



# Government Gazette

OF

## WESTERN AUSTRALIA

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PERTH: WEDNESDAY, 27th OCTOBER

[1971

Shipping and Pilotage Act, 1967.

## PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Major-General Sir Douglas  
TO WIT, } Anthony Kendrew, Knight Commander of the  
DOUGLAS KENDREW, } Most Distinguished Order of Saint Michael and  
Governor, } Saint George, Companion of the Most Honourable  
[L.S.] } Order of the Bath, Commander of the  
Most Excellent Order of the British Empire,  
Companion of the Distinguished Service Order,  
Governor in and over the State of Western  
Australia and its Dependencies in the Com-  
monwealth of Australia.

WHEREAS it is provided by subsection (2) of section 10 of the Shipping and Pilotage Act, 1967, that the Governor may by proclamation declare any place described in the proclamation to be a port for the purposes of that Act: Now, therefore, I, the Governor, acting with the advice and consent of the Executive Council and in exercise of the powers conferred by subsection (2) of section 10 of the Shipping and Pilotage Act, 1967, do hereby declare the place described in the schedule to this proclamation to be a port for the purposes of that Act, to be known as the Port of Dampier.

Schedule.

Port of Dampier.

All waters within a radius of 10.5 miles from a point at the entrance to Withnell Bay in position latitude 20° 34.6' south, longitude 116° 46.5' east, excluding all waters in Nickol Bay and also excluding any wharf, pier, jetty, landing stage, quay, dock slip, platform, mooring buoy, dolphin or stationary vessel (whether above or below high water mark) which serves the port and which is now or hereafter erected, constructed or installed on any land held by the Company under any tenure or which is otherwise under the control of the Company, and includes any machinery, equipment, or premises erected, constructed or installed on or in connection with any of the same.

Given under my hand and the Public Seal of the said State, at Perth, this 6th day of October, 1971.

By His Excellency's Command,  
C. J. JAMIESON,  
Minister for Works.

GOD SAVE THE QUEEN ! ! !

## SHIPPING AND PILOTAGE ACT, 1967.

Harbour and Light Department,  
Fremantle, 6th October, 1971.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of sections 2 and 12 of the Shipping and Pilotage Act, 1967, has been pleased to make the regulations set out in the schedule hereunder.

A. M. FULLER,  
Manager.

Schedule.

Regulations.

Principal regulations.

1. In these regulations, the Ports and Harbours Regulations published in the *Government Gazette* on the 3rd February, 1966, as amended by notices so published from time to time thereafter, are referred to as the principal regulations.

Reg. 2 amended.

2. Regulation 2 of the principal regulations is amended by adding after the word, "Fremantle" in line two, the words, "and the Port of Dampier".

## SHIPPING AND PILOTAGE ACT, 1967.

Harbour and Light Department,  
Fremantle, 6th October, 1971.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Shipping and Pilotage Act, 1967, has been pleased to make the regulations set out in the schedule hereunder.

A. M. FULLER,  
Manager.

## SCHEDULE.

## PORT OF DAMPIER REGULATIONS.

1. These regulations may be cited as the Port of Dampier Regulations.
2. In these regulations, unless the contrary intention appears—
  - “coasting vessel” means a vessel registered in the Commonwealth solely employed in trade between ports of the State;
  - “Harbour Master” includes a person for the time being carrying out the duties of the Harbour Master appointed for the port, during any absence, illness or incapacity of that Harbour Master;
  - “interstate vessel” means a vessel registered or owned within the Commonwealth or New Zealand that is solely employed in trading—
    - (a) between ports of the Commonwealth, other than solely between ports in the State, or of New Zealand and ports of the State; or
    - (b) between Singapore as a terminal port and the State by way of all or any of the ports on the north-western coast of the State;
  - “Manager” means the person for the time being holding the office of Manager of the Department;
  - “master” in relation to a vessel, means the person for the time being having the command, charge, custody or control of the vessel;
  - “owner” in relation to a vessel, includes the authorised agent of the owner;
  - “passenger” means any person carried in a vessel, other than as the master, a seaman or indentured apprentice;
  - “pilot” means any person appointed by the Governor to be a pilot at the port;
  - “pilot boarding ground” means the area described in the First Schedule to these regulations;
  - “surveyor” means a person appointed by the Governor to act as a surveyor of vessels and machinery;
  - “the Department” means the Harbour and Light Department of the State;
  - “the port” means the place for the time being declared to be the Port of Dampier for the purpose of the Shipping and Pilotage Act, 1967;
  - “tons” or “tonnage”, in relation to a British registered vessel, means the gross registered tons or tonnage calculated in accordance with the British measurement of registered tonnage, and in relation to any other vessel, means the gross registered tons or tonnage calculated in accordance with the standard of measurement adopted by the authority by which the vessel is registered;
  - “vessel” includes ship, hulk, boat, barge, lighter, flat and any other type of craft howsoever propelled;
  - “vessel of war” means a vessel built for combatant service or converted for that purpose and tankers conveying fuel oil for such a vessel, if the vessel is owned or otherwise 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 which is a party with Her Majesty to any military alliance and not engaged in trade, but does not include a vessel used solely for the transport of troops, stores or equipment;
  - “wharf” includes any jetty or structure to which a vessel may be made fast or on which passengers, cargo or merchandise may be loaded or discharged.

3. (1) Subject to subregulation (2) of this regulation, the provisions of these regulations apply to and in relation to all vessels and persons in, entering or departing from the port.

(2) The provisions of regulation 18, subparagraphs (ii) and (iii) of paragraph (b) of subregulation (1) of regulation 19, regulations 20, 21, 22, and regulations 26 to 46, inclusive, do not apply to or in relation to a company wharf or a vessel lying at a company wharf.

(3) In subregulation (2) of this regulation, "company wharf" has the same meaning as is given to the term, "wharf" in the Hamersley Iron (Port of Dampier) By-laws in force under the Iron Ore (Hamersley Range) Agreement Act, 1963.

4. The signal to be displayed upon any vessel for a purpose referred to in the first column of Table 1 in the Second Schedule to these regulations shall be the signal set out in the second column of that Table opposite to that purpose.

5. (1) The signal to be displayed by the master of a dredger within the port for a purpose set out in the first column of Table 2 in the Second Schedule to these regulations shall be the signal set out in the second column of that Table opposite to that purpose.

(2) The master of a dredger who fails to give the appropriate signal set out in that Table in any case where the dredger—

(a) is blocking a channel;

(b) is under way but unable to manoeuvre so as to give way to or avoid any other vessel;

(c) is otherwise unable to move, or is out of control; or

(d) is so placed or is so being worked as to constitute a danger to the safe navigation of any other vessel unless the appropriate signal is given,

commits an offence.

6. A master of a vessel shall not use or display or cause or permit any person on the vessel to use or display—

(a) a signal set out in the second column of Table 1 or Table 2 in the Second Schedule to these regulations except for the purpose of conveying the message set out in the first column of Table 1 or Table 2, as the case may be, opposite to that signal; or

(b) for the purpose of conveying a message set out in the first column of Table 1 or Table 2 in the Second Schedule to these regulations, a signal other than the signal set out in the second column of Table 1 or Table 2, as the case may be, opposite to that message.

7. The master of any vessel other than—

(a) a vessel of war;

(b) a vessel of which the gross registered tonnage does not exceed one hundred and fifty tons; or

(c) a coasting vessel or an interstate vessel of which the master holds a Pilotage Exemption Certificate that is valid with respect to the port,

shall not cause or permit the vessel to enter or depart from the port without having first taken on board a pilot.

8. (1) Where the master of a vessel approaching the port is required by regulation 7 of these regulations to obtain the services of a pilot before entering the port he shall—

(a) lay to on the pilot boarding ground so as to provide the best possible lee;

(b) provide on the lee side of the vessel a pilot ladder fitted with spreaders and a man rope on either side of the ladder made fast to the vessel quite independent of the ladder, and cause the ladder to be suitably illuminated if the pilot is to board the vessel at night;

(c) if the vessel is of high structure, and is fitted with gangway doors, cause one gangway door to be opened and the ladder rigged at that doorway;

(d) provide a suitable boat rope of which the forward end is fastened well clear forward of the ladder in readiness to be released when the pilot vessel has secured the boat rope; and

(e) arrange for all scuppers, sanitary and other refuse outlets near the pilot ladder to be closed.

(2) The master of a vessel from which a pilot is being discharged after the vessel has departed from the port shall make arrangements similar to those set out in subregulation (1) of this regulation to assist the pilot leaving the vessel and boarding the pilot boat.

9. The master of a vessel onto which a pilot has been taken, shall, if requested, declare to the pilot the draught of the vessel.

10. The master of a pilot boat shall, at any time that the vessel is in service, cause to be so flown from the pilot boat as to be easily discernible from a reasonable distance a flag of which the upper half is white and the lower half red.

11. The master of any vessel that is employed to tow, move or in any way assist the manoeuvring of a vessel in the charge of a pilot shall obey all orders and directions of the pilot.

12. The master of any vessel shall not move the vessel within the port without the consent of the Harbour Master and shall, if the Harbour Master so directs, obtain the services of a pilot before moving the vessel within the port.

13. (1) The master or owner of any 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,

for which the services of a pilot have been obtained at the port shall pay to the Harbour Master the charge set out in Part I of the Third Schedule to these regulations that is appropriate to the size and class of the vessel and the nature of the pilotage services obtained.

(2) For the purposes of subregulation (1) of this regulation, the services of a pilot are to be deemed to have been obtained—

(a) in respect of a vessel that could not conveniently be boarded by a pilot and was led into port by a vessel on which a pilot was on board for the purpose of guiding that firstmentioned vessel into port; or

(b) in respect of a vessel that was brought into or out of the port, or that was moved within the port, without the services of a pilot being obtained in circumstances in which, pursuant to the provisions of regulation 7 or regulation 12 of these regulations, as the case may be, the master was required to take a pilot on board the vessel.

(3) In the event of a pilot being detained at a vessel until the vessel is ready to leave the berth, a special charge of \$3.00 per hour or portion thereof, shall be payable.

(4) Where a pilot is called out to attend a vessel in accordance with an application for pilotage and the vessel does not arrive at the boarding ground at the time given and the pilot is required to await the arrival of the vessel or the arrival is cancelled completely, detention of the pilot and the pilot vessel shall be payable at the rate of \$10.00 per hour for the period of the detention.

(5) Except under circumstances of unavoidable necessity, a pilot shall not, without his consent, be detained on board any vessel, or be taken to sea or beyond the limits for which he is licensed or into quarantine ashore or afloat, in any vessel whatever; and if he is so detained or taken under circumstances of unavoidable necessity or without his consent, he shall be entitled to the sum of twenty dollars per day, and a free passage back to the port, all of which shall be paid by the owners of the vessel in addition to the appropriate pilotage charges.

14. (1) The master of a coasting vessel or an interstate vessel who wishes to obtain a Pilotage Exemption Certificate in respect of the port and who—

(a) is a natural born or naturalised subject of Her Majesty;

(b) has, within the immediately preceding period of two years made not less than three trips as master or chief officer into and out of the port in such a vessel; and

(c) has given to the Harbour Master at the port not less than twenty-four hours' notice of his intention to apply for a certificate together with a fee of ten dollars,

may apply to the Harbour Master for a Pilotage Exemption Certificate in respect of the port.

(2) The master of an interstate vessel that is engaged in trading between Singapore as a terminal port and the State by way of all or any of the ports on the north-western coast of the State, may not apply under subregulation (1) of this regulation for a Pilotage Exemption Certificate without having first obtained the consent of the Manager to his so applying.

(3) The Harbour Master shall examine every applicant as to his knowledge of all matters concerning the navigation of vessels within the port, and, if he is satisfied that the applicant has sufficient knowledge of those matters to enable him to safely navigate a vessel into and out of the port without the services of a pilot, the Harbour Master may, with the approval of the Manager, grant the applicant a Pilotage Exemption Certificate in respect of the port.

(4) Subject to subregulation (6) of this regulation, a Pilotage Exemption Certificate remains in force only while the holder after the issue of the certificate—

- (a) submits to and passes once in each year an eyesight test conducted in a manner determined by the Manager; and
- (b) at least once in each period of five years makes one trip into and out of the port as master or mate of a vessel of a kind referred to in subregulation (1) of this regulation.

(5) The result of any eyesight test conducted in pursuance of subregulation (4) of this regulation shall be endorsed on the certificate of the person submitting to the test.

(6) The Manager may suspend any Pilotage Exemption Certificate if he is of the opinion that—

- (a) the carrying out of construction work in the port;
- (b) the alteration of the dredged area of the port; or
- (c) any other similar change in circumstances,

after the last trip by the holder of the certificate into or out of the port as master of a vessel may render the master unable to bring a vessel into or out of the port in absolute safety without the services of a pilot.

(7) The holder of a Pilotage Exemption Certificate that has been suspended by the Manager may apply to the Manager to be re-examined without fee, and the Manager shall cause the applicant to be examined by the Harbour Master, and the provisions of subregulation (3) of this regulation apply in relation to any examination conducted under this subregulation.

15. (1) The master of a vessel approaching the port who is, by reason of his being the holder of a Pilotage Exemption Certificate, entitled to bring the vessel into the port without taking on board a pilot, shall cause to be flown from the vessel from the time that the vessel is within five miles of the port until the vessel berths, a white flag.

(2) Where a master referred to in subregulation (1) of this regulation fails to comply with the provisions of that subregulation, the master or owner of that vessel shall be liable to pay the charges for pilotage that would have been payable if the services of a pilot had been obtained.

16. The master or owner of any vessel other than—

- (a) a vessel of war;
- (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;
- (c) a mission vessel;
- (d) a vessel calling at a port either for the purpose of remedying a situation endangering the safety of the vessel or of obtaining medical treatment for a person on board;
- (e) a vessel owned and used solely for private pleasure purposes; or
- (f) a fishing vessel used for professional purposes,

entering, calling at or using the port shall pay to the Department conservancy dues calculated in accordance with the provisions of regulation 18 of the Ports and Harbours Regulations in force under the Shipping and Pilotage Act, 1967.

17. (1) The master of any vessel shall obey all lawful orders of the Harbour Master, and generally follow such directions as the weather, the crowded conditions of the port or other circumstances may render necessary or expedient, in the judgment of the Harbour Master, for the safety and interest of the whole shipping.

(2) The Harbour Master has the entire control of the anchoring, mooring, berthing and movement of all vessels within the port, and shall appoint the place where any vessel is to anchor, moor or lie in the port and the berth that any vessel is to occupy.

(3) The Harbour Master may at any time order the master of a vessel within the port to move the vessel from its place in the port to any other place in the port.

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

(5) The Harbour Master may require the master of a vessel that is entering, departing from or being moved within the port, to engage the services of one or more tugs for that purpose.

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

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

19. (1) The master of any vessel within the port—

- (a) shall anchor, moor or berth the vessel at the place appointed by the Harbour Master and in no other place;
- (b) shall forthwith comply with any order of the Harbour Master requiring him—
  - (i) to move the vessel from its place in the port to any other place in the port;
  - (ii) to put down additional anchors or mooring lines to secure the vessel; or
  - (iii) to slacken any anchor chains or ropes or mooring lines securing the vessel.

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

20. (1) The master of any vessel berthed at any wharf or jetty shall, unless the Harbour Master otherwise directs, at all times that the vessel is so berthed—

- (a) cause the vessel to be fitted with such gangways and manropes as in the opinion of the Harbour Master are necessary for the safety and convenience of the public;
- (b) place under each gangway a safety net or other device that is, in the opinion of the Harbour Master, suitable to prevent any person using the gangway from falling into the water;
- (c) cause to be displayed between sunset and sunrise lights that adequately light any gangway fitted to the vessel; and
- (d) cause a watch to be kept upon the gangway.

(2) A person other than a member of the crew of the vessel or a person authorised by the Harbour Master shall not board or leave, or attempt to board or leave, a vessel before a gangway and net have been properly fitted and secured to the vessel.

(3) A person employed to control the use of any gangway shall not permit any person to leave or board, or to attempt to leave or board, a vessel before a gangway and net have been properly fitted and secured to the vessel.

21. (1) The master of any vessel exceeding one hundred and fifty tons gross registered tonnage shall, unless the Manager or the Harbour Master otherwise directs, cause a watchman to be kept on duty on the deck of the vessel between sunset and sunrise whenever the vessel is within the port.

(2) The master of a vessel exceeding one hundred and fifty tons gross registered tonnage shall, unless the Manager or the Harbour Master otherwise directs, cause one person to be on board the vessel between sunrise and sunset whenever the vessel is within the port.

(3) The master of any vessel of one hundred and fifty tons gross registered tonnage or less shall, if the Harbour Master directs, cause one person to be on board the vessel at any time that the vessel is within the port.

22. (1) Unless the consent in writing of the Harbour Master has been first obtained, the master of a vessel lying at any wharf shall not cause or permit the use of a flare-up lamp or naked light in any hold of the vessel.

(2) The Harbour Master may board or enter any ship or place within the port to search for any fire, or any flare-up lamp or naked light that he suspects may be burning in a vessel or any other prohibited place in the port and may extinguish any such fire, flare-up light or naked light that he may find and take any other action he thinks necessary for the safety of the port.

23. Where a fire occurs on any vessel within the port, the master of the vessel shall forthwith notify the Harbour Master and his assistants and every person on board or belonging to the vessel shall render the Harbour Master and his assistants such assistance towards extinguishing the fire and protecting other vessels as the Harbour Master may direct.

24. The master of any vessel lying alongside a wharf in the port shall not—

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

25. A person shall not throw a carcass of a dead animal or any stone or debris overboard from a vessel within the port.

26. A person shall not smoke in the hold of any vessel within the port, or in any other part of a vessel in relation to which the master of the vessel or the Harbour Master directs that smoking is prohibited.

27. In regulations 28 to 45, inclusive, of these regulations, unless the contrary intention appears—

“inflammable liquid” means petroleum, kerosene, and any oil, liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen or any similar substance, and which has a true flashing point of less than 150 degrees Fahrenheit, and any other liquid which the Governor by Proclamation in the *Gazette* declares to be an inflammable liquid for the purposes of these regulations;

“oil vessel” means any ship having on board or having lately had on board any inflammable liquid as cargo or part cargo, and includes a tank steamer, barge, or other vessel fitted to carry inflammable liquid.

28. The master of an oil vessel shall, at all times that the vessel is nearing or is at a wharf or jetty, display at the foremast head, or other conspicuous place clear of all obstructions so as to be clearly visible from any direction at a distance of at least one mile from the vessel—

- (a) by day, the International Code flag “B”; and
- (b) during the hours of darkness a red light so positioned as to be clear of all other lights on the vessel.

29. The agents or master of any oil vessel intending to load or unload any quantity in excess of 40 gallons of inflammable liquid, shall, immediately after making fast to any wharf or jetty, give notice in writing to the Harbour Master of that intention, with particulars as to the quantity of inflammable liquid intended to be loaded or discharged.

30. The master of an oil vessel shall not permit inflammable liquids to be discharged or loaded without first obtaining the written permission of the Harbour Master.

31. The master of an oil vessel shall moor his vessel only at such places as the Harbour Master shall from time to time direct, and he shall not remove his vessel from the place as directed without the written permission of the Harbour Master.

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

- (a) after the vessel is made fast to a wharf or jetty, all holds, tanks, and spaces containing inflammable liquid shall be kept securely closed and fastened down, except when opened for the purpose of discharging;
- (b) an oil vessel with its cargo in bulk shall not be berthed until it is ready to load or discharge, and shall at all times continue and complete the loading or discharging with all possible despatch;
- (c) no hold, tank, or space containing inflammable liquid in containers shall be opened until all trucks or other vehicles into which such goods are to be loaded are placed alongside the vessel and all is in readiness to commence the work;
- (d) after the vessel is made fast to a wharf or jetty, all holds, tanks or spaces containing inflammable liquid shall be kept properly ventilated, to the satisfaction of the Harbour Master, to disperse all dangerous vapour that may be generated by the cargo or collected or lie in those places;
- (e) an oil vessel loading or unloading inflammable liquid in casks, barrels, or other receptacles or containers shall work its cargo or carry out any other work on board only as directed by the Harbour Master;
- (f) inflammable liquid contained in casks, barrels or other receptacles shall not be landed on any wharf or jetty from a vessel unless the casks, barrels or other receptacles are staunch and free from leakage and are of such strength and construction as to be not liable to break or to leak;
- (g) where the Harbour Master so approves in writing, inflammable liquid in bulk may be unloaded after sunset into shore tanks, and may, in special circumstances, be loaded into tank ships, and the following conditions and such other conditions as the Harbour Master may in those circumstances impose, shall be complied with—
  - (i) unless circumstances render it unavoidable, pipelines and hoses shall not be coupled, uncoupled, or otherwise interfered with, except in daylight; and
  - (ii) sufficient electric flood lighting of approved type shall be provided to give ample light for all operations;
- (h) general cargo, other than deck cargo, shall not be unloaded after sunset on any day from any oil vessel without the approval in writing of the Harbour Master.

33. The master of an oil vessel shall not permit or suffer any unauthorised person to be on board the vessel while loading or unloading of inflammable liquid is in process, and shall display and keep displayed at the main gangway while occupying any berth at a wharf or jetty a conspicuous notice to the following effect:—

NO ADMITTANCE.

OIL SHIP.

NO SMOKING ALLOWED.

34. During the loading or unloading of inflammable liquid no person shall smoke or heat any combustible matter, rivet or chip iron, or clean boilers or boiler tubes, or carry out other work likely to cause ignition on board the oil vessel or any other vessel lying alongside, and no person engaged in that loading or unloading shall carry matches or other appliances for providing or capable of providing ignition.

35. (1) From the time when tanks of an oil vessel are opened for the purpose of discharging or loading inflammable liquid in bulk, and until such time as the operations of discharging or loading have been completed and the tanks have been thoroughly ventilated, no person shall use or permit or suffer to be used on the vessel, any fire, other than approved ship's boilers, or light other than a safety lamp approved by the Harbour Master, either on board or within 100 feet of the oil vessel, without the authority of the Harbour Master.

(2) Fires, lights, or electric apparatus, other than electric filament lamps or self contained lamps, heaters, cookers, or other types of safe apparatus so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall not be used on or near the wharf at which inflammable liquid is being discharged or loaded, or upon which inflammable liquid is lying.

36. (1) Before any pumping operations of inflammable liquids are commenced, and during the continuance of those operations, the master shall cause—

- (a) a competent signalling staff to be in attendance both at the tank installation and on board the oil vessel; and
- (b) telephonic communication between the same points to be established and maintained.

(2) A responsible person shall be detailed by the master for attendance on the wharf or jetty to superintend the opening and closing of valves and for patrol of the pipe line during the whole of the pumping operation, and pumping operations shall not be commenced before the correct position of all valves has been verified by the Harbour Master, and the Harbour Master is satisfied that all precautions necessary have and will be taken to prevent leakages.

37. (1) While pumping is in progress the lids, screw caps, or other removable coverings of the tanks shall be kept securely fastened or screwed down, except so far as may be necessary to enable discharge of the inflammable liquid to proceed, and where it is necessary to remove any lid, screw cap, or other coverings, safety wire gauzes shall immediately be properly fitted, or other effective measures immediately taken, by the master to prevent the ignition of the inflammable liquid or vapours.

(2) If any leakage occurs while inflammable liquid is being loaded onto or discharged from an oil vessel, the master of the oil vessel shall forthwith cause the loading or discharging to cease.

38. Where permission has been granted by the Harbour Master in writing for the pumping of inflammable liquids into or out of an oil vessel to be carried out between sunset and sunrise, and an interruption or stoppage of loading or discharging takes place, the pumping shall not be recommenced until after sunrise.

39. (1) When an oil vessel has completed discharging inflammable liquid in bulk, the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid, and the Harbour Master approves the breaking of the pipe line.

(2) Immediately discharge of the inflammable liquid is suspended or completed, all lids, screw caps, or other coverings shall be replaced, securely fastened down and made gas tight.

40. (1) The boiler or galley fires other than those required to produce steam for pumping of an oil vessel carrying inflammable liquid in bulk shall not be alight from the time when the holds or tanks are first opened for the purposes of discharge unless the written authority of the Harbour Master is first obtained.

(2) The master shall not allow any furnace other than that required to produce steam for pumping or any galley or other fires to be alight on board an oil vessel while the running of water for ballast or other purposes into any tank, receptacle, or enclosure on the oil vessel which has contained inflammable liquids is being carried out.

(3) No ballasting shall be carried out unless all tanks are sealed down as required by the Harbour Master and the rate of ballasting any tank shall be so reduced as required by the Harbour Master, and any directions given by him for other safety measures to be taken while ballasting shall be strictly observed.

(4) No ballasting shall be carried out by the master until he is so permitted in writing by the Harbour Master, who shall lay down such further conditions under which ballasting may be carried out as he may in the circumstances consider necessary.

41. (1) All pipelines and connections thereto, flexible or otherwise, used between the oil vessel and the berth, shall at all times be kept in an oil and vapour tight condition and shall not leak.

(2) Inflammable liquid shall not be allowed to escape, either directly or indirectly, into any waters of the port.

42. The master of any oil vessel carrying inflammable liquid in bulk shall, immediately on the berthing of the vessel, have a steel wire hawser sufficiently strong to enable the oil vessel to be hauled away from the berth placed over the fore and aft ends of the oil vessel and made securely fast on board, and the hawser shall remain so placed while any inflammable liquid remains on board and until the oil vessel has been properly cleansed and ventilated.

43. The master of an oil vessel shall take all due precautions for the prevention of accidents by fire in the discharge of inflammable liquids, and shall himself remain, or cause a responsible officer of the vessel to remain, on board the vessel, together with a sufficient crew, during the whole time of discharge, or while any inflammable liquid remains on board.

44. The master of the oil vessel shall, when required so to do by the Harbour Master, do any act necessary to permit the Harbour Master to inspect and examine the inflammable liquid on board the vessel and any appliances to be used on the vessel for the purpose of ascertaining whether the provisions of these regulations are being observed and whether all other measures necessary for general safety are being taken.

45. (1) The loading or unloading of inflammable liquid into or from an oil vessel berthed at a wharf or jetty shall not be commenced unless—

(a) a barricade capable of preventing any unauthorised person having access to the vessel and pipe line hose connections has been erected on the wharf or jetty; and

(b) satisfactory provision has been made for watchmen to be in attendance to prevent the entrance of any unauthorised person and to take possession of matches from all persons passing through the barricade towards the oil vessel and to assist generally in the enforcement of these regulations.

(2) The erection and maintenance of the barricade and the employment or engagement of watchmen shall be carried out and arranged by or in accordance with the directions of and to the satisfaction of the Harbour Master.

(3) Any barricade erected on a wharf or jetty in pursuance of this regulation shall be so erected as to enclose an area of the wharf or jetty extending to a distance not less than 100 feet past each end of the oil vessel and 100 feet out from the vessel measured from the point on the side of the vessel closest to the wharf or jetty.

46. (1) No ship having explosives on board shall go alongside a wharf for any purpose or lie within a distance of a half a mile of any wharf or jetty or of any other ship except by permission of the Harbour Master.

(2) Ships when entering the port with explosives on board and while in port shall fly a red burgee at the mast until all explosives are discharged.

(3) No explosives shall be loaded, unloaded or conveyed unless the same are packed and marked in accordance with the Explosives and Dangerous Goods Act, 1961, or of regulations made thereunder, and no explosive shall be so handled unless it is authorised to be imported and sold in Western Australia or otherwise unless it is approved under an Entry Permit issued by the Chief Inspector of Explosives.

(4) No explosive shall be unloaded at the port unless the Harbour Master is satisfied that it is imported under authority of a License or an Entry Permit issued by the Chief Inspector of Explosives.

(5) Explosives shall not be loaded to or unloaded from a ship except between the hours of sunrise and sunset unless special permission is given by an Inspector of Explosives.

(6) Explosives exceeding 5 lb. in weight shall not be conveyed in a boat or ship whilst carrying or plying for passengers for hire or reward without written approval of an Inspector of Explosives.

(7) The loading, unloading and conveyance of explosives at the port shall be carried out in accordance with the general provisions of the Explosives and Dangerous Goods Act, 1961 or the Regulations thereunder.

(8) The maximum amount of explosives to be unloaded at the port shall be decided from time to time by the Chief Inspector of Explosives who shall take into consideration the type of explosives concerned, the facilities available for handling at the port and the magazine storage available for storing the explosives.

(9) When a ship goes alongside at any wharf or jetty for the purpose of unloading explosives, there shall be no other ship alongside at the same time while the unloading is in progress and no work of any kind shall be permitted on the wharf or jetty which is not directly necessary for the unloading of explosives from the ship.

(10) During the loading or unloading of explosives at the port there shall be observed such rules as are laid down by the Chief Inspector of Explosives, except that when such work is done under direct supervision of an Inspector of Explosives, then all directions of the Inspector shall be obeyed whether provided for in the rules or not so provided.

(11) All matters relative to the handling of explosives at the port which are not provided for in these regulations shall be referred to the Chief Inspector of Explosives who shall decide what action shall be taken.

(12) Classes and divisions of explosives are those used in the classification of explosives contained in the Second Schedule to the Explosives and Dangerous Goods Act, 1961.

(13) Nothing in this regulation applies to any ship having on board exclusively explosives of the following kind or kinds or to the loading or unloading into or out of, or conveyance to or from, any ship of the same:—

(a) Explosives belonging to Division 1 of Class 6 and including such explosives as—

Fuse Igniters.  
Percussion Caps.  
Safety Cartridges.  
Safety Fuse.  
Igniter Cord Connectors.

(b) Explosives of Class 7 Division 3, including all fireworks of the shopgoods class.

(c) Other explosives in such quantities as may from time to time be approved by the Chief Inspector of Explosives.

(d) Explosives on ships of war and such explosives as are exempt under section 63 (a) of the Explosives and Dangerous Goods Act, 1961.

(e) Explosives carried for the vessel's own use in such quantities as are necessary to meet the law's requirements for signalling purposes and provided that the explosives are kept, while the ship is in port, in an approved type of magazine and that if two or more of the following explosives be in the same vessel they shall be kept in separate and completely enclosed receptacles in the magazine:—

Gunpowder.  
Rockets.  
Sound Signal Rockets.  
Blue Lights.  
Holmes Lights.  
Pyrotechnic Signals of any other kind.

47. (1) A member of the Police Force may, where he considers it necessary for the due enforcement of these regulations, board any vessel within the port and search and inspect the vessel and any machinery, equipment, cargo or article in or on board the vessel.

(2) A person shall not interfere with or in any way obstruct a member of the Police Force acting in pursuance of subregulation (1) of this regulation.

48. Where by these regulations an act is required to be done, or forbidden to be done in relation to any vessel, the master of a vessel has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

49. A master or other person who fails to do or does any act that by these regulations he is required to do, or is forbidden from doing, as the case may be, commits an offence and is liable on conviction to a penalty—

- (a) if the offence is committed by the master of a vessel—not exceeding two hundred dollars; or  
(b) in any other case—not exceeding one hundred dollars.

## FIRST SCHEDULE.

## Pilot Boarding Ground.

The area delineated and bound by a line commencing from a position bearing 090° distance 1.5 miles from Courtenay Head, thence 195° distance 2 miles, thence 090° distance 1.7 miles, thence 015° distance 2 miles, thence 270° distance 1.7 miles to the point of commencement.

## SECOND SCHEDULE.

Table 1—General Port Signals.

Purpose of Signal.	Signal to be displayed.
Pilot required	By day— <ol style="list-style-type: none"> <li>1. International Code Flag G;</li> <li>2. International Code Flags PT; or</li> <li>3. The Pilot Jack.</li> </ol> By night— <ol style="list-style-type: none"> <li>1. A pyrotechnic light, commonly known as a blue light, shown every 15 minutes;</li> <li>2. A bright white light flashed at short or frequent intervals just above the bulwarks of the vessel for a minute at a time; or</li> <li>3. International Code signal PT by flashing.</li> </ol>
Customs Officer required	International Code Flags E.H.C.
Medical Assistance required	International Code Flag W.
Police required	By day—International Code Flags S.T. By night—Two white lights shown five feet apart from the peak or other prominent place on the vessel.
Tug Boat required	By day— <ol style="list-style-type: none"> <li>1. International Code Flags Y.A., and, if more than one tug boat required, the International Code Flags to indicate the number required; or</li> <li>2. Two blasts on whistle, one long and one short.</li> </ol> By night—Two blasts on whistle, one long and one short.
Water required	International Code Flags Y.J.
Ash Boat required	International Code Flags F.S.
Lighter required	International Code Flags Q.N., and if more than one lighter required, the International Code Flags to indicate the number required.

SECOND SCHEDULE—*continued.*Table 1—General Port Signals—*continued.*

Purpose of Signal.	Signal to be displayed.
Mail on board	International Code Flag Y.
Explosives on board	By day—International Code Flag B at the foremast head or other prominent position. By night—A red light showed so as to be clear of all other lights on the vessel and clearly visible all round the horizon at a distance of at least one mile from the vessel.
Inflammable liquid on board	By day—A red flag not less than three feet square with a white circular centre six inches in diameter. By night—A red light of such character as to be visible all round the horizon at a distance of not less than one mile and so positioned as to be clear of all other lights on the vessel.

Table 2—Signals to be used by Masters of Dredging Vessels.

Purpose of Signal.	Signal.
Dredging master requires any vessel approaching from seaward to keep the dredger on the starboard hand of that vessel and requires any vessel proceeding seaward to keep the dredger on the port hand of that vessel.	By day—A black triangle on the yardarm on the side of the dredger to be passed. By night—A green light over a red light on the yard arm on the side of the vessel to be passed. In fog, mist, or heavy rain—The Morse sound signal letter "A" given at intervals of not more than two minutes on the dredger's bell.
Dredging master requires any vessel approaching from seaward to keep the dredger on the port hand of the vessel and requires any vessel proceeding seaward to keep the dredger on the starboard hand of that vessel.	By day—A red square on the yardarm on the side of the dredger to be passed. By night—A red light over a green light on the side of the vessel to be passed. In fog, mist, or heavy rain—The Morse sound signal letter "N" given at intervals of not more than two minutes on the dredger's bell.
Dredger is blocking channel	By day—A green cone between two red balls, shown vertically at the masthead. By night—A green light between two red lights shown vertically at the masthead. In fog, mist or rain—The Morse sound letter signal "S" given at intervals of not more than two minutes on the dredger's bell.

SECOND SCHEDULE—*continued.*Table 2—Signals to be used by Masters of Dredging Vessels—*continued.*

Purpose of Signal.	Signal.
Vessel may pass on either side of the dredger.	By day—A white flag at the masthead. By night—A green light on both yard-arms.
Dredger is unable to move, or is out of control.	By day—A red flag on the masthead. By night—A red light on both yard-arms.
Self-propelled dredger that is under way and is unable to manoeuvre so as to give way to or avoid other vessels.	By day—One red ball over one white diamond shape over one red ball, mounted vertically. By night—One red light over one white light over one red light, the lights being mounted vertically and so positioned as to be clearly visible at a distance of at least two miles.

The Morse sound signals referred to in this table shall be given as follows—

- (a) A short ring—Of  $1\frac{1}{2}$  seconds' duration;
- (b) a long ring—Of 4 seconds' duration; and
- (c) intervals between rings—Of  $1\frac{1}{2}$  seconds' duration.

## THIRD SCHEDULE.

## Pilotage Charges.

1. The comprehensive charges for inwards and outwards pilotage of vessels shall be as follows:—

Gross Registered Tonnage of Vessel.	Charge.
Not exceeding 5,000 tons ....	3.75 cents per ton, with a maximum charge of \$160.00
Exceeding 5,000 tons but not exceeding 10,000 tons ....	\$200.00
Exceeding 10,000 tons but not exceeding 20,000 tons ....	\$250.00
Exceeding 20,000 tons but not exceeding 40,000 tons ....	\$340.00
Exceeding 40,000 tons but not exceeding 60,000 tons ....	\$400.00
Exceeding 60,000 tons ....	\$500.00

2. The charges for pilotage of vessels being removed from a place in the port to another place in the port are—

- (a) for a vessel of 1,000 tons gross registered tonnage or less, \$15; and
- (b) for a vessel of more than 1,000 tons gross registered tonnage, \$24.

## IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT, 1963-1968.

Department of Industrial Development,  
Perth, 6th October, 1971.

HIS Excellency the Governor in Executive Council acting under the provisions of the Iron Ore (Hamersley Range) Agreement Act, 1963-1968 and on the recommendation of Hamersley Iron Pty. Limited, has been pleased to make the by-laws set out in the schedule hereunder.

T. J. LEWIS,  
Director.

## Schedule.

**HAMERSLEY IRON (PORT OF DAMPIER) BY-LAWS.**

## PART I.

1. These by-laws may be cited as the Hamersley Iron (Port of Dampier) By-laws. Citation.
2. Unless the context otherwise requires, each of these by-laws shall apply to all wharves, port installations, port services and port facilities, all as defined in by-law 3 of these by-laws. Application.
3. In these by-laws unless the context otherwise requires— Interpretation.
  - (1) "Ballast" includes any kind of stone, gravel, sand, soil or material commonly used for the ballasting of vessels.
  - (2) "Berth" means a position alongside any wharf or alongside any vessel fastened to any wharf and when used as a verb shall have a corresponding meaning.
  - (3) "Boat" means every description of vessel used in navigation not being a ship.
  - (4) "Buoy" or "Beacon" includes any other port installation (not being a harbour light) placed in aid of navigation.
  - (5) "Cargo" means wares, merchandise, chattels, livestock, ores, minerals, metals and products thereof and other articles of whatsoever description (other than mails, passengers' baggage and ship's stores) which may be loaded or unloaded or intended or able so to be into or from any vessel.
  - (6) "Consignee" means the person to whom any cargo is consigned, and includes the owner of such cargo, the agent for such owner, the agent for the sale or custody of such cargo, the holder of any bill of lading or other document representing such cargo, and any other person having any right, title, or interest to or in such cargo or the possession thereof.
  - (7) "Consignor" means the person consigning any cargo, and includes the owner, shipper, agent for the owner or shipper, any other person having right, title or interest to or in such cargo or the possession thereof.
  - (8) "Due" means any due, rate, fee, toll, tax, pilotage rate, charge or payment in the nature thereof payable or leviable under or in accordance with these by-laws and includes any amount or compensation whatsoever (whether liquidated or unliquidated) required by any of these by-laws to be paid or payable pursuant to any obligation created hereby by a vessel and its master owner and agent or some or any of them to the Marine Manager or the Company and any other charge made by the Company under paragraph (f) of subclause (2) of Clause 10 of the Agreement a copy of which is set out in the First and Second Schedules to the Act.
  - (9) "Harbour Light" means any port installation which is a light erected in aid of navigation (including a pile light).
  - (10) "Master" includes every person, not being a pilot or other officer of the Company, lawfully having the command, charge or management of a ship for the time being, and includes the owner and/or agent for the owner of such vessel.

- (11) "Motor Vehicle" means a vehicle of any description drawn or propelled by mechanical power and includes a bicycle or tricycle so propelled.
- (12) "Owner" when used in relation to cargo includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of cargo, and includes also the holder of any Bill of Lading or other document representing such cargo and every person having or claiming any right, title or interest therein or thereto and includes the Crown in right of, and any instrumentality of, the State.
- (13) "Owner" when used in relation to a vessel, includes the holder of any share or interest in a vessel whether beneficially or otherwise, and also the agent for such owner and includes the Crown in right of, and any instrumentality of, the State.
- (14) "Port Installation" means any work (whether above or below high water mark and whether outside or within the port) for the improvement, protection, management, maintenance, repair or use of the port or any wharf (including without limiting the generality of the foregoing any buoy beacon harbour light or other aid to navigation) which is now or hereafter erected constructed or installed on or in any land held by the Company under any tenure or which is otherwise under the control of the Company.
- (15) "Port Service" or "Port Facility" means any service or (as the case may be) facility now or hereafter rendered or provided by the Company for or in connection with vessels using the port, any wharf or any port installation or for or in connection with the improvement protection, management, maintenance, repair or use of the port, (including without prejudice to the generality of the foregoing, pilotage and towage services) whether such service or facility is rendered or provided above or below high water mark and whether outside or within the port.
- (16) "Ship" includes every description of vessel, whether used in navigation, or in any way kept or used as a hulk or storeship, or for any other purpose and not propelled exclusively by oars.
- (17) "Tons" or "Tonnage" in relation to a British registered vessel means the gross registered tons or tonnage calculated in accordance with the British measurement of registered tonnage, and, in relation to any other vessel, means the gross registered tons or tonnage calculated in accordance with the standard of measurement adopted by the authority by which the vessel is registered.
- (18) "Tug" means any vessel employed by the Company within the port or in the vicinity thereof for towing or moving any vessel.
- (19) "Unberth" means remove from a berth.
- (20) "Vessel" means any ship, boat and every other description of vessel used or designed for use for any purpose on the sea or in navigation and without limiting the generality of the foregoing, includes any dinghy, lighter, barge, punt, hulk, raft, pontoon, seaplane, hovercraft or like vessel.
- (21) "Vessel of War" means a vessel built for combatant service or converted for that purpose and a tanker conveying fuel oil for such a vessel, provided such vessel is owned or otherwise directly managed and controlled by the Government of any of Her Majesty's Dominions or Colonies or by the Government of any foreign country which is a party with Her Majesty to any military alliance and is not engaged in trade, but does not include a vessel used for the transport of troops, stores or equipment.
- (22) "Wharf" means any wharf, pier, jetty, landing stage, quay, dock slip, platform, mooring buoy, dolphin or stationary vessel (whether above or below high water mark and whether outside or within the port) which serves the port and which is now or hereafter erected constructed or installed on any land held by the Company under any tenure or which is otherwise under the control of the Company, and includes any machinery equipment or premises erected constructed or installed on or in connection with any of the same.

- (23) "The Act" means the Iron Ore (Hamersley Range) Agreement Act, 1963-1968.
- (24) "The Collector" means the person from time to time and for the time being having authority from the Company to receive and collect any dues.
- (25) "The Company" means Hamersley Iron Pty. Limited, a company incorporated under the laws of the State of Victoria.
- (26) "The Harbourmaster" means "the harbourmaster" (as that expression is defined in the Shipping and Pilotage Act, 1967), of the Port.
- (27) "The Marine Manager" means such officer of the Company as is from time to time appointed by the Company to that office for the purpose of these by-laws and includes any person appointed by the Marine Manager or the Company as his Deputy.
- (28) "The Port" means the place declared by proclamation made and published under the Shipping and Pilotage Act, 1967, to be the Port of Dampier and to be a port for the purposes of that Act.

## PART II.

4. No vessel shall be berthed or unberthed without the permission of the Marine Manager. Berthing.
5. No vessel (other than a vessel within the Port which is directed by the Harbourmaster so to do under the Shipping and Pilotage Act, 1967 or any Regulation made thereunder) shall be anchored or moored so as to obstruct the approach to any wharf. No interference with Access.
6. All vessels occupying a berth shall if and when directed by the Marine Manager have all cables clear and in readiness to slack away. Cables.
7. No person shall, without the written permission of the Marine Manager, fire any gun or explode any detonator or other signal, (save as a signal of distress) or use any explosive on or in the vicinity of any wharf, any port installation, or any vessel occupying any berth. Guns or explosives not to be used.
8. All vessels moored to any wharf, shall have such cables, warps, hawsers, fenders and mooring ropes as are reasonable and necessary for the proper securing of the vessel. Mooring equipment.
9. The master of any vessel shall forthwith comply with any direction with respect to his vessel which may be given by the Marine Manager for or in relation to—  
 (1) the place and manner of berthing or unberthing of such vessel and (in case of unberthing) the distance which the vessel shall travel from the berth;  
 (2) the securing or mooring of such vessel to any wharf (including directions in relation to cables warps hawsers fenders or mooring ropes in addition to those required by by-law 8 of these by-laws); or  
 (3) the provision by a vessel occupying or about to occupy a berth of gangways, manropes and similar appliances, lights, safety nets and save-alls in addition to those required by by-laws 16 or 20 of these by-laws.
10. A vessel within the Port shall not be obliged to comply with the provisions of by-law 4 or by-law 9 or any direction given thereunder if to do so would constitute a failure to comply with any direction given by the Harbourmaster under the Shipping and Pilotage Act, 1967 or any Regulation made thereunder. Directions by Harbourmaster.
11. (1) In the case of non-compliance with any of these by-laws regulating the berthing unberthing mooring or unmooring of vessels and the mode and place thereof or with a direction given by him under these by-laws, the Marine Manager is hereby empowered to ensure the observance of any such by-law or (as the case may be) direction and for that purpose may berth unberth moor or unmoor any vessel. Marine Manager empowered to move vessels.

(2) In the exercise of the powers granted by sub-by-law (1) of this by-law in connection with any vessel by the Marine Manager, the master of the vessel and the crew thereof shall give and afford to the Marine Manager, all possible aid and assistance to effect the same.

(3) In carrying out the power granted to him by sub-by-law (1) of this by-law or any other power granted him hereunder the Marine Manager is without prejudice to the generality of the foregoing hereby empowered to make fast and attach any rope or other tackle to any vessel and to cast off or loose any warp or rope or unshackle or loose any chain by which any vessel is moored or fastened (first putting on board sufficient number of persons for the protection of the vessel in case there is no person on board any vessel to protect her).

(4) If there is no crew on board any vessel to be berthed unberthed moored or unmoored or in connection with which the Marine Manager desires to exercise the power given him by sub-by-law (3) of this by-law or the crew thereof refuse or fail to aid and assist as aforesaid or if the crew or tackle or quantity of ballast on board such vessel is not sufficient to enable the Marine Manager to effect the same he is hereby empowered to hire and employ such other assistance and tackle and to purchase and put on board such vessel such other quantity of ballast as to him seems requisite for the protection of the vessel or the effecting of the beforementioned objects at the cost and charge of the master, agent or owner of such vessel.

(5) The Company shall not in any way be liable for any damage or loss occurring to any vessel during or in consequence of the exercise by the Marine Manager of any power granted him by this by-law.

Tackle not to be cast off without permission.

12. No person shall, without permission from the Marine Manager, cut, cast off or interfere in any way with any rope or tackle made fast or attached to any wharf, or any vessel occupying a berth, where the same has been fastened or attached by the Marine Manager or by his direction.

Working propellor.

13. No person shall without the permission of the Marine Manager work or cause to be worked the propellor of any vessel whilst such vessel is occupying any berth, and notwithstanding that such permission has been given no person shall work such propellor or cause it to be worked where the working thereof may cause damage to any property, or injure any person; provided that nothing in this by-law shall preclude the turning of any propellor for the safe berthing or unberthing of any vessel.

Obstruction of Marine Manager.

14. No person shall by word or deed impede or obstruct the Marine Manager or any other officer or servant of the Company in the execution of his duties and the Marine Manager or any such officer or servant may board any vessel at any time for the purposes of or if authorised by these by-laws.

Embarking across another vessel.

15. (1) No passengers, cargo or ballast shall without the permission of the Marine Manager be embarked or shipped, disembarked or unshipped on or from any vessel lying outside any vessel berthed alongside any wharf over and across the deck of such last-named vessel.

(2) The master of every vessel shall if directed by the Marine Manager to do so allow passengers, cargo or ballast to be embarked or shipped or disembarked or unshipped over and across the deck of his vessel into or from any vessel berthed alongside.

Vessel to have sufficient ballast.

16. The master of every vessel occupying any berth shall have on board at all times such quantity of cargo or ballast as may be necessary to keep his vessel safe.

Lights and gangways on vessels alongside wharves.

17. (1) Every vessel occupying any berth shall at all times be provided with such gangways manropes and similar appliances and shall exhibit such lights as may be necessary for the convenience and safety of persons passing to and from such vessel.

(2) Every gangway fixed for the purpose of giving access to a vessel shall from sunset to sunrise be brightly illuminated as long as such gangway is in communication with the shore, and a watch shall be continuously set upon such gangway.

18. No person shall in the hold of any vessel occupying any berth use any flare-up lamp or naked light of any sort or design whatsoever, whether for the purpose of working cargo or for any other purpose. Naked lights prohibited in vessels' holds.
19. No person shall trespass on, ride by, or make fast to, damage, injure, or otherwise interfere with any harbour light, dolphin, buoy or beacon. Interference with buoys, beacons, etc.
20. (1) The master of every vessel shall provide proper tackle for the proper slinging of all cargo discharged from his vessel on to any wharf, or laden or intended to be laden from any wharf into his vessel. Provision of tackle.
- (2) The master owner or agent of every vessel shall compensate the Company for any damage that may be done to any wharf or any property of the Company, either from the breakage of slings or from cargo being imperfectly slung, or otherwise by the landing or shipping of cargo.
21. (1) The master of every vessel occupying any berth shall cause a proper safety net to be suspended beneath the gangway. Safety nets.
- (2) The master of every vessel while discharging or loading cargo at any wharf shall cause a safety net or saveall of such a size and character to be suspended at such a place as will prevent the cargo being discharged or loaded from falling into the water.
22. No person shall without the permission of the Marine Manager— Safety precautions.
- (1) embark upon or land from any vessel occupying any berth and carrying passengers except by a gangway provided for the purpose;
- (2) embark upon or land from any vessel while such vessel is berthing or unberthing and is in motion; or
- (3) clamber on or about the structure of any wharf below the deck-level, or upon or about any shed, crane, conveyor, loading equipment, hoist or cargo placed on such wharf or any property of or under the control of the Company.
23. The master owner or agent of any vessel occupying a berth shall notify the Marine Manager of any intention to undertake repairs to engines or other repairs of whatsoever nature to the vessel whilst such vessel is occupying such berth and no work of any such nature shall be commenced unless permission to do so in writing is first obtained from the Marine Manager. Repairs, welding.
24. The master of every vessel shall keep the same and every part thereof, and all boats, rigging, ropes, hawsers, and other equipment or fittings thereof, and all gangways belonging thereto or used or intended to be used in connection with his vessel at all times free and clear of and from all cranes, running cranes, railway lines, engines, trucks, gear and plant or other things on any wharf or forming part thereof respectively, irrespective of whether the said cranes, running cranes, engines, trucks, gear or plant are stationary or in use. Vessels and gear to be kept free and clear of cranes.
25. All vessels exceeding 150 tons gross and occupying a berth shall have a watchman on deck from sunset to sunrise, and vessels not exceeding 150 tons gross and occupying a berth shall have at least one man on board during the same period. Night watchman.
26. The master of every vessel shall ensure that all openings out of which steam, water, fluids or rubbish are liable to be discharged are properly screened and protected so as to prevent discharge on to any wharf or port installation. Opening on ships to be kept closed.
27. The master owner and agent of any vessel lying alongside any wharf shall be jointly and severally liable for all damage (whether such damage is due to the negligence or wilful act of any person or otherwise) caused to cargo or goods lying on such wharf or to electrical connections on or under such wharf by water used upon such vessel (whether for washing down or otherwise). Damage by water from vessels.

Cargo loaded and discharged. 28. (1) No cargo being loaded or discharged from or on any wharf shall without the permission of the Marine Manager be handled otherwise than by the crew of the vessel and/or labour employed or provided by the Company and no tally or delivery clerks shall be engaged other than those employed or provided by the Company.

(2) Cargo being loaded or discharged from or at any wharf shall be loaded or discharged and passengers being embarked or disembarked from or at any wharf shall be embarked or disembarked only at places on such wharf previously approved by the Marine Manager and all such cargo which is awaiting loading or which has been so discharged shall be stacked or stored only at places or areas previously approved by the Marine Manager.

## PART III.

Payment of revenue. 29. (1) All dues are hereby levied and charged for the use and benefit of the Company and (notwithstanding any other provision of these by-laws) the owner master and agent of a vessel in respect of or in connection with which any dues are payable shall be jointly and severally liable for such dues.

(2) All dues shall be paid to the Marine Manager but the Company may at any time sue for and recover the same in any court of competent jurisdiction.

(3) All dues shall be paid before the vessel in respect of or in connection with which they are charged or payable leaves the port, provided that the Company may accept in lieu of payment a written guarantee from the master, owner or agent for the vessel in the form of the First Schedule to these by-laws that the dues will be paid within fourteen days after the departure of the vessel from the port.

(4) Unless the Company has accepted such a guarantee in relation to a vessel in connection with which any dues are payable the Marine Manager may detain such vessel until such dues are paid.

Tonnage rates. 30. (1) The tonnage rates set out in the Second Schedule to these by-laws shall be paid by every vessel in respect of its occupancy of a berth.

(2) For the purposes of assessing such tonnage rates a vessel shall be deemed to occupy a berth from the time the first line is made fast until the last line is let go.

Certificate of Registry. 31. The Master of every vessel occupying or about to occupy a berth shall produce the Certificate of Registry of such vessel to the Marine Manager or any other officer of the Company upon demand.

Exemption from payment. 32. (1) Vessels of war and vessels owned by the Government of any of Her Majesty's Dominions or Colonies shall, if those vessels are not engaged in trade, be exempt from the payment of tonnage rates.

(2) Where any vessel occupies a berth solely for the purpose of landing a sick or injured person and remains for such time only as may be necessary for that purpose the Company may in its discretion exempt such vessel from tonnage rates.

Rebates of tonnage rates. 33. When a vessel occupies a berth—

- (1) In distress or under duress;
- (2) For fitting refitting or repairs;
- (3) While employed solely on work for a religious mission; or
- (4) While employed solely as a pleasure vessel and is not engaged in trade or plying for hire

the Company may (provided that tonnage rates for six hours have been paid) grant to such vessel a rebate of the balance of the tonnage rates otherwise payable.

Towage rates and conditions. 34. (1) The rates set out in the Third Schedule to these by-laws shall be paid in respect of all vessels using the services of a tug provided by the Company and once application has as hereinafter provided been made for the services of such a tug the same shall be payable irrespective of whether such application is subsequently cancelled by the applicant.

(2) No application for the services of a tug shall be entertained unless such application is made in the form in the Fourth Schedule to these by-laws to the Marine Manager.

(3) The conditions contained in the said Fourth Schedule shall apply to all towage by the Company under these by-laws but such conditions shall in no way apply to or affect any claim by the Company for salvage services or services in the nature of salvage.

(4) The Marine Manager may require the master of a vessel which is being berthed or unberthed to engage the services of one or more tugs provided by the Company for that purpose and the said rates shall be paid in respect of and the said conditions shall apply to any such towage.

35. The charges set out in the Fifth Schedule to these by-laws shall be paid by (*inter alia*) the vessel in respect of the services therein set out. Miscellaneous charges.

36. (1) Consignees shall be liable for all wharfage and other dues payable under these by-laws on or in respect of all inward cargo. Liability of consignee and consignor.

(2) Consignors shall be liable for all wharfage and other dues payable under these by-laws on or in respect of all outward cargo.

(3) Nothing in this by-law shall limit the right of the Company to recover wharfage or other dues from any person (other than the consignee or consignor) who may be liable to pay the same.

37. (1) All dues on or in respect of cargo shall, except as otherwise provided, be computed on the weights and measurements shown in a vessel's manifest, bill of lading or other shipping document for such cargo. Computation of dues.

(2) All such dues shall be computed on a weight basis or on a measurement basis (whichever computation produces the greater result) and if computed on a weight basis shall be computed on a ton of 2,000 lbs. or a ton of 2,240 lbs. according to trade usage.

(3) A fraction of a ton (by weight or measurement) shall be charged for on a pro rata basis.

(4) Dues shall be calculated on the gross weight or measurement, but the Marine Manager may at any time demand that cargo shall be reweighed or remeasured in the presence of an officer of the Company and at the expense of the owner of the cargo in which event the weights or measurements ascertained from such reweighing or remeasurement shall prevail.

(5) Notwithstanding anything hereinbefore contained in this by-law charges on cargo of the kind described hereunder shall be computed on the basis shown opposite the description of cargo—

Launches, yachts, dinghies or small boats—cubic measurement less  $\frac{2}{5}$ ths;

cylindrical cargo (unless otherwise stated)—cubic measurement on external dimensions less  $\frac{1}{5}$ th, unless the weight is then greater;

Oil and inflammable liquids in bulk (fuel lighting or lubricating)—250 gallons per ton;

Timber—per ton of 40 cubic feet.

38. (1) The master of every vessel desiring to discharge cargo at a wharf shall deliver at the office of the Company prior to commencing to discharge cargo, two true, legible and complete copies in the English language of the manifest of such vessel, certified by himself as being true and complete, and shall also so furnish within forty-eight (48) hours two certified statements of all amendments (if any) which may be made in such manifest by reason of re-measurement of cargo included therein or otherwise. Inwards Manifests.

(2) Any such amendments to a manifest shall not be recognised unless supplied prior to the cargo affected thereby being removed from the premises of the Company.

39. (1) The master of every vessel which has loaded cargo from any wharf shall deliver to the office of the Company prior to the unberthing of the vessel, a certified copy in the English language of the manifest, giving true, legible and complete particulars of such cargo to enable the amount of outward wharfage and other dues payable thereon to be readily computed. Outwards Manifests.

(2) All such manifests shall show the tonnage of fuel oil bunkered.

## PART IV.

- General. 40. In By-Laws 41-57 inclusive, of these By-Laws, unless the contrary intention appears—
- “inflammable liquid” means petroleum, kerosene, and any oil, liquid or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen or any similar substance, and which has a true flashing point of less than 150 degrees Fahrenheit, and any other liquid which the Governor by Proclamation in the *Gazette* declares to be an inflammable liquid for the purposes of the Ports and Harbours Regulations 1966;
- “oil vessel” means any ship having on board or having lately had on board any inflammable liquid as cargo or part cargo, and includes a tank steamer, barge, or other vessel fitted to carry inflammable liquid.
- Signals. 41. The master of an oil vessel shall, at all times that the vessel is nearing or is at a wharf, display at the foremast head, or other conspicuous place clear of all obstructions so as to be clearly visible from any direction at a distance of at least one mile from the vessel—
- (a) by day, the International code flag “B”; and
- (b) during the hours of darkness a red light so positioned as to be clear of all other lights on the vessel.
- Notice. 42. The agents or master of any oil vessel intending to load or unload any quantity in excess of 40 gallons of inflammable liquid, shall, immediately after making fast to any wharf or jetty, give notice in writing to the Marine Manager of that intention with particulars as to the quantity of inflammable liquid intended to be loaded or discharged.
- Discharge or loading. 43. The master of an oil vessel shall not permit inflammable liquids to be discharged or loaded without first obtaining the written permission of the Marine Manager.
- Precautions for deck cargo. 44. The master of an oil vessel having on board inflammable liquids other than as deck cargo, and all other persons concerned, shall observe and perform the following provisions, namely—
- (1) after the vessel is made fast to a wharf, all holds, tanks, and spaces containing inflammable liquid shall be kept securely closed and fastened down, except when opened for the purpose of discharging;
  - (2) an oil vessel with its cargo in bulk shall not be berthed until it is ready to load or discharge, and shall at all times continue and complete the loading or discharging with all possible despatch;
  - (3) no hold, tank, or space containing inflammable liquid in containers shall be opened until all trucks or other vehicles into which such goods are to be loaded are placed alongside the vessel and all is in readiness to commence the work;
  - (4) after the vessel is made fast to a wharf, all holds, tanks or spaces containing inflammable liquid shall be kept properly ventilated, to the satisfaction of the Marine Manager, to disperse all dangerous vapour that may be generated by the cargo or collected or lie in those places;
  - (5) an oil vessel loading or unloading inflammable liquid in casks, barrels, or other receptacles or containers shall work its cargo or carry out any other work on board only as directed by the Marine Manager;
  - (6) inflammable liquid contained in casks, barrels or other receptacles shall not be landed on any wharf from a vessel unless the casks, barrels or other receptacles are staunch and free from leakage and are of such strength and construction as to be not liable to break or leak;

- (7) where the Marine Manager so approves in writing, inflammable liquid in bulk may be unloaded after sunset into shore tanks, and may, in special circumstances, be loaded into tank ships, and the following conditions and such other conditions as the Marine Manager may in those circumstances impose, shall be complied with—
- (a) unless circumstances render it unavoidable, pipelines and hoses shall not be coupled, uncoupled, or otherwise interfered with, except in daylight; and
  - (b) sufficient electric flood lighting of approved type shall be provided to give ample light for all operations;
- (8) general cargo, other than deck cargo, shall not be unloaded after sunset on any day from any oil vessel without the approval in writing of the Marine Manager.

45. The master of an oil vessel shall not permit or suffer any unauthorized person to be on board the vessel while loading or unloading of inflammable liquid is in process, and shall display and keep displayed at the main gangway while occupying any berth at a wharf a conspicuous notice to the following effect—

Unauthor-  
ised persons.

NO ADMITTANCE  
OIL SHIP  
NO SMOKING ALLOWED

46. During the loading or unloading of inflammable liquid no person shall smoke or heat any combustible matter, rivet or chip iron, or clean boilers or boiler tubes, or carry out other work likely to cause ignition on board the oil vessel or any other vessel lying alongside, and no person engaged in that loading or unloading shall carry matches or other appliances for providing or capable of providing ignition.

No smoking,  
etc.

47. (1) From the time when tanks of an oil vessel are opened for the purpose of discharging or loading inflammable liquid in bulk, and until such time as the operations of discharging or loading have been completed and the tanks have been thoroughly ventilated, no person shall use or permit or suffer to be used on the vessel, any fire, other than approved ship's boilers, or light other than a safety lamp approved by the Marine Manager, either on board or within 100 feet of the oil vessel, without the authority of the Marine Manager.

No use of  
fires.

(2) Fires, lights, or electric apparatus, other than electric filament lamps or self contained lamps, heaters, cookers, or other types of safe apparatus so designed, constructed and maintained as to be incapable of igniting inflammable vapour, shall not be used on or near the wharf at which inflammable liquid is being discharged or loaded, or upon which inflammable liquid is lying.

48. (1) Before any pumping operations of inflammable liquids are commenced, and during the continuance of those operations, the master shall cause—

Super-  
intendence  
of pumping.

- (a) a competent signalling staff to be in attendance both at the tank installation and on board the oil vessel; and
- (b) telephonic communication between the same points to be established and maintained.

(2) A responsible person shall be detailed by the master for attendance on the wharf to superintend the opening and closing of valves and for patrol of the pipe line during the whole of the pumping operation and pumping operations shall not be commenced before the correct position of all valves has been verified by the Marine Manager and the Marine Manager is satisfied that all precautions necessary have and will be taken to prevent leakages.

49. (1) While pumping is in progress the lids, screw caps, or other removable coverings of the tanks shall be kept securely fastened or screwed down, except so far as may be necessary to enable discharge of inflammable liquid to proceed, and where it is necessary to remove any lid, screw cap, or other coverings, safety wire gauzes shall immedi-

Coverings.

ately be properly fitted, or other effective measures immediately taken, by the master to prevent the ignition of the inflammable liquid or vapours.

(2) If any leakage occurs while inflammable liquid is being loaded onto or discharged from an oil vessel, the master of the oil vessel shall forthwith cause the loading or discharging to cease.

**Pumping after sunset.** 50. Where permission has been granted by the Marine Manager in writing for the pumping of inflammable liquids into or out of an oil vessel to be carried out between sunset and sunrise, and an interruption or stoppage of loading or discharging takes place, the pumping shall not be recommenced until after sunrise.

**Clearing of pipe lines.** 51. (1) When an oil vessel has completed discharging inflammable liquid in bulk, the connection or connections to the shore pipe line shall not be broken until the pipe line for its whole length has been completely and satisfactorily cleared of all inflammable liquid, and the Marine Manager approves the breaking of the pipe line.

(2) Immediately discharge of the inflammable liquid is suspended or completed, all lids, screw caps, or other coverings shall be replaced, securely fastened down and made gas tight.

**Other precautions.** 52. (1) The boiler or galley fires other than those required to produce steam for pumping of an oil vessel carrying inflammable liquid in bulk shall not be alight from the time when the holds or tanks are first opened for the purposes of discharge unless the written authority of the Marine Manager is first obtained.

(2) The master shall not allow any furnace other than that required to produce steam for pumping or any galley or other fires to be alight on board an oil vessel while the running of water for ballast or other purposes into any tank, receptacle, or enclosure on the oil vessel which has contained inflammable liquids is being carried out.

(3) No ballasting shall be carried out unless all tanks are sealed down as required by the Marine Manager and the rate of ballasting any tank shall be so reduced as required by the Marine Manager, and any directions given by him for other safety measures to be taken while ballasting shall be strictly observed.

(4) No ballasting shall be carried out by the master until he is so permitted in writing by the Marine Manager, who shall lay down such further conditions under which ballasting may be carried out as he may in the circumstances consider necessary.

**No escape of liquid.** 53. (1) All pipelines and connections thereto, flexible or otherwise, used between the oil vessel and the berth, shall at all times be kept in an oil and vapour tight condition and shall not leak.

(2) Inflammable liquid shall not be allowed to escape, either directly or indirectly, into any waters.

**Hawsers.** 54. The master of any oil vessel carrying inflammable liquid in bulk shall, immediately on the berthing of the vessel, have a steel wire hawser sufficiently strong to enable the oil vessel to be hauled away from the berth placed over the fore and aft ends of the oil vessel and made securely fast on board, and the hawser shall remain so placed while any inflammable liquid remains on board and until the oil vessel has been properly cleansed and ventilated.

**Prevention of accidents.** 55. The master of an oil vessel shall take all due precautions for the prevention of accidents by fire in the discharge of inflammable liquids, and shall himself remain, or cause a responsible officer of the vessel to remain, on board the vessel, together with a sufficient crew, during the whole time of discharge, or while any inflammable liquid remains on board.

**Inspection.** 56. The master of the oil vessel shall, when required so to do by the Marine Manager, do any act necessary to permit the Marine Manager to inspect and examine the inflammable liquid on board the vessel and any appliances to be used on the vessel for the purpose of ascertaining whether the provisions of these regulations are being observed and whether all other measures necessary for general safety are being taken.

57. (1) The loading or unloading of inflammable liquid into or from an oil vessel berthed at a wharf shall not be commenced unless—

Barricades  
and  
watchmen.

- (a) a barricade capable of preventing any unauthorised person having access to the vessel and pipe line hose connections has been erected on the wharf or jetty; and
- (b) satisfactory provision has been made for watchmen to be in attendance to prevent the entrance of any unauthorised person and to take possession of matches from all persons passing through the barricade towards the oil vessel and to assist generally in the enforcement of these by-laws.

(2) The erection and maintenance of the barricade and the employment or engagement of watchmen shall be carried out and arranged by or in accordance with the directions of and to the satisfaction of the Marine Manager.

(3) Any barricade erected on a wharf in pursuance of this by-law shall be so erected as to enclose an area of the wharf extending to a distance not less than 100 feet past each end of the oil vessel and 100 feet out from the vessel measured from the point on the side of the vessel closest to the wharf.

58. (1) No ship having explosives on board shall go alongside a wharf for any purpose except by permission of the Marine Manager.

Explosives.

(2) Ships shall fly a red burgee at the mast until all explosives are discharged.

(3) No explosives shall be loaded, unloaded or conveyed unless the same are packed and marked in accordance with the Explosives and Dangerous Goods Act, 1961, or regulations made thereunder, and no explosive shall be so handled unless it is authorised to be imported and sold in Western Australia or otherwise unless it is approved under an entry permit issued by the Chief Inspector of Explosives.

(4) No explosives shall be unloaded unless the Marine Manager is satisfied that it is imported under Authority of a licence or an entry permit issued by the Chief Inspector of Explosives.

(5) Explosives shall not be loaded to or unloaded from a ship except between the hours of sunrise and sunset unless special permission is given by an Inspector of Explosives.

(6) Explosives exceeding 5 lb. in weight shall not be conveyed in a boat or ship whilst carrying or plying for passengers for hire or reward without written approval of an Inspector of Explosives.

(7) The loading, unloading and conveyance of explosives at the port shall be carried out in accordance with the general provisions of the Explosives and Dangerous Goods Act, 1961, and the Regulations thereunder.

(8) The maximum amount of explosives to be unloaded at any wharf shall be decided from time to time by the Chief Inspector of Explosives who shall take into consideration the type of explosives concerned, the facilities available for handling at the port and the magazine storage available for storing the explosives.

(9) When a ship goes alongside at any wharf for the purpose of unloading explosives, there shall be no other ship alongside at the same time while the unloading is in progress and no work of any kind shall be permitted on the wharf which is not directly necessary for the unloading of explosives from the ship.

(10) During the loading or unloading of explosives there shall be observed such rules as are laid down by the Chief Inspector of Explosives, except that when such work is done under direct supervision of an Inspector of Explosives, then all directions of the Inspector shall be obeyed whether provided for in the rules or not so provided.

(11) All matters relative to the handling of explosives which are not provided for in these By-laws shall be referred to the Chief Inspector of Explosives who shall decide what action shall be taken.

(12) Classes and divisions of explosives as used in this By-law are those used in the classification of explosives contained in the Second Schedule to the Explosives and Dangerous Goods Act, 1961.

(13) Nothing in this By-Law shall apply to any ship having on board exclusively explosives of the following kind or kinds or to the loading or unloading into or out of, or conveyance to or from any ship of the same—

- (a) Explosives belonging to Division 1 of Class 6 and including such explosives as—  
Fuse Igniters, Percussion Caps, Safety Cartridges, Safety Fuse, Igniter Cord Connectors.
- (b) Explosives of Class 7 Division 3, including all fireworks of the shopgoods class.
- (c) Other explosives in such quantities as may from time to time be approved by the Chief Inspector of Explosives.
- (d) Explosives on vessels of war and such explosives as are exempt under Section 63 (a) of the Explosives and Dangerous Goods Act, 1961.
- (e) Explosives carried for the vessel's own use in such quantities as are necessary to meet the law's requirements for signalling purposes and provided that the explosives are kept in an approved type of magazine and that if two or more of the following explosives be in the same vessel they shall be kept in separate and completely enclosed receptacles in the magazine—  
Gunpowder  
Rockets  
Sound Signal Rockets  
Blue Lights  
Holmes Lights  
Pyrotechnic Signals of any other kind.

Provided that nothing in this by-law shall prevent the introduction of an artificial light or safety matches of such construction and character and in such a place as will not cause any danger of fire or explosion to arise.

#### PART V.

Discharge of  
garbage, oil,  
other  
offensive  
matter and  
ballast.

59. (1) No person shall in a berthing area from a wharf or port installation or a vessel occupying a berth by any means whatsoever deposit discharge or permit to fall into the water (other than at a place designated for that purpose by the Marine Manager) any rubbish, garbage, ashes, mud, oil, oily water, oil sludge, oil refuse, oily bilge water or other similar or offensive matter if the same would or would be likely to interfere or inconvenience any shipping using any wharf or port installation or to interfere with the use by any such shipping of any wharf or port installation or to damage or soil any wharf or port installation or other property of the Company.

(2) No person shall without the written permission of the Marine Manager deposit any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, filth or any other article or substance whatsoever on any wharf or port installation or other property of the Company.

(3) Any person contravening this by-law or who is responsible for any such contravention shall reimburse the Company for any expense incurred by it in remedying the situation caused by such contravention.

(4) Nothing in this by-law shall derogate from the operation of any other of these by-laws.

Fire.

60. (1) Any person (being either an officer or member of the crew of the relative vessel or an employee of the Company) who discovers an outbreak of fire in or on board any vessel in a berthing area or occupying a berth shall forthwith give an alarm by means of the nearest electrical signal provided for that purpose and shall notify the Marine Manager of such outbreak PROVIDED THAT it shall be a defence to a prosecution under this sub-by-law for the defendant to establish that such alarm and notification had previously been given or that he reasonably believed that such was the case.

(2) Any person being an officer or member of the crew of the vessel in or on board of which there is an outbreak of fire or being an employee of the Company shall give such assistance in extinguishing the fire as the Marine Manager may direct.

(3) A person shall not break, sound or in any manner operate or interfere with any electrical or other fire alarm on any wharf or port installation or other premises of the Company except in the case of an outbreak of fire.

61. In the event that the Company incurs expense in cleaning up any spillage of cargo on any wharf the consignee of the cargo (in the case of inward cargo) or the consignor thereof (in the case of outward cargo) shall forthwith reimburse the Company for such expense.

Cleaning of wharf berth.

62. No person shall remove, obliterate or otherwise interfere with any notice board erected on or in the vicinity of any wharf or port installation.

Interference with Notice Boards.

63. No person shall without the permission of the Marine Manager write or paint or place any notice board placard or other document on any wharf or port installation.

Defacement and Bill-posting prohibited.

64. No person shall interfere with any life-saving gear, boat hook, drag, grapnel, life-buoy or other apparatus placed on any wharf or port installation used for the purpose of saving life from drowning, unless such interference be for the purpose of saving life or by the police in dragging for drowned persons.

Life saving appliances.

65. (1) No person shall without the written permission of the Marine Manager drive any motor vehicle upon any wharf or any approach thereto and notwithstanding such permission any such person—

Vehicles on wharves.

- (a) shall park only in an area set aside for this purpose;
- (b) shall in any place where a notice is maintained indicating that the standing or parking is limited or restricted comply with the terms of such limitation or restriction;
- (c) shall not allow his vehicle to approach within fifty feet of any inflammable goods or cargo;
- (d) shall comply with all directions as to the disposal of his vehicle given by the Marine Manager or any other officer of the Company authorised by him (whether generally or specially) for such purpose; and
- (e) shall not leave his vehicle unattended.

(2) The Marine Manager or any such officer of the Company shall be at liberty to move any unattended motor vehicle or any motor vehicle the driver of which has failed to comply with any such direction as aforesaid to any other place within the port.

66. The Marine Manager and any other officer of the Company shall be at liberty to take such steps as are necessary to prevent any intoxicated idle or disorderly person entering upon any wharf or port installation and to remove any such person who has so entered.

Disorderly persons.

67. A person shall not without the written permission of the Marine Manager smoke loiter or address any assemblage of persons under or upon any wharf.

Smoking and Loitering.

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

Nuisances.

69. Subject to the provisions of the Act the Company may by notice placed on a wharf or part thereof close that wharf or that part and a person shall not enter upon that wharf or that part without the consent of the Marine Manager.

Wharves may be closed.

70. No child under the age of 12 years shall be allowed on any wharf unless accompanied by an adult person.

Children not allowed on wharves.

71. (1) No person shall fish from any part of the structure of any wharf below wharf deck level nor from pontoons or any landing steps or place for landing passengers.

Fishing.

(2) Any person fishing from wharf deck level as aforesaid—

- (a) shall use only rod and line;
- (b) shall not interfere with or obstruct the general wharf work or other users of the wharf;

- (c) shall forthwith comply with any direction given by the Marine Manager; and
- (d) shall not deposit or leave upon the wharf any fish, fish refuse or offensive matter.

No building allowed on wharves. 72. No person shall without the permission of the Marine Manager erect any building, staging or structure on or in any wharf or port installation.

Tampering with water appliances. 73. No person shall without the permission of the Marine Manager turn any valve or cock or open or shut any fire plug or hydrant on any port or wharf installation.

Tampering with electric light or power mains. 74. No person shall play, tamper or in any way interfere with any electric lights or fittings or any electric light or power mains on any port or wharf installation.

Limitation of liability. 75. (1) The Liability (if any) of the Company for any loss damage or injury suffered in consequence of or arising out of—

- (a) any act, matter or thing done or omitted to be done in good faith and (subject to sub-by-laws (2) and (3) hereof) without negligence for the purpose of the construction, management, operation, maintenance or use of any wharf or any port installation or of the port or any approaches thereto or for the purpose of berthing, unberthing, mooring, unmooring or otherwise directing or managing vessels whether or not within the port or for the purpose of handling or accommodating cargo or persons or for the purpose of any of these by-laws or in the provision of any port service or port facility;

- (b) any failure to ensure that any berth or access to any port installation is made available or any failure to provide any port service or port facility (in either case either at all or at any particular time including any time previously notified or agreed) and whether or not any such failure occurs in consequence of or arises out of the negligent or wilful act or omission of the Company or any of its officers or employees or of any other person for whose acts or omissions the Company may be liable;

shall be limited to the payment of damages not in excess of two hundred dollars.

(2) Without prejudice to sub-by-law (1) of this by-law the liability of the Company (if any) in respect of any loss damage or injury to any vessel or the contents thereof (including cargo) shall be (whether or not any such loss damage or injury has been suffered in consequence of or arises out of the negligent or wilful act or omission of the Company or any of its employees or officers or any other person for whose acts or omissions the Company may be held liable) limited in respect of any vessel and its contents (including cargo) to the payment of damages not in excess of two hundred dollars.

(3) Nothing in these by-laws and in particular but without limiting the generality of the foregoing nothing in sub-by-law (1) or sub-by-law (2) of this by-law shall impose on the Company any liability or any increased liability or shall be construed as implying that the Company has or would in the future have any liability or any increased liability which it would not have had if these by-laws had not been made and nothing in these by-laws or in the provision by the Company of any berth or any access to any port installation or of any port service or port facility shall be construed as importing any warranty by the Company that any such berth or access is or will be safe or that any such port service or port facility is or will be provided in a safe manner.

(4) Nothing in sub-by-law (1) of this by-law shall apply to any loss damage or injury to which condition 3 of the conditions of towage set out in the Fourth Schedule to these by-laws applies.

Highly inflammable cargo. 76. Without prejudice to any other of these by-laws no highly inflammable cargo of whatsoever kind shall be loaded or unloaded on to or from any vessel from or onto any wharf unless at least forty-eight hours notice has been given to the Marine Manager and written permission has been obtained from him therefor.

77. The master shall prepare the vessel's cargo handling equipment including the opening or removal of hatches and hatch beams, shall have the vessel ready to work cargo before it comes to its berth and shall be responsible for replacing hatches and beams.

Vessel ready to work.

78. Pursuant to paragraph (f) of subclause (2) of Clause 10 of the Agreement as embodied in the Schedules to the Act the Company shall have the entire control of all port services, port facilities and port installations and no personnel other than personnel provided or approved by the Company shall be utilized for or in respect of such use. Nothing in any of these by-laws and in particular but without limiting the generality of the foregoing by-laws nothing in any by-law requiring the use of any port installation or of any port service or port facility shall (unless these by-laws provide for a special charge therefor) prevent the Company making any charge which it would be entitled to make under paragraph (f) of subclause (2) of said Clause 10.

Operation of port services, port facilities and port installations and provision of special services.

79. These by-laws shall be construed so as not to exceed the powers conferred by or under the Act and all other powers then enabling the intention being that where any provision herein would but for this by-law have been construed as being in excess of all such powers it shall nevertheless to the extent to which it is not in excess of all such powers to be a valid provision.

Construction.

PART VI.

80. Where by these by-laws an act is required to be done or forbidden to be done in relation to a vessel the master of the vessel has, unless the contrary intention appears, the duty of causing to be done the act so required to be done or of preventing from being done the act so forbidden to be done, as the case may be.

Duties of Master.

81. (1) A master or other person who fails to do or does any act that by these by-laws he is required to do or is forbidden from doing, as the case may be, commits an offence and is liable on conviction to a penalty not exceeding one hundred dollars.

Offences and penalties.

(2) The imposition and payment of any such penalty does not affect the liability of any person to any other person in respect of the act or omission constituting the offence.

First Schedule.

Hamersley Iron (Port of Dampier) By-laws.

GUARANTEE BY AGENT.

To Hamersley Iron Pty. Limited,  
DAMPIER, WESTERN AUSTRALIA:

I hereby guarantee and warrant to you that all dues charged or payable or which may in the future become chargeable or payable under the above by-laws in respect of or in connection with the vessel "

" will be paid within fourteen days after the departure of the said vessel from the said port and I undertake and agree to pay to you forthwith upon the expiration of the said period of fourteen days the amount of any such dues which have not been paid as aforesaid. I shall not be discharged or released from this guarantee by any arrangement made between you and the owner or owners or master of the said vessel (either with or without my assent) or by any obligation to pay such dues or by any forbearance whether as to payment, time, performance or otherwise.

IN WITNESS whereof I have set my hand and seal this ..... day of ..... 19.....

Signed Sealed and Delivered by the said

presence of--

in the

(seal)

## Second Schedule.

## TONNAGE RATES.

The tonnage rates payable in respect of a vessel shall be 0.56 of a cent for each ton of the gross registered tonnage of the vessel for each six hours or part thereof during which the vessel occupies a berth, the minimum charge for each entry into the port being a charge for twelve hours.

## Third Schedule.

## TOWAGE RATES.

The rates payable for the services of a tug shall be:—

	In and Out \$
Vessels up to and including 5,000 tons gross .....	250.00
Vessels over 5,000 tons gross and up to and including 10,000 tons gross .....	350.00
Vessels over 10,000 tons gross and up to and including 20,000 tons gross .....	600.00
Vessels over 20,000 tons gross and up to and including 40,000 tons gross .....	840.00
Vessels over 40,000 tons gross and up to and including 50,000 tons gross .....	1,400.00
Vessels over 50,000 tons gross and up to and including 60,000 tons gross .....	1,500.00
Vessels over 60,000 tons gross .....	1,650.00

## Fourth Schedule.

## APPLICATION FOR TOWAGE.

I/We hereby apply for the services of the Company's Tug(s).....  
 .....for the purpose of towing the vessel.....  
 on.....19 , at.....a.m.  
 .....p.m.

If this application is accepted by the Company I/we agree to pay its charges, viz., \$..... and to be bound by all the conditions with regard to towage contained in the by-laws of the Company. Any agent signing this application warrants that he has been authorised by the master and by the owner of the vessel to do so and any master signing this application warrants that he has been authorised by the owner of the vessel to do so.

MASTER, OWNER OR AGENT.....  
 SHIP'S NAME .....

## TOWAGE CONDITIONS.

TOWAGE IS UNDERTAKEN ONLY UNDER THE TOWAGE CONDITIONS PRINTED HEREUNDER AND APPLICATION FOR A TUG IS DEEMED TO CONSTITUTE ACCEPTANCE OF THE CONDITIONS.

1. For the purpose of these conditions, the phrase "whilst towing" covers the period commencing when the tug is in a position to receive orders direct from the Hirer's vessel to pick up ropes or lines or when the tow rope has been passed to or by the tug whichever is the sooner and ending when the final orders from the Hirer's vessel to cast off ropes or lines have been carried out or the tow rope has been finally slipped and the tug is safely clear of the vessel whichever is the later and "towing" includes any operation in connection with holding, pushing, pulling or moving the vessel.

2. On the employment of a tug the master and crew thereof become the servants of and identified with the Hirer and are (as to both the work to be done and the manner in which it is to be done) under the control of the Hirer or his servants or his agents and anyone on board the Hirer's vessel who may be paid by or would or might but for these conditions be deemed to be employed by the Company shall be considered the servant of the Hirer.

3. The Company shall not be liable for any loss or damage (including without prejudice to the generality of the foregoing any loss of or damage to the Hirer's vessel or anything on board the Hirer's vessel or any personal injury or any loss of life) occurring whilst towing caused or done by or arising out of the act or omission of the tug the Hirer's vessel or the master or crew of the tug or the Hirer's vessel or caused by or arising out of the negligence of the Company its employees or officers the unseaworthiness unfitness or breakdown of the tug or its machinery, boilers, towing gear, hawsers or other equipment, lack of fuel stores or speed or any other cause whatsoever and the Hirer shall bear and compensate the Company for any loss or damage of the kind herein specified suffered by the Company itself and shall in addition (to the extent if any to which this provision fails to relieve the Company from liability for any loss or damage of the kind first referred to herein) indemnify the Company and hold it harmless against all such liability PROVIDED THAT this condition shall not apply to loss or damage suffered by the Hirer and caused by or arising from want of reasonable care on the part of the Company to make the tug seaworthy for its navigation whilst towing (the burden of proving such want of care being upon the Hirer).

4. The Hirer shall not bear or be liable for any loss or damage of any description done by or to the tug otherwise than whilst towing or for loss of life or injury to the crew of the tug but nothing contained herein shall prejudice any claim the Company may have in admiralty or at Common Law against the Hirer.

5. The Company may substitute one tug for another and may sub-let the work, wholly or in part, to other tugowners who shall also have the benefit of and be bound by these conditions.

6. Any object whether afloat or not in respect of which a tug's services are sought, will, for the purpose of these conditions, be deemed to be a vessel.

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#### Fifth Schedule.

#### MISCELLANEOUS CHARGES.

##### A. Mooring and Unmooring:

- (1) The charges in respect of boats' crews for mooring and unmooring vessels shall be:
  - (a) \$30.00 per hour for each boat employed on each occasion in connection with mooring and unmooring a vessel during normal working hours.
  - (b) \$40.00 per hour for each boat so employed outside or partly outside normal working hours.
  - (c) \$10.00 for each boat for each hour or part of an hour from the time for which it is ordered or requisitioned until it is actually employed in connection with the mooring or unmooring of a vessel.
- (2) In addition to such charges the Company's charges for labour ordered shall be paid.
- (3) If boats or labour are ordered but cancelled all costs incurred by the Company in connection with the order shall be payable by the vessel ordering the same.
- (4) For the purpose of this part "normal working hours" shall be 8 a.m. to noon and 1 p.m. to 5 p.m. on Mondays to Fridays (not being public holidays).

B. Wharfage and Handling Charges on Cargo:

- (1) For inward and outward cargo (other than cargo loaded from or unloaded on to a wharf designed for the loading of iron ore (whether concentrated or unconcentrated) or of iron) wharfage shall be \$1.00 per ton of all cargo handled.
- (2) In addition to such wharfage all expenses incurred by the Company in handling such cargo over the wharf shall be payable.
- (3) No wharfage shall be charged in respect of the loading on to a wharf designed for the loading of iron ore or iron as aforesaid of iron ore (whether concentrated or unconcentrated) or iron sold by the Company and the charge payable in respect of the loading or unloading from or on to such a wharf of cargo other than iron ore or iron sold by the Company as aforesaid shall be determined in accordance with the provisions of paragraph (f) of sub-clause (2) of Clause 10 of the Agreement a copy of which is set out in the First and Second Schedules to the Act.