

## By-laws under the *Ports Ordinance* 1962-1963.

**I**N pursuance of the powers conferred upon it by the *Ports Ordinance* 1962-1963, the Northern Territory Port Authority, with the approval of His Honour the Administrator, and of the Legislative Council, hereby make the following By-laws.

Dated this 26th day of February, 1964.

T. MILNER, Chairman.  
J. C. D. McDONNELL, Deputy Chairman.  
B. L. NOBLE, Executive Member.  
P. CARROLL, Member.  
D. ENGLAND, Member.

### PORT BY-LAWS.

#### CHAPTER I.—PRELIMINARY.

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|--|-----------------|
| 1. These By-laws may be cited as the Port By-laws.   | Citation.       |
| 2. These By-laws are divided into Chapters as follows:—  | Parts.          |
| Chapter I.—Preliminary (By-laws 1-3).  |                 |
| Chapter II.—General (By-laws 4-19).  |                 |
| Chapter III.—Pollution of Ports (By-laws 20-22).   |                 |
| Chapter IV.—Explosives and Inflammable Liquids (By-laws 23-26).  |                 |
| Chapter V.—Pilotage (By-laws 27-49).   |                 |
| Chapter VI.—Charges and Fees (By-laws 50-55).  |                 |
| Chapter VII.—Sorting, Stacking, Storage and Delivery of Cargo (By-laws 56-77).   |                 |
| Chapter VIII.—Obstruction in Ports (By-laws 78-79).  |                 |
| Chapter IX.—Miscellaneous (By-laws 80-87).   |                 |
| 3.—(1.) In these By-laws, unless the contrary intention appears—   | Interpretation. |
| “business hours” means the time between eight o’clock in the morning and five o’clock in the afternoon on any day other than a Saturday, a Sunday or a public holiday; |                 |
| “container” means a sack, bag, box, case, carton, crate, drum, hide, package or thing used to contain cargo;   |                 |

\* Notified in the *Northern Territory Government Gazette* on 20th May, 1964.

- "day" means a period of twenty-four hours commencing at midnight;
- "delivery office" means the delivery office, or the place used as a delivery office, on a wharf on to which goods are discharged;
- "handle", in relation to cargo, includes all operations in or on a vessel or wharf in connexion with the loading, unloading, stowing or restowing of cargo;
- "inflammable liquid" means a liquid which has a true flash point of less than one hundred and fifty degrees Fahrenheit;
- "lighter" means a ship, boat or other craft used for loading or unloading a vessel or carrying cargo within a port but not used in navigation;
- "master" means a person, other than a pilot, in charge or command of a vessel, lighter or small craft;
- "outside vessel" means a vessel passing through or trading in and beyond the Northern Territory of Australia;
- "owner", in relation to goods, includes an owner, consignor, consignee or agent having the control or disposition of the goods;
- "owner", in relation to a vessel, lighter or small craft includes an owner, part owner, or charterer and an agent of an owner, part owner or charterer;
- "the Ordinance" means the *Ports Ordinance* 1962-1963;
- "vehicle" includes any means of conveyance which runs on wheels but does not include any railway rolling stock;
- "ton by volume", in relation to cargo or goods, means a ton of 40 cubic feet by measurement;
- "ton by weight", in relation to cargo or goods, means a ton of 2,240 pounds avoirdupois by weight;
- "wharf" includes premises which are—
  - (a) adjacent to a declared port;
  - (b) under the control of a Harbourmaster; and
  - (c) used in connexion with the business of the port.

(2.) In these By-laws, any reference to a Schedule shall be read as a reference to a Schedule to these By-laws, and any reference to a form shall be read as a reference to a form contained in the Schedule.

## CHAPTER II.—GENERAL.

Smoking and  
sleeping on  
wharves, &c.

4.—(1.) Where a Harbourmaster is satisfied that to reduce the risk of fire or explosion, smoking should be prohibited within an area on or under a wharf, he may by notice prohibit smoking in that area.

(2.) A notice under the last preceding clause of this By-law—

- (a) shall indicate the area;
- (b) shall state that smoking is prohibited in the area; and
- (c) shall be displayed in or near the area, within which smoking is prohibited.

(3.) A person shall not smoke or expose a naked flame in an area indicated by a notice under the last preceding clause of this By-law.

(4.) A person shall not sleep on or under a wharf except in an area approved in writing by the Harbourmaster.

(5.) A person engaged in handling cargo in or on a vessel or wharf shall not carry or have in his possession any matches or any material or appliance for producing ignition other than safety matches or a small cigarette lighter of a kind ordinarily carried by persons who smoke.

5. The master of a vessel, lighter or small craft shall not anchor the vessel, lighter or small craft or permit or suffer the vessel, lighter or small craft to be anchored—

Anchoring near wharf.

(a) within three cables of an outside vessel berthed at a wharf; or

(b) near or at the approach of a wharf in such a manner as to impede the egress or ingress of a vessel.

6.—(1.) The Harbourmaster by notice published in the *Gazette* or in a newspaper circulating in a declared port may close, for a period specified in the notice, part of the waters of the declared port to all persons, vessels, lighters and small craft.

Closed waters.

(2.) Where a notice is published under the last preceding clause of this By-law, the waters described in the notice are, for the period specified in the notice, closed waters.

(3.) A person who is in closed waters is guilty of an offence.

Penalty: Twenty pounds.

(4.) A person who is in control of a vessel, lighter or small craft which is in closed waters is guilty of an offence.

Penalty: Twenty pounds.

(5.) The Harbourmaster or a person authorized by him, may direct a person apparently in control of a vessel, lighter or small craft which is in closed waters to remove the vessel, lighter or small craft from those closed waters.

(6.) Where a direction has been given under the last preceding clause of this By-law and the person to whom the direction is given fails to comply with the direction, the person giving the direction may remove or cause to be removed the vessel, lighter or small craft to a place outside the closed waters.

7. The master of a vessel about to depart from a declared port—

Notice of departure.

(a) shall, not less than six hours before the time of the intended departure of the vessel, give notice to the Harbourmaster of the time of the intended departure; and

(b) shall not, without the permission of the Harbourmaster, cause, permit or suffer the vessel to depart before the time specified in a notice given under the last preceding paragraph.

8. The Harbourmaster may allocate to a vessel, lighter or small craft a berth at a wharf under the control of the Port Authority.

Allocation of berths.

9.—(1.) The Harbourmaster shall, by notice in the *Gazette*, notify the dimensions and position of any buoy placed, moored or anchored in a port as aids to navigation or for purposes which may cause an obstruction to navigation.

Placing of buoy to be notified.

(2.) A notification under the last preceding clause of this By-law shall be given within a reasonable time after the buoy is placed, moored or anchored.

(3.) The master or owner of a vessel, lighter or small craft shall not, without the permission of the Harbourmaster, secure the vessel, lighter or small craft to a buoy under the control of the Port Authority.

Gangway at anchor.

10. The owner and the master of a vessel lying at anchor in a declared port shall ensure that—

- (a) if the size of the vessel makes a gangway necessary, the vessel is provided with a suitable and efficient gangway fitted with man ropes; and
- (b) from sunset to sunrise the gangway is properly lighted by—
  - (i) an electric light over the gangway; or
  - (ii) two or more oil lamps suspended one or more at each end of the gangway.

Gangway at wharf.

11. The owner and the master of a vessel lying alongside a wharf shall ensure that—

- (a) the vessel is provided immediately after it is berthed with a suitable and efficient gangway to the wharf; and
- (b) the gangway is fitted with—
  - (i) stanchions at least three feet high;
  - (ii) man ropes on each side;
  - (iii) cross battens to prevent slipping; and
  - (iv) a suitable net of sufficient size suspended beneath it in such a manner as to catch any person or thing falling from the gangway.

Liability.

12. The owner of a vessel is liable severally with the master of the vessel for a breach of either of the last two preceding By-laws.

Vehicles on wharves.

13.—(1.) The Harbourmaster may allot an area on a wharf to be—

- (a) a reserved parking area; or
- (b) a general parking area,

and shall cause the area allotted to be indicated by lines on the wharf or notices exhibited at the area.

(2.) A person driving or in charge of a vehicle shall not place the vehicle or allow the vehicle to be placed in an area allotted in accordance with the last preceding clause of this By-law except in the manner indicated by the lines or notices specified in that clause.

(3.) A person driving or in charge of a vehicle shall not allow the vehicle to remain stationary on a wharf for longer than five minutes unless the vehicle—

- (a) is being used for the purpose of loading or unloading goods;
- (b) is being used for the purpose of wharf construction or maintenance; or
- (c) is parked within an area indicated, by lines on the wharf or by notices exhibited at the area, as being an area at which vehicles of the class to which the vehicle belongs may be parked.

(4.) A person driving or in charge of a vehicle shall not allow the vehicle to remain in an area allotted in accordance with clause (1.) of this By-law for a longer period than is specified in the notices exhibited at the area as the maximum period during which a vehicle may remain in the area.

(5.) The Harbourmaster may remove or cause to be removed, a vehicle which is, in contravention of this By-law, within an area allotted in accordance with clause (1.) of this By-law.

(6.) The Harbourmaster may allot routes by which a vehicle may travel while it is—

- (a) approaching;
- (b) on; or
- (c) departing from,

a wharf and shall cause the routes allotted to be indicated by notices on the wharf.

(7.) A person driving or in charge of a vehicle on a wharf—

- (a) shall not allow the vehicle to obstruct vehicular or pedestrian traffic;
- (b) shall, if required by the Harbourmaster, move the vehicle—
  - (i) to a specified position on the wharf; or
  - (ii) off the wharf,
 as directed by the Harbourmaster;
- (c) shall cause the vehicle to travel along routes indicated by notices in accordance with the last preceding clause of this By-law; and
- (d) shall ensure that the speed of the vehicle on the wharf does not exceed fifteen miles per hour.

(8.) A person driving or in charge of any railway rolling stock on a wharf shall, if required by the Harbourmaster, move that railway rolling stock—

- (a) to a specified position on the wharf; or
- (b) off the wharf,

as directed by the Harbourmaster.

(9.) A person who contravenes or fails to comply with this By-law is guilty of an offence and is liable, on conviction, to a penalty not exceeding Twenty pounds and not less than Five pounds.

14.—(1.) Notwithstanding the last preceding By-law, the Harbourmaster may, if he thinks fit, permit a vehicle to be placed, or to remain stationary, on a wharf in such place, for such time and under such circumstances as he specifies; and, if he does so, a person driving or in charge of the vehicle may place it, or allow it to be placed or to remain stationary, on the wharf in accordance with the terms of the permission.

Special powers of Harbourmaster in relation to vehicles on wharves.

(2.) The Harbourmaster may, if he thinks fit, direct that no vehicle, or no vehicle belonging to a specified class of vehicles, shall be placed, or allowed to remain stationary, on a wharf or a part of a wharf.

(3.) A direction under the last preceding clause of this By-law shall be by an appropriate notice exhibited at or near the entrance to the wharf, or at or near the part of the wharf, to which the notice applies, as the case requires.

(4.) The notice may specify—

- (a) the class of vehicles to which the direction applies;
- (b) the time during which the prohibition in the direction is in force; and
- (c) the part of the wharf to which the direction applies,

or any of these things.

(5.) If the notice does not specify a class of vehicles to which the direction applies, the direction shall be deemed to apply to all vehicles.

(6.) If the notice does not specify a time during which the prohibition in the direction is in force, the prohibition shall be deemed to be in force during the period that the direction is in force.

(7.) If the notice does not specify the part of the wharf to which the direction applies, the direction shall be deemed to apply to all parts of the wharf.

(8.) The Harbourmaster may, if he thinks fit, give permission to a person to place a vehicle, or allow a vehicle to remain stationary, on a wharf or part of a wharf to which a notice under this By-law applies.

(9.) The permission shall be subject to such conditions as the Harbourmaster thinks fit and specifies.

(10.) A person shall not place a vehicle, or allow a vehicle to remain stationary, on a wharf or part of a wharf in contravention of a direction given by the Harbourmaster under this By-law except in accordance with permission to do so given to the person by the Harbourmaster under this By-law.

Penalty: Not more than Twenty pounds and not less than Five pounds.

(11.) The Harbourmaster may cause fences, barriers and gates, or any of them, to be erected and used in order to prevent or permit access by a vehicle to a wharf, or part of a wharf, in respect of which a direction under this By-law is in force.

15. A person shall not—

(a) interfere with; or

(b) unless authorized to do so by the Harbourmaster, switch on or off a light placed on a wharf for illuminating the wharf, lighting a building on the wharf or navigational purposes.

Interference  
with lights,  
&c.

16. A person shall not interfere with—

(a) a building, fixture, lifesaving device or fire extinguisher on a wharf; or

(b) a buoy, beacon, punt, barge or other thing under the control of the Port Authority in a declared port or on a wharf.

Interference  
with  
buildings, &c.

17.—(1.) A person may make application for permission to place a mooring, buoy, dolphin, jetty, landing or other device in a declared port.

(2.) The application shall—

(a) be in writing;

(b) be addressed to the Harbourmaster;

(c) state the purpose of the device; and

(d) be accompanied by a plan of the proposed device, showing its position and dimensions.

Permission to  
place buoys,  
&c.

(3.) The Harbourmaster may, in his discretion, grant or refuse permission or grant permission subject to such modifications or conditions as he sees fit and specifies.

(4.) A person shall not place a mooring buoy, dolphin, jetty, landing or other device in a declared port unless the Harbourmaster has granted permission in writing to do so and has not withdrawn that permission.

18. The master of a vessel, lighter or small craft which is secured alongside a wharf for the purpose of loading or unloading cargo or embarking or disembarking passengers shall ensure that the vessel, lighter or small craft does not, when the loading, unloading, embarking or disembarking is completed, remain alongside the wharf so as to hinder the use of the wharf by any other vessel, lighter or small craft.

Vessels not to hinder use of wharf.

19. The master of a vessel, lighter or small craft shall ensure that the vessel, lighter or small craft—

Vessels to be kept clear of flying boats.

(a) is kept clear of any flying boat or seaplane which is alighting or taking off; and

(b) does not approach—

(i) at night, the lighted runway; or

(ii) by day, the runway marked by a control launch, until the aircraft is clear of the runway.

### CHAPTER III.—POLLUTION OF PORTS.

20. A person shall not deposit in a declared port or on the shores of a declared port any garbage, rubbish, refuse, putrefying matter, dead animal or offensive matter of any description.

Garbage, &c., not to be deposited.

21.—(1.) The master of a vessel, lighter or small craft shall not permit or suffer oil or inflammable liquid to be pumped out of or otherwise discharged from the vessel, lighter or small craft into the waters of a declared port.

Oil, &c., not to be discharged.

(2.) The owner or person in charge of a tank shall not permit or suffer oil, inflammable liquid or refuse to be discharged or flow from the tank into the waters of a declared port.

22. The master of a vessel, lighter or small craft shall not permit or suffer ashes to be discharged from the vessel, lighter or small craft while the vessel, lighter or small craft is lying alongside a wharf or is within six hundred feet of a wharf.

Ashes not to be discharged.

### CHAPTER IV.—EXPLOSIVES AND INFLAMMABLE LIQUIDS.

23.—(1.) Subject to the next succeeding clause of this By-law, the master of a vessel, lighter or small craft shall not permit or suffer explosives or inflammable liquids to be loaded on or in or unloaded from the vessel, lighter or small craft except—

Loading and unloading.

(a) between sunrise and sunset;

(b) with the permission of the Harbourmaster; and

(c) under such conditions as the Harbourmaster specifies.

(2.) The master of a vessel transporting inflammable liquids in bulk may, with the permission of the Harbourmaster, and subject to any conditions specified by the Harbourmaster, permit inflammable liquids from the cargo to be unloaded from the vessel between sunset and sunrise by means of a pipeline to a receptacle approved by the Harbourmaster.

(3.) The owner of inflammable liquids unloaded on a wharf shall—

- (a) without delay, stow them in a shed or place approved by the Harbourmaster, and
- (b) remove them from that shed or place before sunset on the day they are unloaded.

**Protection  
from fire.**

24.—(1.) Where explosives or inflammable liquids are being handled on a wharf or on or in a vessel, lighter or small craft, a person shall not—

- (a) bring a fire or naked flame within one hundred feet of where those explosives or inflammable liquids are being handled;
- (b) while he is within one hundred feet of where these explosives or inflammable liquids are being handled, smoke, ignite a match or otherwise create a fire or flame; or
- (c) be on the wharf or on or in the vessel, lighter or small craft without the permission of the Harbourmaster, unless he is engaged in—
  - (i) the working, loading or unloading of the vessel, lighter or small craft;
  - (ii) the transporting of goods on the wharf or on or in the vessel, lighter or small craft; or
  - (iii) the performance of public duties which make it necessary or desirable for him to be on the wharf or on or in the vessel, lighter or small craft at that time.

(2.) Where explosives or inflammable liquids are stowed in or on a vessel, lighter or small craft, a person shall not—

- (a) bring a fire or naked flame into a hold or on to a deck of that vessel, lighter or small craft;
- (b) while he is in a hold or on a deck of that vessel, lighter or small craft, smoke, ignite a match or otherwise create a fire or flame.

(3.) Where a person is in charge of the loading or unloading of a vessel, lighter or small craft or in control of a person engaged in the loading or unloading of a vessel, lighter or small craft, he shall not permit or suffer a person under his control to commit a breach of this By-law.

**Possession of  
matches, &c.**

25. A person engaged in handling explosives or inflammable liquids on a wharf or in or on a vessel, lighter or small craft shall not carry or have in his possession any matches, or any material or appliance for producing ignition.

**Lighting of  
hold of  
enclosed deck.**

26. The master of a vessel, lighter or small craft in or on which explosives or inflammable liquids are stowed or are being handled may permit a hold or enclosed deck of the vessel, lighter or small craft to be illuminated by flood electric lighting suspended over that hold or enclosed deck in a manner



approved by the Harbourmaster but shall not permit any other artificial light to be used in that hold or on that enclosed deck of the vessel, lighter or small craft.

#### CHAPTER V.—PILOTAGE.

**27.** This Chapter applies only to the port of Darwin.

Application of  
Chapter V.

**28.—(1.)** No person, unless he holds an operative Pilotage Exemption Certificate, except in cases of dire necessity such as breaking adrift or fire, shall move a vessel exceeding one hundred tons gross tonnage through the waters within the boundaries of the port of Darwin south of the Channel Rock Fairway Buoy, Latitude 12° 25.1' S., Longitude 130° 46.9' E., without the services of a pilot.

Pilotage  
compulsory.

(2.) This By-law does not apply until 1st August, 1964, to a person who fulfills the conditions specified in paragraphs (a), (b) and (c) of clause (1.) of By-law 36 of these By-laws.

**29.—(1.)** The master of a vessel exceeding one hundred tons gross tonnage entering the port of Darwin, twenty-four hours before arrival at the Channel Rock Buoy, shall radio to the Harbourmaster notice of his estimated time of arrival at the buoy.

Radio notice  
of arrival to be  
given.

(2.) Notice under this By-law shall be given whether or not pilotage is required.

**30.—(1.)** Notice given under the last preceding By-law shall be amended or confirmed two hours before arrival at the buoy.

Radio notice  
to be  
confirmed.

(2.) During normal port working hours the two hours' notice given under this By-law may be direct to Harbour Control on the sixteen megacycle band of the Very High Frequency.

(3.) Where a vessel requests pilotage for a particular time and the pilot is required to await the arrival of the vessel at the pilot boarding ground, a charge shall be made after the first hour of Four pounds for every half hour or part thereof.

**31.** The master of a vessel requiring pilotage shall use or display the usual signal for a pilot whilst approaching and within ten miles of the port of Darwin.

Signal for  
pilot to be  
displayed.

**32.** The master of a vessel which requires pilotage or which has made use of pilotage shall by any practicable means consistent with the safety of the vessel facilitate the pilots boarding or leaving, and in particular shall—

Master to  
assist pilot.

(a) lay to off the pilot boarding ground in such manner as to provide the best possible lee;

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

(c) in ships of high structure in which gangway doors are fitted, open one such door and rig the pilot ladder thereat;

(d) provide a suitable boat rope in such a manner that the forward end is fast well forward of the ladder and the after end held abaft the ladder in readiness to be released when the pilot vessel has secured the boat rope; and

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

Application for pilot.

33.—(1.) The master of a vessel requiring the services of a pilot outwards or for a removal within the port shall make application to the Harbourmaster not less than six hours before the pilot is required.

(2.) An application made under this By-law may be withdrawn without charge at any time prior to four hours before the appointed time.

(3.) Notwithstanding the last preceding clause of this By-law, during normal port working hours an application made under this By-law may be withdrawn without charge at any time prior to one hour before the appointed time.

(4.) Where an application made under this By-law is not withdrawn prior to four hours before the appointed time, or during normal port working hours prior to one hour before the appointed time, and the pilot's services are not required at the appointed time, and he is not retained until his services are required, a charge of Five pounds shall be made.

(5.) If the vessel is not ready to leave the berth at the appointed time, but the pilot is retained until it is so ready—

(a) for the first half-hour of such retention, no charge shall be made; and

(b) for every subsequent half-hour or part thereof, a charge of fifty shillings shall be made.

Pilotage Exemption Certificates: to whom granted.

34.—(1.) The Port Authority may grant a Pilotage Exemption Certificate to any person who is master or mate of a coasting or interstate vessel and who—

(a) is a natural-born or naturalized British subject;

(b) holds a Foreign Going Master's Certificate of Competency;

(c) within the two years immediately preceding his application for the certificate has made three passages into and out of the waters for which exemption is requested as master or mate of a vessel not exceeding the tonnage for which exemption is requested;

(d) produces evidence of satisfactory eyesight; and

(e) passes an examination before the Harbourmaster, or before some other person authorized by the Port Authority proving that he is competent to navigate a vessel not exceeding the tonnage for which exemption is requested through the waters for which exemption is requested.

(2.) Upon application for examination under this By-law, a candidate shall pay a fee of Five pounds.

Certificate may be limited.

35. A Pilotage Exemption Certificate—

(a) may be granted for such parts of the port of Darwin for such tonnages and subject to such conditions as the Port Authority may determine; and

(b) may be in accordance with Form 1.

36. A person who fails an examination for pilotage exemption shall not apply again until he has made one more passage as master or mate of a vessel not exceeding the tonnage for which he requests exemption into and out of the waters for which he requests exemption. Candidates who fail examination.

37.—(1.) A Pilotage Exemption Certificate shall not be operative for the passage inwards from Quarantine Anchorage to berth unless the holder has entered the port as master or mate of a vessel during the immediately preceding two years. Inoperative Certificates.

(2.) A Pilotage Exemption Certificate shall be operative only in respect of a coasting or interstate vessel of which the holder is the master.

(3.) For the purposes of this By-law a person shall be deemed to be the master of a vessel only if—

- (a) in the case of an inward-bound vessel he has been in charge of the vessel and his name has been entered as master in the vessel's register from its departure from the last port of call and until arrival at the port of Darwin; or
- (b) in the case of an outward-bound vessel he is in charge of the vessel and his name is entered as master in the vessel's register at the time of departure from its berthing place at the port of Darwin.

38.—(1.) The Port Authority may waive any or all of the requirements for a Pilotage Exemption Certificate for— Special Pilotage Exemption Certificates.

- (a) the master of any vessel used in the carrying out of dredging operations; or
- (b) the master and mate of any other vessel which in the opinion of the Port Authority warrants such a waiver.

(2.) Pilotage exemption granted under this By-law shall be limited to the particular vessel for which it is requested.

39. The master of a vessel claiming pilotage exemption shall use or display the usual signal for this purpose whilst approaching and within ten miles of the port of Darwin. Signal for Pilotage Exemption to be displayed.

40.—(1.) The Port Authority may grant a Pilot's Licence to any person who has held a Pilotage Exemption Certificate, not being a certificate limited to a particular vessel, for two years. Pilot's licence; to whom granted.

(2.) An applicant for a Pilot's Licence shall—

- (a) pass an examination before the Harbourmaster, or before some other person authorized by the Port Authority, proving that he is competent to hold the licence; and
- (b) fulfil such other conditions as the Port Authority may impose.

(3.) A Pilot's Licence under this By-law may be in Form 2.

41. The Port Authority at any time may revoke a Pilot's Licence or a Pilotage Exemption Certificate. Certificate or Licence may be revoked.

42.—(1.) A pilot shall aid and assist by every means in his power any vessel in distress. Vessels in distress, and procedure of pilots.

(2.) Subject to the last preceding clause of this By-law a pilot shall offer his services—

- (a) firstly to mail vessels regularly employed in postal service; and
- (b) secondly to the nearest inward bound vessel flying a pilotage signal.

**Tugs under pilot's orders.**

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

**Master shall produce Register, &c.**

44. The master of a vessel on being requested by any licensed pilot having charge of the vessel shall produce the register of the vessel and certificate of pratique, and declare her draught of water.

**Pilot shall not be detained.**

45.—(1.) Except in unavoidable circumstances a pilot shall not be detained without his consent on board any vessel, or taken to sea beyond the limits for which he is licensed or into quarantine ashore or afloat.

(2.) Where a pilot is detained without his consent or taken to sea or into quarantine the owners or master, in addition to other pilotage charges incurred, shall pay—

- (a) all travelling expenses incurred by the pilot during the period of detention;
- (b) the cost of the pilot's passage back to the port of Darwin; and
- (c) the sum of Ten pounds for every day or part of a day, but not including the first day, during which the pilot is detained.

**Complaints against pilots.**

46. The master of a vessel shall report any complaint against a pilot in writing to the Harbourmaster.

**Pilot shall not receive remuneration.**

47. A licensed pilot shall not demand or receive and a master shall not offer to any pilot any reward or remuneration in respect of pilotage services except as provided in these By-laws.

**Special services.**

48.—(1.) Where a pilot is engaged for special services such as swinging or manoeuvring a vessel for compass adjustment, conducting a vessel on a trial run after repairs, or for any other service not elsewhere provided for, the owners shall pay a charge of Fifty shillings for every half hour or part thereof, with a minimum charge of Five pounds.

(2.) Where a special service provided under this By-law involves the removal of a vessel from a berth alongside a wharf and the return of the vessel to the same berth alongside a wharf, the owners shall incur a charge as though the vessel has been piloted from one wharf to another wharf.

**Pilot leading a vessel.**

49. Where a pilot is unable to board a vessel and leads the vessel in, pilotage fees shall be payable as though the pilot had actually been on board and in charge of the said vessel.

#### CHAPTER VI.—CHARGES AND FEES, PORT OF DARWIN.

**Berthage fees.**

50.—(1.) Subject to this By-law, the owner or master of a vessel or lighter which is berthed at or moored to—

- (a) a wharf under the control of the Port Authority; or
- (b) a vessel or lighter berthed at or moored to a wharf under the control of the Port Authority,

shall pay berthage fees in accordance with the scale of charges specified in the Second Schedule.

(2.) Berthage fees are not payable in respect of a vessel or lighter which—

- (a) is of or in the commissioned service of Her Majesty or a foreign State;
- (b) not being a trading vessel, is in the service of the government of a British possession;
- (c) is chartered by or on behalf of Her Majesty or the government of a British possession for naval purposes, where the dues would, if payable, be payable by Her Majesty or the government of that British possession;
- (d) is employed solely for scientific, marine surveying or exploration purposes;
- (e) is—
  - (i) used primarily for purposes other than purposes of trade or commerce; and
  - (ii) not conveying goods or passengers for hire;
- (f) is obliged to return to port through stress of weather or other cause considered by the Port Authority to be sufficient; or
- (g) is owned or chartered by a mission and used for transporting goods or passengers to or from a mission station.

**51.—**(1.) Where goods being cargo are unloaded from a vessel or lighter on to a wharf under the control of the Port Authority, the owner of the goods shall pay, in addition to any other charge, fee, due, duty or levy, payable by him, an inwards wharfage fee in accordance with the scale of charges specified in the Third Schedule. **Wharfage fees.**

(2.) Where goods being cargo are loaded into a vessel or lighter from a wharf under the control of the Port Authority the owner of the goods shall pay, in addition to any other charge, fee, due, duty or levy payable by him, an outwards wharfage fee in accordance with the scale of charges specified in the Third Schedule.

**52.—**(1.) Where a pilot is employed for a vessel in the port of Darwin the master or owner of the vessel shall pay pilotage fees in accordance with the Fourth Schedule. **Pilotage fees.**

(2.) Where under these By-laws a charge is made in connection with the services of a pilot such charge shall be in addition to and not in substitution for the fees payable in accordance with the Fourth Schedule.

(3.) The following vessels shall be exempt from the payment of pilotage charges—

- (a) vessels of war of any nationality; and
- (b) vessels, other than vessels engaged in trade, which are owned by the Government of any member of the British Commonwealth.

**53.—**(1.) Subject to this By-law, the master or owner of a vessel arriving or trading in a declared port of the Northern Territory shall pay port dues in accordance with the Fifth Schedule. **Port dues.**

(2.) In the case of a vessel arriving in a declared port of the Northern Territory the port dues specified in the last preceding clause of this By-law are payable when the vessel arrives at its first declared port in the Northern Territory.

(3.) When the master or owner of a vessel pays port dues once in respect of the vessel, he is not liable to pay port dues again in respect of the vessel for a period of six months commencing on the date when the master or owner became liable to pay the dues paid by him.

(4.) The master of a vessel on which port dues are payable shall produce to the Harbourmaster the certificate of registry of the vessel—

(a) in the case of a vessel arriving in a declared port of the Northern Territory, within twenty-four hours after the arrival of the vessel at its first declared port in the Northern Territory; or

(b) in the case of a vessel trading only within the Northern Territory—

(i) within six months of the date of commencement of these By-laws or of the date when the vessel began to trade only within the Northern Territory, whichever is the later; and

(ii) within six months of the date on which that certificate was last produced to the Harbourmaster.

(5.) The master or owner of a vessel which—

(a) is not a tug; and

(b) is navigated both inwards and outwards to and from a port in the Northern Territory—

(i) wholly in ballast;

(ii) without earning any freight; and

(iii) without any passengers,

is not liable to pay port dues.

Payment of  
fees, &c.

54. Where the master or owner of a vessel is liable to pay berthage fees, wharfage fees, pilotage fees, port dues or any other charge, fee, due, duty or levy under these By-laws, he shall make payment at or before the time when the vessel makes entry into or clears outwards from port, as the case may require, to the Port Authority or a person authorized in writing by the Port Authority to receive payment.

Port  
Authority  
may remit fee,  
&c.

55. The Port Authority may in any case remit the whole or any part of a charge, fee, due, duty or levy otherwise payable under these By-laws if it is satisfied that there is a sufficient reason for doing so.

#### CHAPTER VII.—SORTING, STACKING, STORAGE AND DELIVERY OF CARGO.

Inward  
manifests.

56.—(1.) The master of a vessel which enters a declared port shall, before commencing to unload cargo—

(a) deliver to the Harbourmaster a true, legible and complete copy of the manifest of the vessel; and

(b) furnish, within forty-eight hours of delivering the copy, a certified statement of all alterations made in the manifest because of—

- (i) measurement of the goods included in the manifest; or
- (ii) any other reason.

(2.) The copy specified in paragraph (a) of the last preceding clause of this By-law shall be—

- (a) in the English language; and
- (b) certified by the master as being true and complete.

57.—(1.) The master of a vessel which is about to depart from a declared port shall, before the vessel is cleared, deliver to the Harbourmaster a true, legible and complete copy of the manifest of the vessel. Outward manifests.

(2.) The copy specified in the last preceding clause of this By-law shall be—

- (a) in the English language; and
- (b) certified by the master as being true and complete.

58. For the purposes of the last two preceding By-laws a master may deliver to the Harbourmaster by delivering at the office of the Harbourmaster to a person employed in that office. Delivery to Harbourmaster,

59.—(1.) This By-law applies to—

- (a) kalsomine, carbon black, cement, charcoal, cocoa beans, paint mediums, fertilizers, plaster, plaster of paris and whiting;
- (b) goods (other than explosives and inflammable liquids) which have been declared by proclamation under section 248 of the *Navigation Act 1912-1961* to be dangerous; and
- (c) any other goods in respect of which the Harbourmaster gives a direction in accordance with the next succeeding clause of this By-law.

Goods likely to create nuisance, &c.

(2.) Where the Harbourmaster is satisfied that goods of a class specified in paragraph (a) or (b) of the last preceding clause of this By-law or other goods to which, in his opinion, this By-law should apply—

- (a) are likely to create a nuisance or dangerous or objectionable conditions on a wharf; and
- (b) are about to be unloaded from a vessel, lighter or small craft, he may direct the owner of the vessel, lighter or small craft or the owner of the goods to ensure that the goods are removed direct from the vessel, lighter or small craft and dealt with in accordance with this By-law.

(3.) Where—

- (a) goods to which this By-law applies are unloaded on to a wharf; and
- (b) the Harbourmaster has not given permission, which is in force, for the goods to be stacked on a wharf, the owner of the goods shall ensure that the goods are immediately removed direct from the vessel, lighter or small craft to a place beyond the limits of any wharf.

(4.) Where the Harbourmaster gives permission for goods to which this By-law applies to be stacked on a wharf, a person shall not stack those goods on a wharf unless the goods are stacked on pallets which are placed upon a portion of the wharf which is—

- (a) set aside by the Harbourmaster for the stacking of the goods; and
- (b) covered with clean sawdust, or other substance specified by the Harbourmaster, to a depth of at least two inches.

(5.) Where goods to which this By-law applies have been stacked on a wharf with the permission of the Harbourmaster, the owner of the goods shall remove the goods, the pallets on which they are stacked and the sawdust or other substance with which the portion of the wharf under the pallets is covered from the wharf within eight business hours after the end of the hour in which the goods were unloaded.

(6.) If goods are stacked or if goods, pallets, or sawdust or any other substance remain or remains on a wharf in contravention of this By-law, the Harbourmaster may give a direction to the owner to remove the goods, pallets or sawdust or other substance forthwith; and the owner shall comply with the direction.

Harbour-master may give direction as to placing of goods, &c., on wharf.

**60.—**(1.) The Harbourmaster may give a direction in accordance with this By-law if he is satisfied that the direction should be given to enable space on a wharf to be properly used.

(2.) The Harbourmaster may give a direction that goods placed or about to be placed on a wharf shall not be placed on the wharf unless they are placed as and where he specifies in the direction.

(3.) The Harbourmaster may give a direction that nothing shall be placed on such part of a wharf as is specified in the direction.

(4.) A direction under this By-law—

- (a) may be given to a person—
  - (i) orally; or
  - (ii) in writing in a document served by a method specified in paragraph (a), (b), (c) or (d) of By-law 86 of these By-laws; and

(b) shall be deemed to have been given to all persons if an appropriate notice is exhibited at or near the part of the wharf to which the direction applies.

(5.) The Harbourmaster may, if he thinks fit, permit a person to do an act in contravention of a direction under this By-law.

(6.) A person to whom a direction under this By-law is given shall not, without the permission of the Harbourmaster, do an act in contravention of the direction.

(7.) Where a person to whom a direction under this By-law is given is an owner of goods or an owner of a vessel, lighter or small craft, he shall ensure that goods of which he is the owner, or goods which have been or are about to be unloaded from a vessel, lighter or small craft of which he is the owner, as the case may be, are not, without the permission of the Harbourmaster, placed or allowed to remain on a wharf in contravention of the direction.



61.—(1.) A person shall not deliver on to a wharf for shipment any goods enclosed in a container unless the container is of sound material and of sufficient strength and durability to hold the goods without leakage or spilling until they are delivered to the consignee.

Containerst  
be sound.

(2.) If any goods are delivered on to a wharf in contravention of this By-law, the Harbourmaster may give a direction to the person who so delivered them or the owner of the goods to remove them forthwith; and a person receiving the direction shall comply with it.

62.—(1.) If any goods, by breaking bulk, spilling, leaking or in any other way—

Removal of  
goods causing  
nuisance, &c.

- (a) damage a wharf or any goods on a wharf;
- (b) create a nuisance or a dangerous or offensive condition; or
- (c) hinder the work on a wharf,

the owner of the goods shall forthwith remove the goods and, if they are stacked on pallets, the pallets on which they are stacked and the sawdust or other substance with which the portion of the wharf under the pallets is covered and cause any matter or substance deposited on the wharf from the goods to be cleared away, and any damage done to the wharf to be repaired.

(2.) If the owner of the goods fails to do an act which the provisions of the last preceding clause of this By-law require him to do, the Harbourmaster may give a direction to the owner to do the act forthwith; and the owner shall comply with the direction.

63.—(1.) The owner of a vessel from which goods are unloaded on to a wharf or into a lighter shall—

Cargo  
location  
record book.

- (a) cause a book, to be called the cargo location book, to be kept in the delivery office;
- (b) forthwith after a consignment of goods is unloaded from the vessel or lighter on to the wharf, cause to be entered in the book, as far as possible in alphabetical order according to the first letter of the marks on the goods—
  - (i) the distinguishing marks or numbers of the goods, the number of the bill of lading relating to the goods or of the line on which the goods are entered in the manifest of the vessel and the number and type of packages comprising the goods;
  - (ii) the date or dates on which the consignment was unloaded;
  - (iii) the position on the wharf of the goods, the position being described by reference to the known divisions of the wharf; and
  - (iv) if a consignment is divided and stacked in different places, the position, described by reference to the known division of the wharf, of each part of the consignment; and
- (c) permit—
  - (i) a consignee or agent of a consignee of goods unloaded from the vessel; or

(ii) the Harbourmaster,  
to inspect the book during any hours during which the work  
of unloading is usually carried on.

(2.) Where goods are unloaded on to two or more wharves from the same vessel, either directly or by means of a lighter, the owner of the vessel shall, unless the Harbourmaster otherwise permits, cause to be kept, entered up and made available a separate cargo location record book for each wharf on to which the goods are unloaded; and the provisions of these By-laws shall apply as if each separate cargo location record book were the cargo location record book.

Sorting and  
stacking of  
cargo.

64.—(1.) A person who places goods, which are inwards cargo, on a wharf for removal shall cause those goods to be sorted and stacked on the wharf in their separate consignments in such a manner as to give easy access to each consignment and to permit of its speedy removal from the wharf.

(2.) Notwithstanding the last preceding clause of this By-law a person may cause consignments of under five tons by volume to be stacked together in one stack if the consignments are stacked so that each consignment can be readily identified and removed.

(3.) A person shall not—

- (a) take delivery of any goods in a stack except from the face of the stack; or
- (b) disarrange a stack.

(4.) The owner of a vessel from which goods have been unloaded on to a wharf, either directly or by means of a lighter, shall cause to be kept open, during business hours and any other hours which the Harbourmaster specifies in a direction to the owner, all parts of the wharf which it is necessary to keep open for the purpose of permitting the goods to be removed from the wharf.

Notice to  
consignees.

65.—(1.) Subject to the next succeeding clause of this By-law, after a consignment of goods has been unloaded from a vessel on to a wharf, either directly or by means of a lighter, the owner of the vessel shall—

- (a) within twenty-four hours after the completion of the unloading of that consignment, inform the consignee—
  - (i) of the fact that the goods have been unloaded; and
  - (ii) of the location of the goods on the wharf; and
- (b) forthwith after so informing the consignee make an entry, in the cargo location book kept under these By-laws, of the time when the consignee was so informed.

(2.) The owner of a vessel need not comply with the provisions of the last preceding clause of this By-law if the name of the consignee—

- (a) is not known to him;
- (b) cannot be ascertained from any documents in the possession of the owner.

Removal of  
inward cargo  
from wharves.

66.—(1.) The Harbourmaster may, by general notice, require all goods unloaded or about to be unloaded from a vessel, lighter or small craft to be removed from a wharf within a time specified in the notice.

(2.) A notice under the last preceding clause of this By-law shall—

- (a) be in writing;
- (b) be applicable to all goods unloaded or about to be unloaded from the vessel, lighter or small craft;
- (c) name the vessel, lighter or small craft from which those goods are unloaded or about to be unloaded; and
- (d) be exhibited—
  - (i) in the transit shed at the berth at which the goods are or are about to be unloaded; or
  - (ii) in the case of goods unloaded or about to be unloaded at the open berth, in the transit shed nearest to that berth.

(3.) Notwithstanding the provisions of the last two preceding clauses of this By-law, the Harbourmaster may at any time give a special notice to—

- (a) the owner of a vessel, lighter or small craft from which goods have been unloaded on to a wharf; or
- (b) the owner of goods which have been unloaded on to a wharf, requiring the person to whom the notice is given to remove the goods specified in the notice from the wharf before the expiration of the time specified in the notice.

(4.) The owner of any goods to which a notice under clause (1.) of this By-law applies and a person to whom a notice is given under the last preceding clause shall comply with the terms of the notice, and shall be deemed to commit a separate offence on each day on which he does not comply with the terms of the notice.

(5.) This By-law does not affect the duty of an owner of goods to remove them from a wharf within any special period prescribed by these By-laws.

67.—(1.) If any goods unloaded from a vessel, lighter or small craft are not removed from a wharf within the period prescribed by these By-laws or by a notice under these By-laws a storage charge shall be payable to the Harbourmaster by the owner of the goods at the rate of Five shillings per ton for each ton of the goods for each day during which the goods remain on the wharf after that period has expired. Storage charges on inward cargo.

(2.) In this By-law, "ton" means ton by weight or ton by volume depending upon which measurement yields the greater storage charge.

68.—(1.) Goods placed on a wharf for shipment in a vessel may remain on the wharf free of storage charges— Free period for outward cargo.

- (a) for a period fixed by the Harbourmaster by notice to the owner of the vessel; or
- (b) if no period is fixed in accordance with the last preceding paragraph, while the vessel is berthed at the wharf and during the two days immediately before the arrival of the vessel at the wharf.

(2.) Where goods placed on a wharf for shipment on a vessel remain on the wharf longer than is allowed under this By-law, the owner of the vessel shall pay a storage charge at the rate of Sixpence per ton of the goods for each day in excess of the period of free storage allowed.

(3.) In this By-law, "ton" means ton by weight or ton by volume depending upon which measurement yields the greater storage charge.

Cargo  
delivery book.

69.—(1.) The owner of a vessel from which goods are unloaded on to a wharf, either directly or by means of a lighter, shall—

- (a) cause a book to be kept to be called a cargo delivery book;
- (b) forthwith, upon the delivery of any of the goods to the owner or his agent, enter in the book—
  - (i) the date of delivery of the goods;
  - (ii) the name of the owner of the goods or his agent;
  - (iii) particulars of the marks on the goods;
  - (iv) the number of the bill of lading relating to the goods or of the line in which the goods are entered in the manifest of the vessel; and
  - (v) the number and types of packages of the goods;
- (c) each day forward to the Harbourmaster a copy of all entries made in the book on the previous day; and
- (d) produce the book on demand to any person authorized in writing by the Port Authority to inspect cargo delivery books and permit that person to inspect the book.

(2.) The owner of a vessel, lighter or small craft using a wharf for the purpose of taking goods on board shall, upon the request of the Harbourmaster for particulars relating to goods placed on the wharf for shipment on the vessel, lighter or small craft supply those particulars in writing to the Harbourmaster.

Removal of  
goods impeding  
work on  
wharves.

70.—(1.) Notwithstanding any other provision of these By-laws, if the Harbourmaster is of the opinion that any goods on a wharf are impeding the business of the wharf, he may direct—

- (a) in the case of goods being inward cargo, the owner of the goods or the owner of the vessel from which the goods were unshipped or both those owners; or
- (b) in the case of goods being outward cargo, the owner of the vessel in which the goods are intended to be shipped or the owner of the goods or both those owners,

to remove them from the wharf forthwith or within a time specified by the Harbourmaster.

(2.) A person receiving a direction under this By-law shall comply with it, and shall be deemed to commit a separate offence on each day on which he does not comply with it.

Power  
operated  
handling  
equipment.

71.—(1.) In this By-law "equipment storage shed" means a building which the Port Authority permits to be used for the storage on a wharf of power operated handling equipment.

(2.) A fee of Four pounds shall be charged for the use of an equipment storage shed—

- (a) for each week; and
- (b) for each portion of a week not included in the last preceding paragraph.

(3.) A person who uses an equipment storage shed shall pay the prescribed fee to the Harbourmaster.

(4.) A person shall not use an equipment storage shed without the permission of the Harbourmaster.

(5.) The lessee, or if there is no lessee the owner, of power operated handling equipment used on a wharf shall ensure that the power operated handling equipment is not on the wharf between the hours of five o'clock in the afternoon of any day and eight o'clock in the morning of the next succeeding day unless that equipment—

- (a) is being used between those hours for the handling of cargo; or
- (b) is stored in an equipment storage shed.

(6.) If a person fails to comply with the provisions of the last preceding clause of this By-law the Harbourmaster may direct that person to remove the power operated handling equipment from the wharf forthwith or within a time specified by the Harbourmaster.

72. The Port Authority from time to time may determine charges Hire of equipment. for—

- (a) the hiring of such plant, machinery, equipment or other things as it may have available for hire; and
- (b) the provision of such services as it may provide.

73.—(1.) The owner of a vessel, lighter or small craft shall ensure that manually operated handling equipment used in connexion with the unloading or loading of the vessel, lighter or small craft is removed from the wharf as soon as the unloading or loading of the vessel, lighter or small craft is completed. Manually operated handling equipment.

(2.) If the owner of the vessel, lighter or small craft fails to comply with the provisions of the last preceding clause of this By-law the Harbourmaster may direct him to remove the manually operated handling equipment from the wharf forthwith or within a time specified by the Harbourmaster.

74.—(1.) If a person fails to comply with a direction—

- (a) to remove goods; or
- (b) to do any other act,

given to him by the Harbourmaster under a By-law in this Chapter, the Harbourmaster may remove the goods or do the act directed to be done.

(2.) Where goods are removed by the Harbourmaster pursuant to this By-law, the Harbourmaster may store them in any place which he considers to be appropriate.

(3.) Where goods are stored pursuant to this By-law in a store other than a store provided for the transit accommodation of cargo, a storage charge for each ton of the goods for each day during which the goods are stored shall be payable to the Harbourmaster by the owner of the goods at the rate of—

- (a) One shilling per ton for each of the first, second and third days;
- (b) One shilling and sixpence per ton for each of the fourth, fifth and sixth days;
- (c) Two shillings per ton for the seventh day;
- (d) Three shillings per ton for the eighth day;
- (e) Four shillings per ton for the ninth day;
- (f) Five shillings per ton for the tenth day;
- (g) Six shillings per ton for the eleventh day; and
- (h) Seven shillings per ton for each day after the eleventh day.

Power of Harbourmaster to remove cargo or do work on default.

(4.) The Harbourmaster shall not be liable for any loss or damage to goods which are removed or stored pursuant to this By-law, unless the loss or damage is caused by the negligence or wilful wrong of the Harbourmaster or a person acting under his authority or by his direction.

(5.) Where goods have been stored pursuant to clause (2.) of this By-law for not less than thirty days, the Harbourmaster—

- (a) may cause the goods to be sold by public auction; and
- (b) if he causes the goods to be sold, shall deduct from the proceeds of the sale the expenses of the sale and any sums due for storage charges under these By-laws and pay the balance, if any, to the owner of the goods.

(6.) In this By-law “ton” means ton by weight or ton by volume depending upon which measurement yields the greater storage charge.

Harbourmaster  
may grant  
exemption.

75.—(1.) Notwithstanding anything contained in this Chapter, the Harbourmaster may, by notice in writing, exempt a person from compliance with a requirement of this Chapter if, in the opinion of the Harbourmaster—

- (a) the requirement has been substantially complied with;
- (b) compliance with the requirement is, in the circumstances of the case, impracticable or unnecessary; or
- (c) other action taken in regard to the subject matter of the requirement is a satisfactory substitute for action specified in the requirement.

(2.) The Harbourmaster may subject an exemption under this By-law to any condition or limit he considers necessary.

(3.) If he considers that the circumstances of the case justify him in doing so, the Harbourmaster may, by notice in writing to the person exempted—

- (a) revoke an exemption; or
- (b) vary a condition of an exemption, granted under this By-law.

Calculation of  
storage charges.

76. For the purpose of calculating a storage charge under these By-laws—

- (a) “day” does not include a Saturday, a Sunday or a public holiday;
- (b) a part of a ton is deemed to be a whole ton, where—
  - (i) the goods subject to the storage charge are less than one ton by weight or by volume, as the case requires; or
  - (ii) the part of a ton remains after every whole ton is subtracted from the total weight or volume of the goods, as the case requires; and
- (c) a part of a day is deemed to be a whole day, where—
  - (i) the storage charge is made in respect of a total period of less than one day; or
  - (ii) the part of a day remains after every whole day is subtracted from the total period in respect of which the storage charge is made.

77. On application in writing made by or on behalf of a person who has paid or is liable to pay a storage charge under these By-laws the Port Authority may, in its discretion, remit such portion of the storage charge as it thinks fit. Port Authority may remit portion of storage charge.

#### CHAPTER VIII.—OBSTRUCTION IN PORTS.

78.—(1.) Where any timber, raft or thing in or afloat in a declared port is, in the opinion of the Harbourmaster, an obstruction or impediment to— Removal of obstruction.

(a) the navigation of the declared port; or

(b) the lawful use of a wharf or mooring or a structure on the shore of the declared port,

the Harbourmaster may, in his discretion, remove or order the removal of the timber, raft or thing.

(2.) The owner of the timber, raft or thing shall—

(a) pay the expenses of removal; or

(b) where an order is given under the last preceding clause of this By-law, comply with the order.

79.—(1.) Where a vessel, lighter or small craft is sunk, stranded, or run ashore in a declared port, the Harbourmaster may, before or during the removal of the vessel, lighter or small craft in accordance with the Act, order to be affixed to the vessel, lighter or small craft such lights or marks as he considers necessary. Lights on sunken vessels, &c.

(2.) An order under the last preceding clause of this By-law may be directed to the owner or master of the vessel, lighter or small craft; and the owner or master receiving the order shall comply with it.

#### CHAPTER IX.—MISCELLANEOUS.

80. A person shall not build a wharf or other structure having its foundations below high-water mark in any declared port unless he has obtained the consent in writing of the Port Authority to do so and has not been notified in writing of the withdrawal of that consent. Wharf construction.

81.—(1.) The Port Authority shall not be liable for any damage to a vessel, lighter or small craft arising from the defective condition of a mooring. Port Authority not liable.

(2.) The Port Authority shall not, by reason of any provision of or requirement under these By-laws, be deemed to have taken charge of a vessel, lighter or small craft; and the safety of a vessel, lighter or small craft, whether at sea or lying within a declared port, whether at anchor or moored alongside a wharf or at a buoy, shall be at the risk of the master or owner of the vessel, lighter or small craft.

82. Where, under these By-laws, a duty or obligation is imposed upon the owner of a vessel, lighter, small craft or goods, each person who is the owner within the meaning of these By-laws is severally responsible for the performance of the duty or the fulfilment of the obligation. Owners to be severally responsible.

83. Money payable under these By-laws to the Port Authority or the Harbourmaster may be recovered as a debt due to the Port Authority in any court of competent jurisdiction. Recovery of money payable.

Payment of  
expenses to  
be additional  
to penalty  
for offence.

84.—(1.) The prosecution or punishment of a person for a breach of these By-laws does not take away or restrict the liability of the person to pay any money payable under these By-laws to the Port Authority or the Harbourmaster.

(2.) The payment of any money payable under these By-laws to the Port Authority or the Harbourmaster does not take away or restrict the liability of a person to a penalty for any breach of these By-laws.

Offences.

85. A person who contravenes, or fails to comply with, a provision of these By-laws is guilty of an offence punishable on conviction, where no other penalty is provided, by a fine not exceeding Twenty pounds and not less than Five pounds.

Service of  
notice, &c.

86. Except where otherwise provided in these By-laws, a notice or other document required or permitted by these By-laws to be given or served upon a person may be given or served—

- (a) by handing it to or tendering it to that person;
- (b) by posting it to that person at his last known or usual place of abode or business;
- (c) by leaving it with some person apparently over the age of sixteen years at the last known or usual place of abode or business of that person; or
- (d) where the person to be served is the master of a vessel—
  - (i) by leaving it with some person on and apparently employed on the vessel; or
  - (ii) by affixing it to the mast of the vessel.

Proof of  
signature &c.

87. A notice or other document purporting to be issued in pursuance of these By-laws by the Port Authority or the Harbourmaster, and to be duly signed shall be deemed to have been so issued and signed unless the contrary is proved.

## THE SCHEDULES.

### FIRST SCHEDULE.

Form 1.

By-law 35.

No. ....

#### PILOTAGE EXEMPTION CERTIFICATE.

*The Northern Territory of Australia.*

In pursuance of the Port By-laws made under the *Ports Ordinance 1962-1963*, the Port Authority hereby grants you exemption from pilotage in the Port of Darwin, subject to the conditions specified hereunder.

#### NAME

Certificate Held ..... No. ....

Capacity in which at present employed ..... of  
.....

No. of Tons ..... gross.

#### CONDITIONS:—

Date of Examination .....

Examiner ..... Designation .....

(Signature of holder)

(Port Superintendent)



By-law 40.

Form 2.

No. ....

## PILOT'S LICENCE.

*The Northern Territory of Australia.*

In pursuance of the Port By-laws made under the *Ports Ordinance* 1962-1963, the Port Authority hereby grants you this Pilot's Licence to pilot vessels through the waters of the Port of Darwin.

NAME .....

Certificate Held ..... No. ....

Date of Examination .....

Examiner ..... Designation .....

(Signature of holder)

(Port Superintendent)

## SECOND SCHEDULE.

By-law 50.

## BERTHAGE FEES.

1.—(1.) Berthage fees are payable in respect of the period which commences when a vessel or lighter is secured at a berth and finishes when the last line from that vessel or lighter is cast off at a berth.

(2.) Subject to this clause, the scale of charges for berthage fees is—

(a) for the first period of twenty-four hours or portion of twenty-four hours—

	£	s.	d.
(i) for a vessel or lighter not exceeding 60 tons net registered tonnage .. .. .	0	15	0
(ii) for a vessel exceeding 60 tons but not exceeding 200 tons net registered tonnage .. .. .	5	0	0
(iii) for a vessel exceeding 200 tons but not exceeding 600 tons net registered tonnage .. .. .	10	0	0
(iv) for a vessel exceeding 600 tons but not exceeding 4,000 tons net registered tonnage .. .. .	20	0	0
(v) for a vessel exceeding 4,000 tons net registered tonnage ..	25	0	0

and

(b) for each period of six hours after the end of the first period of twenty-four hours—for a vessel or lighter specified in the last preceding paragraph, one-fourth of the amount specified in that paragraph as the charge for that vessel or lighter for the first period of twenty-four hours or portion of twenty-four hours.

(3.) For the purposes of this clause, where the total period in respect of which berthage fees are payable is more than twenty-four hours and a portion of six hours remains after every complete period of six hours is subtracted from the total period, that portion of six hours is deemed to be six hours.

2. Notwithstanding anything contained in the last preceding clause, where a vessel or lighter does not exceed sixty tons net registered tonnage and operates only in or from a declared port in the Northern Territory, the scale of charges for berthage fees is Ten pounds for each year commencing on the first day of July, if that fee is paid on or before the thirty-first day of July in that year.

## THIRD SCHEDULE.

By-law 51.

## WHARFAGE FEES.

1. The scale of charges for wharfage fees, except for a vehicle exceeding three tons, is—

	£	s.	d.
(a) for each ton of outward cargo shown on the manifest ..	0	5	0
(b) for each ton of inward cargo shown on the manifest ..	0	5	0
(c) for each horse, cow, or animal of similar or greater size ..	0	2	0
(d) for each vehicle not exceeding three tons .. ..	1	0	0
and			
(e) for each ton of naval fuel oil received in bulk, calculated at the rate of 250 gallons of fuel oil per ton .. ..	0	2	6

2. The scale of charges for wharfage fees for a motor vehicle exceeding three tons is One pound and, in addition, Five shillings for each ton in excess of three tons.

3. In this Schedule, "ton" means ton by weight or ton by volume depending upon which measurement yields the greater wharfage fees.

4. In this Schedule, "vehicle" means any mechanical contrivance including earth-moving and road-building equipment, used or capable of being used on any wharf, road, street or way, either drawn or propelled.

## FOURTH SCHEDULE.

By-law 52.

## PILOTAGE FEES.

The scale of charges for pilotage fees shall be—

- (a) where a vessel is piloted from Channel Rock Buoy to Quarantine Anchorage or from Quarantine Anchorage to Channel Rock Buoy—Ten pounds;
- (b) where a vessel is piloted from Quarantine Anchorage to berth, or from one wharf to another wharf—
  - (i) where the vessel does not exceed 5,000 tons gross tonnage—Twenty pounds; or
  - (ii) where the vessel exceeds 5,000 tons gross tonnage but does not exceed 10,000 tons gross tonnage—Twenty-five pounds; or
  - (iii) where the vessel exceeds 10,000 tons gross tonnage but does not exceed 20,000 tons gross tonnage—Thirty pounds; or
  - (iv) where the vessel exceeds 20,000 tons gross tonnage—Thirty-five pounds;
- (c) where a vessel is piloted from berth to Quarantine Anchorage—
  - (i) where the vessel does not exceed 5,000 tons gross tonnage—Fifteen pounds; or
  - (ii) where the vessel exceeds 5,000 tons gross tonnage but does not exceed 10,000 tons gross tonnage—Twenty pounds; or
  - (iii) where the vessel exceeds 10,000 tons gross tonnage but does not exceed 20,000 tons gross tonnage—Twenty-five pounds; or
  - (iv) where the vessel exceeds 20,000 tons gross tonnage—Thirty pounds;
- (d) where a vessel is piloted from Charles Point Patches Buoy to Channel Rock Buoy or from Channel Rock Buoy to Charles Point Patches Buoy—Twenty pounds;
- (e) where a vessel is piloted from a berth at a wharf to another berth at a wharf—Twenty pounds.

## FIFTH SCHEDULE.

By-law 53.

## PORT DUES.

The scale of charges for port dues is 4½d. for each ton of gross tonnage.