## By-Laws under the Ports Ordinance 1962-1963

In 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 Third day of November, 1965.
T. MILNER, Chairman
J. C. D. McDONNELL, Deputy Chairman
B. L. NOBLE, Executive Member
P. CARROLL, Member
D. ENGLAND, Member

## SMALL CRAFT BY-LAWS <br> Part I.-Preliminary

1.01. These By-laws may be cited as the Small Craft By-laws.
1.02. These By-laws shall come into operation on a date to be fixed by the Port Authority by notice in the Gazette, and are divided into parts* as follows:-

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SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE
FIFTH SCHEDULE
SIXTH SCHEDULE
SEVENTH SCHEDULE
EIGHTH SCHEDULE
NINTH SCHEDULE
TENTH SCHEDULE
Part II.-Definitions.
2.01. In these By-laws unless inconsistent with the context of subject-matter-
"Approved" means approved by the Port Superintendent or a person authorised by the Port Superintendent.
"Authorised" means authorised in accordance with these By-laws.
"Boat" means any vessel not exceeding 65 feet in length which is used or is capable of being used as a means of transportation on water.
"By-law" means By-law under the Ports Ordinance 1962-1963.
"Declared port" means a port in the Northern Territory declared under Section 24.(1.) of the Ports Ordinance 1962-1963.
"Drive Yourself Motor Boat" means a motor boat let for hire or reward and in charge of the hirer thereof.
"Harbourmaster" means a person appointed to the position of Harbourmaster under the Ports Ordinance 1962-1963.
"Inspector" means a person authorised by the Port Superintendent for the purpose of inspecting small craft or a member of the Northern Territory Police Force.
"Length" in relation to a boat means the distance measured from the fore part of the stem to the after part of the stern post, or transom, in a direct line over the keel.
"Long blast" means a blast of from four to six seconds' duration.
"Motor boat" means a boat which is propelled or intended to be propelled by machinery whether or not such machinery is the principal source of propulsion.
"Northern Territory waters" means the waters within the limits of any declared port in the Northern Territory.
"Ordinance" means the Ports Ordinance 1962-1963.
"Operator" means person physically in control of a small craft.
"Owner" means owner or owners, person or persons in charge of or person or persons having control of a small craft.
"Police Officer" means a Police Officer of the Northern Territory Police Force.
"Port" in respect of a vessel means the left side of the vessel looking forward.
"Port Superintendent" means a person appointed as Port Superintendent under the Ports Ordinance 1962-1963.
"Power-driven vessel" means any vessel propelled by machinery.
"Prescribed" means prescribed by these By-laws.
"Sailing vessel" means any vessel under sail only.
"Short blast" means a blast of about one seconds' duration.
"Ski observer" means the person in a water ski boat who is responsible for watching the skier at all times and relaying the signals of the water skier to the driver.
"Skin diver" means any person engaged in swimming under water with or without diving aids.
"Small craft" means any type of boat or other watercraft of less than 65 feet in length, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
"Speed boat" means a motor boat capable of operating at a speed in excess of 25 nautical miles per hour.
"Starboard" in respect of a vessel means the right side of a vessel looking forward.
"Surveyor" means the Port Superintendent or a person authorised by the Port Superintendent to carry out the duties of a surveyor.
"Under way" in relation to any vessel means when she is not at anchor, made fast to the shore, or aground.
"Vessel" means any type of water craft, irrespective of size, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
"Visible" when applied to lights means visible on a dark night with a clear atmosphere.
"Water ski" means any water ski, surf board, aquaplane or planing device including power skis and skicopters.
"Water ski boat" means a motor boat which from time to time engages in towing a water skier, and a power ski.
"Whistle" means whistle, horn or siren.
Part III.-By-Laws Concerning Lights.
3.01. General By-laws.-No person shall operate a boat on any Northern Territory waters between the hours of sunset and sunrise without having burning thereon such lights as are appropriate, under this Part, to boats of that class or type.
3.02. Lights for Motor Boats under way.-Motor boats when under way shall carry-
(a) A bright white light in the fore part of the vessel on the centreline and as near the stem as practicable, and carried above the coloured side lights prescribed by this Part, so constructed as to show an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead through an angle of $112 \frac{1}{2}$ degrees towards the stern on either side of the vessel.
(b) A white light aft so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light from right aft through an angle of $67 \frac{1}{2}$
degrees towards the bow on either side of the vessel. This light shall be carried as nearly as practicable on the same level as the coloured side lights.
(c) in lieu of the white lights prescribed by paragraphs (a) and (b), a bright white light may be carried aft to show all round the horizon on the centreline and above the coloured side lights.
(d) On the starboard side a green light so constructed as to show an unbroken light from right ahead through an angle of $112 \frac{1}{2}$ degrees towards the stern on the starboard side.
(e) On the port side a red light so constructed as to show an unbroken light from right ahead through an angle of $112 \frac{1}{2}$ degrees towards the stern on the port side.
(f) Both side lights shall be fitted with inboard screens of sufficient height and length as to prevent either light from being seen from across the opposite bow. The screens shall be painted the colour of the lights on that side.
(g) Motor boats of less than 26 feet in length, when under way shall carry lights prescribed by paragraphs (a) to (f) herein, but may, in lieu of the green and red side lights, carry a combined lantern in the fore part of the board so constructed as to show a green light from right ahead through an angle of $112 \frac{1}{2}$ degrees towards the stern on the starboard side and a red light from right ahead through an angle of $112 \frac{1}{2}$ degrees towards the stern on the port side.

### 3.03. Lights for Sailing Boats under way-

(a) A sailing boat over 26 feet in length, when under way, shall carry the green and red side lights prescribed by paragraphs (d) and (e), By-law 3.02.
(b) A sailing boat under 26 feet, when under way, shall carry the green and red side lights prescribed by paragraphs (d) and (e), By-law 3.02, or the combined lantern prescribed by paragraph (g), By-law 3.02.
(c) Every sailing boat when under way, may carry the white stern light prescribed by By-law 3.02 paragraph (b), but if she does not do so, she shall, on the approach of or to another vessel, show temporarily a white light where it can best be seen.
3.04. Visibility of lights.-Every white light prescribed by By-law 3.02 and 3.03 shall be of such a character as to be visible at a distance of at least 2 miles, and every coloured light prescribed by By-law 3.02 and 3.03 shall be of such a character as to be visible at a distance of at least 1 mile.
3.05. Lights in Special Circumstances.-If it is not possible, on account of bad weather, or other sufficient cause, for the side lights to be fixed, these shall be kept at hand ready for immediate use and shall be exhibited on their respective sides, so that neither light may be seen from the opposite bow and on the approach of or to another vessel, in sufficient time to prevent collision. To make the use of these portable lights more certain and easy, the lanterns containing them shall be painted with the colour of the lights they respectively contain and they shall have proper screens. If for similar reasons the stern light cannot be fixed, an
electric torch or a lighted lantern shall be kept at hand ready for use and shown in sufficient time to prevent collision by an overtaking vessel.
3.06. Lights for Rowing Boats, Canoes, Rafts and Duck Punts.Small rowing boats, canoes, duck punts and rafts under 16 feet in length, whether under oars or sails, shall only be required to have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
3.07. Lights for Boats at Anchor.-A boat at anchor in any place other than a recognised boat anchorage, shall exhibit a white light so constructed as to show a bright white light visible all round the horizon at a distance of at least 1 mile.
3.08. Search lights.-No person shall direct the rays of a search light or other light on a vessel under way in such a manner as to interfere with the vision of the person navigating or steering the other vessel.

## Part IV.-By-Laws Relating to Steering and Sailing.

4.01. Motor Boats-Avoid Sailing Vessels.-The operator of a motor boat shall yield the right-of-way to any sailing vessel, or boat propelled by oars or paddles.
4.02. Motor Boats-Meeting Head On.-Where two power-driven vessels are meeting head on, or nearly head on, in such circumstances that they are likely to collide, the operator of each vessel which is a motor boat within the meaning of these By-laws, shall alter course to starboard so that each may pass on the port side of the other.
4.C3. Motor Boats-Crossing.-Where the courses of two powerdriven vessels are converging (otherwise than when overtaking) in circumstances in which they are likely to collide, the operator of any motor boat which has the other vessel on her own starboard side shall yield right-of-way to the other.
4.04. Motor Boats-Relative to Seaplanes.-The operator of a motor boat shall keep his boat out of the way of seaplanes landing or taking off.
4.05. Small Craft-Channels.-In any channel or river the operator of a small craft shall as far as practicable keep to that side of the midchannel or fairway which lies to the starboard side of the vessel, but under all circumstances shall keep clear of large vessels operating in main shipping channels.
4.06. Sailing Vessels-Converging.-Where the courses of two sailing vessels are converging in circumstances in which they are likely to collide, the following rules shall be observed:-
(a) when each has the wind on a different side, the operator of the vessel which has the wind on the port side shall yield the right-of-way to the other; and
(b) when both have the wind on the same side, the operator of the vessel which is to windward shall yield the right-of-way to the vessel which is to leeward.
For the purpose of this By-law the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore and aft sail is carried.

### 4.07. All Overtaking Vessels.-

(a) When overtaking any other vessel proceeding in the same direction or substantially the same direction, the operator of a boat shall pass the overtaken vessel at a safe distance.
(b) A vessel shall be deemed to be overiaking if she is coming up with another vessel from such a direction that at night the operator would be unable to see either of the other vessel's side lights.
(c) The operator of any boat being overtaken shall not alter the course or speed of his boat until the overtaking vessel is finally past and clear.
(d) Any motor boat overtaking or approaching another motor boat which is towing a person on water skis or similar device shall not approach within 100 feet of the water skier from any direction whatsover. For the purposes of this By-law the position of the water skier shall be deemed to be immediately astern of the towing motor boat.
4.08. Vessels-To Avoid Crossing Ahead.-Every vessel which is to keep out of the way of another vessel shall, where possible, avoid crossing ahead of the other.
4.09. Joint Emergency Action. Where by any of these By-laws one of two vessels is to keep out of the way, the other shall keep her course and speed. When from any cause the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision.
4.10. Manoeuvring in Fog, Mist or Heavy Rain Squalls.-In all conditions of poor visibility the operator of a motor boat hearing the fog signal of another vessel ahead, shall reduce speed to bare steerage way then navigate with caution until danger of collision is over.
4.11. Fishing Vessels.-All vessels not engaged in fishing shall keep out of the way of vessels fishing with nets or lines or trawls.

## Part V.-By-Laws-Moorings and Signals.

5.01. Fog Signals.-In any condition of poor visibility, if any sound signals are given, the following signals only shall be made:-
(a) A motor boat when under way and moving through the water: A long blast on the whistle or horn at intervais of not more than 2 minutes.
(b) A motor boat when under way but stopped and not moving through the water: Two long blasts with an interval of about 1 second between them at intervals of not more than 2 minutes.
(c) A sailing vessel when under way, at intervals of not more than 1 minute-
(i) when on the starboard tack: One blast on the horn;
(ii) when on the port tack: Two blasts in succession; and
(iii) when with the wind abaft the beam: Three blasts in succession.
5.02. Distress Signals.-No person, unless in dire distress, shall use or display any of the following distress signals:-
(a) A gun or other explosive signal fired at intervals of about 1 minute;
(b) a continuous sounding of any fog signal apparatus;
(c) rockets or shells throwing red stars fired one at a time at short intervals;
(d) a signal made by radiotelegraphy or by any other signalling method consisting of the group ...--.... (S.O.S.) in Morse code;
(e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
(f) the International Code Signal of distress indicated by N.C.;
(g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
(h) flames on the vessel (as from a bucket in which is burning paper, rags, tar or oil); or
(i) a rocket parachute flare showing a red light.

Penalty for breach of this section-40 dollars.
5.03 Sound Signals.-Misuse.-No person on a boat shall sound, authorise or permit the sounding of a whistle, horn or other signalling device unnecessarily.

Penalty for breach of this section-40 dollars.
part VI.--By-Laws for the Suppression of Fire in Boats.
This Part applies to all small craft.
6.01. Fuelling.-
(a) Boats carrying passengers shall not be fuelled at any wharf whilst there is a passenger on board.
(b) Smoking shall not be permitted on board any boat being fuelled with any volatile fuel.
Penalty for contravening this section-40 dollars.
6.02. Shielding from Heat.-Woodwork and other inflammable material in close proximity to hot pipes or other sources of heat shall be efficiently shielded.

All engine exhaust pipes shall be lagged with an asbestos material or efficiently cooled by water and shall lead well clear of fuel tanks and any inflammable material and so that exhaust fumes emerge outside the hull.
6.03. Gases.-If bottled propane or other liquefied gas is carried in any motor boat for any purpose whatsoever, the bottles containing the gas shall be carried in strongly constructed racks, properly secured on the uppermost deck in a decked boat and in an open-air position in an open boat. In all boats the feed pipe between such bottles and any appliance shall be of an approved type, such as annealed copper, and each end shall be fitted with approved connections. Feed pipes shall be fastened to bulkheads or other fixtures. Any appliance, such as cooking stove, heater, or lamp shall be securely fastened in position, and the space containing such appliance shall be adequately ventilated.
6.04. Naked Flame.-Appliances involving a naked flame shall not be installed or carried in any compartment containing motors or fuel tanks.
6.05. Fire Extinguishers.-All fire extinguishers shall be portable and shall be carried in the quantity prescribed in the scale of equipment contained in Part VII of these By-laws. They shall be of optional types but not less than specified sizes, namely:-
(a) Dry chemical powder, size 2 lb .
(b) Chlorobromeomethane (C.B.M.), size 30 oz .

Both (a) and (b) are suitable for general types of fire.
(c) Anti-splash foam, size 1 gallon, suitable for liquid surface fires.
(d) Carbon dioxide gas, size 5 lb ., which has greater penetrative powers for use on fires in subdivided spaces.
(e) Such other types and sizes as may be approved from time to time.

Part VII.-Minimum Safety Equipment to be Carried by Small Craft.
7.01. Racing Shelis.-All boats, such as racing shells, duck punts and rafts, shall be exempted from the necessity to carry life belts.
7.02. Rowing Boats (other than racing shells, duck punts and tenders to larger boats being bona fide tenders) shall carry-
(a) one approved life jacket for each person on board at any time;
(b) two paddles or alternatively two oars and two rowlocks which shall be secured to the gunwale or attached to the oars;
(c) one bailer or one manual pump;
(d) one waterproof signalling torch in working order or one efficient lantern if operating at night; and
(e) one efficient anchor with not less than 120 feet of cable or rope.
7.03. Motor Boats under 16 feet in lengit (except tenders to larger boats being bona fide tenders) shall carry-
(a) one approved lifejacket for every person on board at any time;
(b) two paddles or alternatively two oars and two rowlocks which shall be secured to the gunwale or attached to the oars;
(c) one bailer or one manual pump or other efficient bilge pumping arrangements;
(d) not less than one portable fire extinguisher;
(e) one waterproof torch in working order or one efficient lantern if operating at night;
(f) one efficient anchor with not less than 120 feet of cable or rope;
(g) six approved red flares in a watertight container; and
(h) approved sound signalling device.
7.04. Motor boats, if over 16 feet and not more than 26 feet in length, shall carry the equipment prescribed in paragraphs 7.03 except oars or paddles.
7.05. Motor Boats over 26 feet and not more than 40 feet in lengthshall carry-
(a) one approved lifejacket for every person on board at any time;
(b) one approved lifebuoy;
(c) one manual pump and an approved power operated bilge pumping arrangement;
(d) not less than two portable fire extinguishers and one bucket with lanyard attached;
(e) one waterproof signalling torch in working order or one efficient lantern:
(f) one efficient anchor with not less than 120 feet of cable or rope;
(g) one efficient compass;
(h) six approved red flares in watertight container; and
(i) approved sound signalling device.
7.06. Motor Boats over 40 feet in length shall carry-
(a) one approved lifejacket for every person on board at any time;
(b) two approved lifebuoys•
(c) approved bilge pumping arrangements;
(d) not less than three portable fire extinguishers and not less than two buckets with lanyards attached:
(e) two efficient anchors each with not less than 120 feet of cable or rope;
(f) one efficient compass of approved type;
(g) one dinghy or one life raft;
(h) six approved red flares in watertight container; and
(i) approved sound signalling device.
7.07. Sailing Boats.-Sailing boats shall carry the equipment prescribed for motor boats of their size except as follows:-
(a) All sailing boâts over 16 feet in length shall carry an approved bilge pump.
(b) All sailing boats having any form of cooking or lighting appliances involving the use of naked fiame, or fitted with any form of auxiliary engine, shall carry fire extinguishers as prescribed by Part VI., paragraph 6.05 of the By-laws. Such appliances shall be securely fastened in position.
(c) Sailing boats shall be exempted from carrying torches or lanterns unless operating at night.
(d) Sailing boats used for racing shall be exempted from the necessity to carry lifejackets for crew members in cases where each crew member wears an approved buoyant vest at all times when under way.
(e) Saiiing boats with permanentiy-enclosed hulls, such as catamarans and kayaks, shall be exempted from the necessity to carry the prescribed equipment, except lifejackets or buoyant vests, which shall be worn at all times.
7.08. Water Skiers.-Any person engaged in water skiing or similar activity shall wear an approved lifejacket or an approved buoyant aid such as vest or belt at all times when so engaged, unless exemption in writing has been obtained.
7.09. Exemption-Equipment.-
(a) All boats used by life-saving clubs affiliated with the Royal Life-Saving Society (Australia) and the Surf Life-Saving Association (Australia), and used for and in connection with life-saving shall be exempted from carrying prescribed equipment.
(b) High-speed motor boats, built solely for, and when engaged in races organised by an official body for the purpose of regatta, amateur or professional, or in bona fide practice for such events, may, in lieu of the equipment prescribed elsewhere in this Part, carry-
(i) one approved lifejacket or buoyant vest, provided that such is worn by each occupant at all times; and
(ii) one portable fire extinguisher.
(c) Any boat or type or class of boat as may be approved from time to time may be exempted from any or all of the requirements of this Part.
(d) Irrespective of anything contained in these By-laws boats will carry any other items of equipment that a surveyor deems necessary.
7.10. Stowage of Equipment.-All life-saving equipment and fire extinguishers carried in any vessel shall be so placed as to be readily accessible at all times.
7.11. Maintenance of Pyrotechnics.-Any pyrotechnics carried as distress signals shall be stamped indelibly with the date of manufacture or refill. They shall be replaced or refilled as specified by the manufacturer or his agent.
7.12. Compasses.-Compasses, maintained in good order, shall be slung in a position plainly visible to the helmsman at all times.
7.13. Lifejackets.-All lifejackets, buoyant aids such as vests and belts shall be of a type and specification approved by the Port Superintendent. In the case of lifejackets these may be of the type and specifications as prescribed by the Commonwealth Navigation Act 1912-1961.
7.14. Anchors and Cables.-All anchors shall be of an approved type, such as Danforth, C.Q.R., Dreadnought, Kedge (or Admiralty pattern), S.A.V. (folding), and Grapnel.

The anchor cable may be of chain or rope of corresponding strength. as follows:-

| MINIMUM |  |
| :--- | :---: |
| Diameter of | Circumference of |
| Chain Link | Vegetable Fibre Rope |

Boats over 16 feet and not more than 26 feet in length .. Boats over 26 feet and not more than 40 feet in length .. Boats over 40 feet and not more than 65 feet in length

1/4" 2"

Synthetic fibre ropes of corresponding strength may be used in lieu of vegetable fibre (manilla, coir, hemp, sisal or cotton).

## Part VIII.-Buoyancy and Capacity

8.01. Buoyancy.-Open boats, having no enclosed superstructure, shall have reserve buoyancy sufficient to support the boat plus the weight of motor, fuel tanks and all non-buoyant material, plus 10 per centum of such total weight.

Vessels plying for hire and carrying passengers shall be equipped with buoyant apparatus appropriate to the number of persons she is licensed to carry.

All new boats constructed and first registered after 1st July, 1966, shall have such reserve buoyancy built into their hulls.

Reserve buoyancy shall be in the form of fabricated airtight tanks. inflatable devices which can be conveniently stowed, canvas-covered kapok or plastic foam or any combination thereof or such other material as may be approved. Plastic foam shall be impervious to chemical action by petrol, oil and salt water, of a close cell structure to ensure minimum water absorption, suitably protected against fire and stowed well clear of decks and bilges, or placed externally in the form of belting along the length of the boat.

All boats shall be seaworthy and any internal ballast shall be securely fastened in position.

All boats shall be subject to and made available for inspection by the Port Superintendent.
8.02. Capacity-
(a) No person shall operate a boat which is overloaded.
(b) A boat under 20 feet in length shall be deemed to be overloaded when, in respect of its length it has on board more persons than the number appropriate in paragraph (d) hereunder.
(c) An adult includes every person above the age of twelve years. Two children, each being between the age of one year and twelve years, may be counted as one adult.
(d) Unless otherwise certified by the Port Superintendent or by an approved boat builder, the following is the maximum number of persons which may be carried in boats:-
Boats of less than 12 feet - maximum of 3 adults Boats of 12 feet but less than 14 feet - maximum of 4 adults Boats of 14 feet but less than 16 feet - maximum of 5 adults Boats of 16 feet but less than 18 feet -maximum of 6 adults Boats of 18 feet but less than 20 feet-maximum of 7 adults
In certified cases, the carrying capacity shali be clearly marked in a prominent position in the boat. Any such certificate shall be rendered null and void by variations or additions to the boat subsequent to such inspection or construction.

Penalty for contravening this By-law- 40 dollars.

## Part IX.-Speed Boats, Water Ski Boats and Power Skis.

9.01. Permit for Watersports.--A person shall nct, except in accordance with a permit so to do from the Port Superintendent, organise a motor boat race or a competition in or an exhibition of any form of aquatic sport.
9.02. A person shall not except insofar as he is acting with the authority or approval of a person who has obtained a permit under the last preceding clause of this By-law, conduct, promote, engage in, or permit or suffer his boat to be used for or in connection with a motor boat race or a competition in or an exhibition of any form of aquatic sport.
9.03. Driver to have control of vessel.-The driver of a speed boat or water ski boat shall be seated behind the wheel in such a manner that he has instant and proper control over the vessel's course and speed.
9.04. Rear Vision.-A speed boat or water ski boat shall be equipped with a wide angle rear vision mirror.
9.05. Power skis to have engine cut-out.-The engine of a power ski shall be of such horsepower as is approved by the Harbourmaster and shall be fitted with an automatic engine cut-out designed to put the motor in a neutra! position when the hand is removed from the throttle.
9.06. Buoyancy.-A speed boat, water ski boat or power ski shall have sufficient reserve buoyancy to float the combined weight of the boat and the maximum number of persons that the boat is authorised to carry.
9.07. Passengers and crew of water ski boat.-Subject to this By-law the driver of a water ski boat shall not tow a water skier, the owner of a water ski boat shall not permit the boat to be used for the purpose of towing a water skier, and a water skier shall not permit himself to be towed unless-
(a) there is in the boat with the driver a ski observer; and
(b) the boat is not carrying more than one person in addition to the driver and ski observer.
Penalty for non-compliance with this By-law-40 dollars.
9.08. Navigation of water ski boat.-The driver of a water ski boat, when towing a water skier, shall concentrate on navigation of the boat and on the water ahead.
9.09. Ski observer.-The ski observer of a water ski boat shall watch the water skier at all times, and shall relay the signals of the water skier to the driver.
9.10. Carriage of judges in ski boats.-This By-law shall not operate to prevent judges from being carried in addition to the driver and ski observer in a competition or exhibition event.
9.11. Ski-copter.-Except when engaging in a competition in or an exhibition of an aquatic sport, approved by the Harbourmaster, a skicopter shall not approach the water's edge at a distance less than six hundred yards.
9.12. Drivers of speed boats to be licensed.-No person shall navigate or use a speed boat or water ski boat unless he has first obtained a licence from the Harbourmaster so to do.
9.13. Qualifications for licence to drive a speed boat, or ski boat.An applicant for a licence to drive a speed boat or ski boat shall-
(a) be not less than 16 years of age;
(b) satisfy the Harbourmaster that he is competent to navigate and manage the boat;
(c) have a good working knowledge of the Rules for the Prevention of Collisions at Sea; and
(d) be familiar with the speed limits in prescribed areas and near persons bathing and with any other of the requirements of these By-laws which the Harbourmaster deems necessary.
9.14. Penalty for non licensed drivers.-Except where a person is learning to drive under the supervision of a licensed driver in charge of the boat any person not duly licensed under these By-laws who shall drive any speed boat or water ski boat shall be liable to a penalty not exceeding forty dollars.
9.15. Cancellation or suspension of licence.-The Harbourmaster shall have power to cancel or suspend a licence to drive a speed boat or a water ski boat if it is proved to his satisfaction that the holder-
(a) was guilty of being under the influence of intoxicating liquor or of a drug or of other misconduct;
(b) was guilty of careless or negligent navigation so as to cause injury to any person, other vessel or property; or
(c) is not possessed of each of the qualifications required for applicants for licenses under these By-laws or fails to satisfy the Harbourmaster that he is qualified to hold such licence.
9.16. Penalty for non-carriage of permit and licence.-Every person who has been granted a permit to conduct aquatic sports and has been granted a licence to navigate a speed boat or a water ski boat shall, when engaged in aquatic sports, carry such permit and such licence on board which shall be produced to any authorised officers of the Port Authority or Police Officer on demand.

Penalty for failure to carry and produce a permit or licence- 10 dollars.
9.17. Fee for a Licence to drive a speed boat, water ski boat or power ski.-The fee to be paid annually for a licence to drive a speed boat, water ski boat or power ski boat shall be Two dollars.
9.18 Application for a Licence to drive a speed boat, water ski boat or power ski.-Every application for a licence to drive a speed boat, water ski boat or power ski, shall be in the form or to the effect of the form contained in the Ninth Schedule.
9.19. Licence to drive a speed boat, water ski boat or power ski.Every licence to drive a speed boat, water ski boat or power ski shall be in the form or to the effect of the form contained in the Tenth Schedule.

## Part X.-Drive Yourself Motor Boats.

10.01. Stability.-All Drive Yourself Motor Boats-
(a) Shall be of such form and proportions as are approved by the Harbourmaster and shall have ample stability and a clear
side amidships out of the water when on an even keel of not less than nine inches when they have their full complement of persons aboard.
(b) Shall have rowlock chocks fitted with rowlock plates or pipes.
(c) Shall have the bow of every boat decked in for a length of twenty inches, such measurement to be taken from the aft side of the stem piece.
10.02. Power of engines.-The maximum power of the propelling machinery of a Drive Yourself Motor Boat may be limited at the discretion of the Harbourmaster.
10.03. Marking of number of persons boat is registered to carry.The maximum number of persons authorised to be carried in a Drive Yourself Motor Boat shall be clearly and permanently marked in a prominent and accessible place in the vessel where it may be read by all persons in the boat.
10.04. Inboard motor-Engine casing and seats to be painted yellow.The top of the engine casing and the seats of a Drive Yourself Motor Boat, fitted with an inboard motor, shall be kept painted a bright yellow.
10.05. Outboard motor-Interior of boat to be painted yellow.-The entire interior of a Drive Yourself Motor Boat, fitted with an outboard motor, shall be kept painted a bright yellow.
10.06. Owner to keep register.-The owner of a Drive Yourself Motor Boat shall before hiring out the boat inspect the hirer's licence to drive that class of boat and record in a permanent register book-
(a) the registration number of the boat;
(b) the name and address of the hirer;
(c) the hirer's driver's licence number; and
(d) the number of persons declared by the hirer as the number of persons intended to be carried in the boat.
10.07. If the boat is not fitted with a motor at the time when it is hired the owner shall record in the register book the type and the power of the engine as declared by the hirer.

## Part XI-Vessels Plying for Hire.

11.01. Licence of vessel.-The Harbourmaster may grant to the owner of a vessel a licence to ply for hire for the carriage of goods or passengers in respect of the vessel and may renew the licence from time to time.
11.02. Conditions of granting of licence.-The Harbourmaster shall not grant or renew a licence under these By-laws in respect of a vessel unless he is satisfied after a survey that the vessel is-
(a) in good repair;
(b) in a seaworthy condition; and
(c) equipped as required by the provisions of these By-laws for a
vessel of her equivalent type and dimensions.
11.03. Information contained in licence.-A licence under these By-laws-
(a) shall specify
(i) the number of the licence;
(ii) the name, type, length, beam, loaded draft and colour of the vessel;
(iii) the number and make of the engine and the type of fuel used in the engine of the vessel;
(iv) the number of persons and amount of cargo the vessel is licensed to carry;
(v) the number of lifebuoys and lifejackets and the type and number of each type of fire extinguisher which the vessel is required to carry; and
(vi) the date on which the licence expires; and
(b) may be in accordance with the First Schedule.
11.04. Period of licence.-A licence granted under these By-laws expires after a period of one year from the date of the grant or renewal unless it is renewed for a further period of one year.
11.05. Fee for licence or renewal.-The fee for the grant or renewal of a licence under these By-laws is Six dollars and is payable to the Harbourmaster.
11.06. Vessel must be licensed.-A person shall not use a vessel to ply for hire for the carriage of goods or passengers unless the vessel is licensed under these By-laws.
11.07. Licensed number to be painted on vessel.-The owner of a vessel licensed under the last preceding By-law shall cause to be painted and kept painted in legible letters in a conspicuous place inside the hull-
(a) the licence number of the vessel, preceded by the words "Licence No."; and
(b) the words "Licensed to carry persons", together with a number, inserted after the word "carry", being the number of persons the vessel is licensed to carry.
11.08. Cancellation of Licence.-The Harbourmaster may at any time, by notice in writing to the holder of a licence, cancel a licence issued under these By-laws.
11.09. Issue of Certificate to boatman.-The Harbourmaster may issue to a person a certificate in accordance with the Eighth Schedule if he is satisfied that the person is a competent boatman.
11.10. Fee for Boatman's Certificate.-The fee for a certificate under these By-laws is Four dollars and is payable to the Harbourmaster.
11.11 Person in charge of vessel must hold certificate.-A person shall not be in charge of a vessel plying for hire for the carriage of goods or passengars* unless he holds a certificate issued under these By-laws.
11.12. Cancellation of Certificate.-The Harbourmaster may at any time, by notice in writing to the holder of this certificate, cancel a certificate issued under these By-laws.
11.13. Cancelled certificate or licence to be delivered to Harbourmaster. -A person to whom notice of cancellation is given in accordance with By-laws 11.08 and 11.12 shall, within fourteen days after the date of the notice, deliver the certificate or licence to the Harbourmaster.

Part XII.-Registration and Identification of Motor Boats.
12.01. Registration.-The owner of a motor boat shall apply to the Harbourmaster for registration of such motor boat. Every application for registration shall be in the form or to the effect of the form contained in the Second Schedule.
12.02. Renewal of registration.-The owner of a registered motor boat or motor vessel shall renew the registration thereof annually, on or before the date of expiration of the then current period of registration. Every application for renewal of registration shall be in the form or to the effect of the form contained in the Third Schedule.
12.03. Certificate of Registration.-Every certificate of registration of a motor boat shall be in the form or to the effect of the form contained in the Fourth Schedule.
12.04. Registration plates.-Every registration plate shall be in the form contained in the Fifth Schedule. During the currency of registration the registered owner shall cause the registration plate issued to him by the Harbourmaster to be fixed and kept affixed in a conspicuous position on the outside or upper portion of the motor boat so as to be readily visible to an observer.
12.05. Identification Number-Display.-The owner shall cause the identifying number appearing on the registration plate issued by the Harbourmaster to be painted or displayed on the outside of the hull of the motor boat to which such registration plate relates unless the Harbourmaster otherwise directs in relation to any motor boat so constructed that compliance cannot be made herewith, on each side of the bow thereof as high as practicable above the water line in characters of not less than 6 inches in height and in proportionate breadth and in a colour in contrast to that of the surface on which it is painted or displayed. During the currency of registration such identifying number shall not be obscured or rendered or allowed to become not easily distinguishable.
12.06. Disposal.-Every notice of disposal of the registered motor boat shall be in the form or to the effect of the form contained in the Sixth Schedule.
12.07. Acquisition.-Every notice of acquisition of a registered motor boat shall be in the form or to the effect of the form contained in the Seventh Schedule.

### 12.08. Return of Certificates and Plates.-

(a) Upon being served with a notice, signed or purporting to be signed by the Harbourmaster or the person for the time being performing the duties of that office so to do, any person in whose name a motor boat is registered shall return to the Harbourmaster the Certificate of Registration and registration plate related to such registration.
(b) Any person who fails to comply with such a requirement shall be guilty of an offence against these By-laws.
(c) In any prosecution for an offence against these By-laws wherein it is necessary to prove that-
(i) such a notice was so posted or delivered; or
(ii) such requirement was not complied with;
a document certified by a memorandum signed or purporting to be signed by the Harbourmaster or the person for the time being performing the duties of that office as to such posting or delivering or non-compliance, as the case may be, shall be prima facie evidence of the fact so set out.
12.09. False applications.-No person shall, for the purpose of obtaining for himself or for any other person, the registration or renewal of registration of any motor boat, make any declaration or statement which is false in any material particular or knowingly utter, produce or make use of any such declaration or statement or document containing the same.
12.10 Registration Fees.-The fee to be paid for registration annually shall be-

For every motor boat or motor vessel-
under 20 feet in length .. .. .. \$1.00

20 feet and under 40 feet in length .. .. \$2.00
40 feet and under 50 feet in length .. .. $\$ 3.00$
50 feet or more in length .. .. .. \$4.0n

## Part XIII.-Miscellaneous.

13.01. Damage to vessels-Port Authority not liable.-The Port Authority shall not be liable for any damage to a vessel arising from the defective condition of a mooring.
13.02. Safety of a vessel at risk of master or owner.-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; and the safety of a vessel, 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.
13.03. Owners to be severally responsible.-Where, under these By-laws, a duty or obligation is imposed upon the owner of a vessel, 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.
13.04. Recovery of money payable.-Money payable under these Bylaws to the Port Authority or the Harbourmaster may be recovered as a debt due to the Port Authority in any court of competent jurisdiction.
13.05. Payment of expenses additional to penalty.-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.
13.06. Payment of money not to restrict penalty.-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.
13.07. Penalty for contravention of By-laws.-A person who contravenes, or fails to comply with any provision of any part of these By-laws is guilty of an offence punishable on conviction, where no other penalty is provided, by a fine not exceeding forty doilars and not less than ten dollars.
13.08. Service of notice.-Except where otherwise provided in these By-laws, a notice or other document required or permitted by these Bylaws 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;
(d) by leaving it with some person on and apparently engaged on the vessel; or
(e) by affixing it to the mast of the vessel.
13.09. Issue of notice.-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.
13.10. Motor boats must be registered.-A person shall not drive, operate, or get under way a motor boat unless that motor boat is registered in accordance with these By-laws. The owner of an unregistered motor boat shall not permit any person to drive, operate or get under way that motor boat.
13.11. Ply for hire vessel must be licensed.-A vessel shall not ply for hire or reward, or be let for hire or reward or be used for or in connection with any business, trade or occupation unless it is licensed for the purpose.
13.12. Accidents-Report to Port Superintendent.-Whenever any vessel has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or efficiency, either in her hull or any part of her machinery, the owner shall immediately report in writing to the Port Superintendent or the Surveyor at the nearest port, such accident or damage.

Every owner who fails to report such accident within forty-eight hours thereafter shall commit an offence and shall incur a penalty not exceeding Forty dollars.
13.13. Penalty for reckless navigation.-A person shall not navigate or use a vessel carelessly, negligently, recklessly or at a speed or in such a manner as is dangerous to or likely to cause injury to any person or damage to any property, including the same vessel.

Any person found guilty of careless, negligent, etc., navigation shall be liable to a penalty not exceeding Forty dollars in addition to any other penalty provided by the By-laws.
13.14. Authorised persons to be allowed on vessels.-Any Inspector or Surveyor authorised by the Port Superintendent or any member of the Northern Territory Police Force may at any time enter on any vessel and inspect as to its seaworthiness or its equipment and may at any time order any vessel to the shore if it is-
(a) being navigated in waters deemed by him to be unsafe;
(b) suspected by him to be unseaworthy;
(c) suspected by him to be overloaded; or
(d) suspected by him that the operator of that vessel has committed, or is about to commit, an offence.
13.15. Authorised persons not to be hindered in their duty.-Any person who shall delay, hinder, impede, assault or obstruct the Surveyor or any person authorised by the Port Superintendent in the discharge of his duty shall be guilty of a breach of these By-laws.
13.16. Delegation.-The Port Superintendent may, by instrument in writing, delegate, either generally or otherwise as provided in the instrument of delegation, all or any of his powers and functions under these By-laws (except this power of delegation) so that the delegated powers and functions may be exercised and performed by the delegate in accordance with the instrument of delegation.

A delegation under this By-law is revocable at will and does not prevent the exercise of a power or the performance of a function by the Port Superintendent.
13.17. Skindivers.-Skindivers operating from a diving tender shall have their area of operation conspicuously flagged or patrolled. The International Code Flags H over D having the meaning "I am engaged in submarine survey work you should keep clear of me" shall be fiown from the tender during diving operations. Unattended skindivers may, in lieu of the above signal, tow a float from which is clearly exhibited a single flag namely, the International NATO Aqua Lung Divers Flag with a red background superimposed by a white diagonal cross, of a size and type approved by the Harbourmaster. When exhibiting the latter signal the skindiver shall not operate in areas normally used by shipping.

Penalty for non compliance with the provisions of this By-law-20 dollars.
13.18. Exemption from the requirements of registration.-The Port Superintendent may, at his discretion and for a period not exceeding 3 months, exempt from the requirements of registration under these By-laws any vessel owned by a person whose normal residential address is outside the Northern Territory if such owner holds a current registration certificate issued by the State where he resides and the registration requirements under that certificate are being complied with.
13.19. Exemption from the requirements of licensing of drivers.-The Port Superintendent, may, at his discretion and for a period not exceeding 3 months, exempt from the requirements of licensing of drivers under these By-laws a person whose normal residential address is outside the Northern Territory but who holds a current driver's licence issued in another State provided the requirements of such a licence are, in the opinion of the Port Superintendent, comparable to the requirements of these By-laws.

## Part XIV.-Restrictions.

14.01. Restricted areas.-No vessel shall be navigated-
(a) at a speed exceeding five nautical miles per hour within 100 feet of any person bathing;
(b) at a speed exceeding five nautical miles per hour within 300 yards of the water's edge at the time at any beach between the following specified points-
(i) Nightcliff Beach, BETWEEN a point on the foreshore at low water mark on the prolongation of the common boundary of Nightcliff Town lots 3 and 4 AND a point on the prolongation of the western boundary of Nightcliff Town lot 208;
(ii) Fannie Bay, BETWEEN Dudley Point AND a line drawn to seaward on a 288 degree (T) bearing from a point at the intersection of the prolongation of the south side of Gregory Street and the high water mark;
(iii) Mindil Beach, BETWEEN a line drawn to seaward on a 288 degree (T) bearing from a point 700 feet south ( T ) from the north-western corner of Mindil Beach Reserve AND Myilly Point.
(c) at a speed exceeding five nautical miles theough* or in any mooring area or within 100 feet of any moored vessel;
(d) at a speed exceeding five nautical miles per hour within 300 feet of any jetty or wharf;
(e) at such a rate of speed that the wash from the vessel shall endanger the safety of a person, boat or structure;
(f) at a speed exceeding five nautical miles per hour in the waters of the wharves and Frances Bay areas bounded by a line commencing at the northern end of Hornibrooks Jetty thence due east for 2,600 feet thence sough* for 3,000 feet thence in line with Nos. 1 and 2 Hauling Off Buoys till Talc Head transits the Quarantine Anchorage Buoy, thence in a 344 degree direction for 3,000 feet to the shore at hill.

## - Sic.

14.02. Swimming - Prohibited Area. - Swimming is prohibited BETWEEN a line drawn to seaward on a 288 degree ( $T$ ) bearing from a point at the intersection of the prolongation of the south side of Gregory Street and the high water mark AND a line drawn to the seaward on a 288 degree (T) bearing from a point 700 feet south (T) of the northwestern corner of the Mindil Beach Reserve. This area is reserved as a take-off area for water ski operations and may be defined by notices describing such prohibition at the discretion of the Harbourmaster.
14.03. Proof of an offence.-In any prosecution for an offence against these By-laws the allegation of the prosecutor contained in the complaint that a vessel was within 300 yards of the water line at the time at a beach shall in the absence of proof to the contrary be deemed to be proof.
14.04. Anchoring Restrictions.-No person shall, except in an emergency, anchor a boat in any channel or fairway. Should such necessity arise, the vessel shall be anchored in such a position that it will not obstruct the passage of other vessels.
14.05. Mooring to Navigation Marks.-No person shall moor any boat to any buoy, marker or beacon placed by a competent authority as an aid to navigation.

FIRST SCHEDULE
Ports Ordinance 1962-1963
Licence No.
CERTIFICATE OF LICENCE TO PLY FOR HIRE
For Navigation
Name of Vessel:
Owner:
Address: Business:
Phone No.:
Type of Craft:
Dimensions: Length Breadth Depth:
Tonnage: Gross
Year built:
Nett Reg.
No. of W.T. Bulkheads:
Loaded draft:
Colour:
Engines: No. Type:
H.P.:

Water:
Fuel:
Cargo carried not to exceed:
No. Cylinders:
Capacities: Fuel:
Passengers carried not to exceed:
EQUIPMENT CARRIED:-
Anchors and Chain:
Lifebelts:
Boats:
Fire pumps and other equipment:
Bilge Pumping arrangements:
Distress rockets or flares:
Compasses:
Charts:
Signalling Lamp:
Medical Kit:
Radio Equipment:
Mooring Lines:
Additional equipment carried see overleaf.
This is to certify that the above vessel of which particulars are set out above is licensed to ply for hire for the carriage of goods or passengers within the limits set out above.

Dated this day of 19
Harbourmaster.
The issue of this Certificate shall constitute a receipt for the fee of $\$ \mathbf{\$ 6 0}$.

## SECOND SCHEDULE

Ports Ordinance 1962-1963

## APPLICATION FOR REGISTRATION OF A BOAT

To the Harbourmaster, Darwin,
I, (Full Name) of (Residential address) being a person over the age of sixteen years, hereby apply for registration of the boat described hereunder for a period of (one, two or three) years.

DESCRIPTION OF BOAT

Maker's Name:
Colour:
Length overall ft. ins.
Breadth ft. ins.

Estimated maximum speed:
Construction of hull:
(e.g. metal, wood, composite, \&c.)

Type:
(e.g. runabout, launch, \&c.)

Dated at the

Make of Engine:
Type of Engine:
(e.g. petrol or diesel)

Inboard or Outboard
Engine number
Horsepower
Number of cylinders
Internal diameter of cylinders:
day of
19
Signature of applicant

## THIRD SCHEDULE

Ports Ordinance 1962-1963

## APPLICATION FOR RENEWAL OF REGISTRATION OF A BOAT

To the Harbourmaster, Darwin,
I, (Full Name) of (Residential address) being the owner of motor boat now registered in my name under the registration number hereby apply for renewal of such registration for a period of (one, two or three) years.

Dated at the day of 19 .
Signature of applicant.

## FOURTH SCHEDULE

Certificate No.
Ports Ordinance 1962-1963
CERTIFICATE OF REGISTRATION OF BOAT
Description of Boat:

| Registered No.; | Amount Paid: | Date of Expiry: |
| :---: | :---: | :---: |
| Name and address of registered owner: |  |  |
| Type: | Length: | H.P.: |
| Date: |  |  |
|  |  | Harbourmaster. |

This Certificate shall constitute a receipt for the above amount paid.

FIFTH SCHEDULE<br>Ports Ordinance 1962-1963<br>REGISTRATION PLATE FOR REGISTERED BOAT<br>Northern Territory Port Authority<br>Registration Plate<br>Registration No.

This plate shall be fixed and kept affixed in a conspicuous position on the outside or upper portion of the boat during the currency of the registration so as to be readily visible to an observer.

Harbourmaster.

## SIXTH SCHEDULE

Ports Ordinance 1962-1963

## NOTICE OF DISPOSAL OF REGISTERED BOAT

To the Harbourmaster, Darwin,
I, (Full Name) of (Residential address) being the owner in whose name boat registered number is now registered hereby notify that I have disposed of this boat to (name of person purchasing or acquiring) (address of such person).

Signature of owner.
Dated at
the
day of
19

## SEVENTH SCHEDULE

Ports Ordinance 1962-1963
NOTICE OF ACQUISITION OF REGISTERED BOAT
To the Harbourmaster, Darwin,
I, (Full Name) of (Residential address) having acquired boat registered number from and being a person over the age of sixteen years, hereby request that the registration of the said boat be transferred to my name for the unexpired period for which it is registered.

Date at the day of 19 .
Signature of Applicant.

## EIGHTH SCHEDULE

Ports Ordinance 1962-1963
Certificate No.
BOATMAN'S CERTIFICATE
This is to certify that (Fuil Name) , of (Residential address) , is a competent boatman for the purpose of By-law 11.09 of the Small Craft By-laws. Date:

Harbourmaster.
The issue of this Certificate shall constitute a receipt for the fee of $\$ 4.00$.

## NINTH SCHEDULE <br> Ports Ordinance 1962-1963 <br> APPLICATION FOR A LICENCE TO DRIVE A SPEED BOAT, WATER SKI BOAT OR A POWER SKI

I, (Full Name) of (Residential address) being a person over the age of sixteen years, hereby apply for a licence to drive a speed boat/water ski boat/power ski for a period of (one, two or three) years. Signature of applicant.
Date:

## TENTH SCHEDULE

Ports Ordinance 1962-1963
LICENCE TO DRIVE A SPEED BOAT, WATER SKI BOAT OR POWER SKI
Licence No.
Amount Paid
Date of Expiry
Name and address of Licence holder:
Date:
Harbourmaster.
This Licence shall constitute a receipt for the above amount paid.
Fees: One year
Fees: One year $\$ \mathbf{2 . 0 0}$
Two years $\$ 4.00$
Three years $\$ 6.00$

