onto, or carried by, the vessel in the Port unless the explosives are authorized explosives within the meaning of the *Explosives and*

Dangerous Goods Act 1961 or a permit has been granted under section 15 (2) of that Act in respect of the explosives; and

- (b) explosives are not unloaded from the vessel in the Port unless the Harbour Master has advised that he is satisfied that to do so would not be contrary to the *Explosives and Dangerous Goods Act 1961*.

Penalty: \$2 000.

Permission required to handle explosives

162. The master of a vessel within the Port shall ensure that explosives are not loaded onto, or unloaded from, the vessel except with the permission in writing of the Harbour Master and, during the period from sunset to sunrise, the permission of the Chief Inspector.

Penalty: \$2 000.

Carriage on passenger vessels

163. The master of a vessel within the Port shall ensure that more than 2 kilograms of explosives is not carried on the vessel while the vessel is carrying or plying for passengers for hire or reward unless with the approval in writing of the Chief Inspector.

Penalty: \$2 000.

Compliance with certain requirements

164. The master of a vessel within the Port shall ensure that—

- (a) the loading onto, unloading from, and carriage on, the vessel of explosives is carried out in accordance with the International Maritime Dangerous Goods Code; and
- (b) the loading onto, or unloading from, the vessel of dangerous goods is carried out in accordance with the general requirements of the Chief Inspector and such particular requirements as may be imposed by the Chief Inspector or any other person who is an inspector within the meaning of the *Explosives and Dangerous Goods Act 1961*.

Penalty: \$2 000.

Maximum quantity that may be unloaded

165. The master of a vessel shall ensure that the quantity of explosives unloaded from his vessel in the Port does not exceed the maximum amount for the time being approved by the Chief Inspector.

Penalty: \$2 000.

Exemption

166. Nothing in this Division applies to or in relation to—

- (a) explosives on vessels of war;
- (b) explosives on, or loaded onto, a vessel that are—

- (i) for use on the vessel for the purposes of complying with signalling requirements; and
- (ii) while the vessel is in the Port, kept in a magazine of an approved type and, in the case of pyrotechnic signals, segregated in separate and completely enclosed receptacles.

PART 9—GENERAL CONDUCT WITHIN THE PORT

Port installations

167. A person shall not trespass on, ride by, or make fast to, and shall not damage, injure, or otherwise interfere with, any port installation.

Penalty: \$2 000.

Interference with mooring ropes

168. A person shall not, except with the permission of the Harbour Master, cut, cast off or otherwise interfere with any rope or tackle made fast or attached by, or at the direction of, the Harbour Master to any wharf or to any vessel occupying a berth within the Port.

Penalty: \$2 000.

Deposit or discharge of certain matter prohibited

169. (1) A person shall not cause or permit any animal, vegetable or mineral substance to be cast or deposited into the waters of the Port, onto the shores of the Port below high water-mark or onto Port Authority property.

Penalty: \$2 000.

(2) A person who commits an offence under subregulation (1) is liable in addition to suffering any penalty imposed in respect of that offence, to pay to the Port Authority all expenses reasonably incurred by the Port Authority by reason of the commission of that offence and the Port Authority may recover in a court of competent jurisdiction those expenses from that person as a debt due to the Port Authority.

Accidents to be reported

170. A person involved in an accident resulting in damage to a vessel or port installation within the Port or to other property within, or associated with, the Port shall ensure that the accident and, so far as is known, the resulting damage are reported forthwith to the Harbour Master.

Penalty: \$2 000.

Regattas

171. A person shall not cause any race between vessels or procession of vessels to take place within the Port except with the permission of the Harbour Master and subject to such conditions as the Harbour Master may impose.

Penalty: \$2 000.

Disturbance of seabed

172. A person shall not, except with the written permission of the Harbour Master, use any grapple, grab bucket, or sweep bar or otherwise disturb the seabed of the Port.

Penalty: \$2 000.

Fire alarms and appliances

173. Except to give notice of the outbreak of fire or for the suppression of fire, a person shall not—

- (a) break, sound, open or in any way interfere with, any electric or other fire alarm apparatus; or
- (b) use without permission or in any way interfere with any apparatus for the suppression of fire,

on Port Authority property.

Penalty: \$2 000.

(2) A person who commits an offence under subregulation (1) is liable in addition to suffering any penalty imposed in respect of that offence, to pay to the Port Authority all expenses reasonably incurred by the Port Authority by reason of the commission of that offence and the Port Authority may recover in a court of competent jurisdiction those expenses from that person as a debt due to the Port Authority.

Wharves may be closed

174. The Harbour Master may close any wharf or part of a wharf within the Port, whenever the Harbour Master considers it advisable to do so, and a person shall not enter upon any wharf or part of a wharf so closed, without the permission of the Harbour Master.

Penalty: \$2 000.

Entry on Port land or property

175. A person shall not enter Port land or any property of the Port Authority except with the permission of the Harbour Master.

Penalty: \$2 000.

No building allowed on wharf

176. A person shall not erect any building, staging or other structure on any wharf or landing place within the Port unless that person—

- (a) obtains the permission of the Port Authority; and
- (b) complies with any condition the Port Authority may impose.

Penalty: \$2 000.

Vehicles may be moved

177. (1) Where, in the opinion of the Harbour Master, any vehicle should be removed from any stand or place, the Harbour Master may direct the driver of the vehicle

to remove the vehicle to such place as the Harbour Master directs and a driver who fails to comply with any such direction commits an offence.

Penalty: \$2 000.

(2) The Harbour Master or another officer may lawfully remove or cause to be removed any unattended vehicle or vehicle that the driver fails to remove in accordance with a direction under subregulation (1).

Vehicles on wharves

178. (1) The driver of a vehicle, who is permitted to drive on a wharf, shall not take or permit the vehicle to approach within 30 metres of any flammable goods.

Penalty: \$2 000.

(2) The driver or person in charge of a vehicle shall not permit the vehicle to remain upon a wharf for any period in excess of that necessary for the loading or unloading of the vehicle.

Penalty: \$2 000.

Preservation of order

179. Every person on a wharf within the Port, whether employed on the wharf or not, is under the control of, and shall obey the directions of the Harbour Master and shall immediately leave the wharf when directed by the Harbour Master to do so.

Penalty: \$2 000.

Nuisances

180. A person shall not commit any nuisance under or upon any wharf within the Port.

Penalty: \$2 000.

Interference with notices, etc.

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

Penalty: \$2 000.

Bill-posting prohibited

182. A person shall not write, paint or place any placard or document on any wharf or property of the Port Authority.

Penalty: \$2 000.

Life-saving equipment

183. A person shall not interfere with any life saving equipment placed within the Port except for the purpose of saving life.

Penalty: \$2 000.

Escape of oil

184. (1) It is the duty of—

- (a) the owner or master of a vessel;
- (b) the owner, occupier or person in charge of an oil terminal, depot, storage tank, oil pipeline or any other apparatus or place used for the storage or handling of oil; and
- (c) the agent or servant of a person referred to in paragraph (b) engaged in or on any of the places or things referred to in that paragraph,

to prevent the escape, flow or drainage of any oil, flammable liquid or liquid derived from oil, directly or indirectly into or upon any waters, land or vessel within the Port.

(2) A person referred to in subregulation (1) who causes or permits escape, flow or drainage of the kind described in that subregulation commits an offence.

Penalty: \$2 000.

Children not allowed on wharves

185. A child of less than 14 years of age is not allowed on any wharf unless under the care and supervision of an adult.

Penalty: \$2 000.

Drinking of liquor

186. (1) A person shall not consume liquor on any property of the Port Authority unless that person—

- (a) obtains the permission of the Harbour Master; and
- (b) complies with any condition the Harbour Master may impose.

Penalty: \$2 000.

(2) In this regulation “liquor” has the meaning given by section 3 of the *Liquor Licensing Act 1988*.

PART 10—MISCELLANEOUS**Defence**

187. It is a defence to a charge arising from the failure of the person charged to comply with a direction for the person charged to show that—

- (a) the person had reasonable grounds for believing that compliance with the direction would have been likely to imperil his vessel, its cargo, or a person for whose safety the person charged was responsible; or
- (b) in the circumstances compliance was impracticable.

Exemption from liability

188. The Port Authority is not liable for damage or loss suffered by any person in consequence of—

- (a) an act of God;

- (b) an act of war;
- (c) an act of public enemies;
- (d) strikes, lockouts or stoppages or restraints of labour (whether partial or general) from whatever cause;
- (e) riots and civil commotions; or
- (f) the use for the purposes of war or defence, or training or preparation for war or defence, of any of the property of the Port Authority.

Repeal

189. The *Shipping and Pilotage (Port of Dampier) Regulations 1984** are repealed.

[*Published in the Gazette of 27 August 1984.]

Transitional

190. (1) Without limiting the operation of the *Interpretation Act 1984*—

- (a) a pilotage exemption certificate issued under the repealed regulations and in force immediately before the commencement is deemed to be a pilotage exemption certificate issued under regulation 59; and
- (b) where a pilotage exemption certificate issued under the repealed regulations is, immediately before the commencement, suspended, it is deemed to be so suspended under regulation 62.

(2) In this regulation—

“commencement” means the commencement of these regulations;

“repealed regulations” means the regulations repealed by regulation 189.

SCHEDULE 1

PROCEDURE OF PORT AUTHORITY

(Reg. 8)

Minutes

1. 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.

Order of business at ordinary meeting

2. After the signing of the minutes, the order of business at an ordinary meeting shall be as determined by the Port Authority.

Order of business at special meeting

3. The order of business at a special meeting shall be the order in which such business stands in the notice of that meeting.

Motions

4. All notices of motion shall be dated, signed and given to the person holding the office of Secretary of Port Authority, either at a meeting of Port Authority or 3 clear days, at least, prior to the holding of any ordinary meeting and the Secretary shall send a copy of a notice of motion to each member with the ordinary notice of meeting.

Absence of member giving notice of motion

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

Order of debate

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

Motion not to be withdrawn without consent

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

Motion to be seconded

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

Mover of a motion

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

Priority in discussion

10. If 2 or more members speak at the same time, the Chairman shall decide which member is entitled to priority.

Members not to speak a second time on same question

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

Members not to digress, etc.

12. A member shall not digress from the subject matter of the question under discussion, and all imputations of improper motives, and all personal reflections, are out of order.

Members called to order

13. A member called to order shall remain silent, unless permitted to explain.

Members to have access to documents

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

Voting

15. The members shall, when a division is called for, vote by show of hands, and, except where the Act otherwise provides, all members present shall vote.

Motions in writing if required

16. 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.

If amendment negated a second may be moved

17. (1) Where an amendment is negated, a second amendment may be moved to the motion to which the first amendment was moved, but only one amendment shall be submitted to the members for discussion at a time.

(2) If an amendment is carried it shall become the substantive motion, and only one amendment shall be made thereon at any one time.

Mover of motion has right to reply

18. 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 by the Chairman.

Motion for adjournment

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

Suspension of rules

20. Any one or more of the rules set out in this Schedule may be suspended for a special purpose by the consent of two-thirds of the members present.

SCHEDULE 2

(Regs. 12, 13, 14 & 16)

SIGNALS

Table 1—General port signals

Column 1 Purpose of signal	Column 2 Description of signal
1. Pilot required.....	By day— (a) International Code Flag "G"; or (b) the Pilot Jack. By night, International Code Signal "G" by flashing.
2. Medical assistance required.....	By day, International Code Flag "W". By night, International Code Signal "W" by flashing.
3. Carrying dangerous goods or not sufficiently free of dangerous goods	By day, International Code Flag "B" not less than 900 mm square flown in a prominent position. By night, a red light, positioned clear of all other lights, that is of such character and is so exhibited as to ensure all round visibility for a distance of at least 2 nautical miles.

Table 2—Other signals

A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall—

- (a) exhibit the lights and shapes prescribed in paragraph (b) of rule 27 of the rules set out in the *Prevention of Collisions at Sea Regulations 1983*; and
- (b) in addition to the lights and shapes required by paragraph (a)—
 - (i) when an obstruction exists but the vessel is not blocking the channel, exhibit the lights and shapes prescribed in paragraph (d) of the rule referred to in paragraph (a);
 - (ii) when the vessel is blocking the channel, exhibit 2 all-round lights in a vertical line the higher of which lights shall be red and the lower of which shall be green; or a black ball above a black cone in a vertical line.

SCHEDULE 3

(Reg. 51)

PILOT BOARDING GROUND

The area bounded by lines of latitude 20°24'00"S and 20°24'30"S and meridians of longitude 116°44'30"E and 116°43'00"E.

SCHEDULE 4
PORT CHARGES AND STORAGE CHARGES

(Regs. 70, 74, 75 & 76)

1. Port dues	4.4 cents per gross tonne (minimum charge of \$150.00)	
2. Wharfage charges—		
(a) Private motor vehicles	per vehicle	\$5
(b) Passengers	per passenger	\$2
(c) Bunkers on which inwards wharfage has not been paid	per tonne	\$2 (minimum charge of \$10 per consignment)
(d) Petroleum products in bulk	per tonne	\$4
(e) General cargo for which specific rates are not otherwise provided—		
Inwards	per tonne	\$4
Outwards	per tonne	\$4
3. Service charges—		
(a) Berth hire for vessels not working manifested cargo— per 6 hourly period or part thereof		\$50
(b) Fresh water—per tonne		\$2.50
(c) Gangway hire—per day or part thereof		\$50
4. Storage charges—		
\$1.00 per square metre or tonne (whichever is the greater), per week or part thereof (minimum charge of \$20.00)		

SCHEDULE 5
PILOTAGE AND RELATED CHARGES

(Reg. 77)

Table 1—Pilotage dues

Nature of pilotage services	Tonnage of vessel (in tonnes)	Charge \$
1. Pilotage of vessels entering or departing from the Port	Not exceeding 20 000	11 cents per tonne (minimum charge of \$1 075)
	Exceeding 20 000 but not exceeding 30 000	\$2 426
	Exceeding 30 000 but not exceeding 40 000	\$2 679
	Exceeding 40 000 but not exceeding 50 000	\$2 891
	Exceeding 50 000 but not exceeding 60 000	\$3 002
	Exceeding 60 000	\$3 314
	2. Pilotage of vessels being moved within the Port	Not exceeding 1 000.
Exceeding 1 000		\$325

