

By-laws under the *Ports Ordinance* 1962-63*

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 twenty-fourth day of May 1967.

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

SMALL CRAFT BY-LAWS

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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Notified in the *Northern Territory Government Gazette* on 21 June, 1967.

† The date fixed was 1 June, 1968 (see *Northern Territory Government Gazette* No. 13 of 20 March, 1968, page 80).

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FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
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FIFTH SCHEDULE
SIXTH SCHEDULE
SEVENTH SCHEDULE
EIGHTH SCHEDULE

PART II.—DEFINITIONS.

2.01. In these By-laws unless inconsistent with the context or 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.

“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 a 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 and a person authorised by the Port Superintendent to exercise any of the powers of the Port Superintendent under these By-laws.

“Power driver 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 second's 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 water craft 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.*—

- (a) Motor boats when under way between the hours of sunset and sunrise shall carry—
- (i) a bright white light in the forepart of the boat on the centreline and as near the stem as is practicable and carried above the coloured side lights prescribed by subparagraphs (iii) and (iv) of this By-law, 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;
 - (ii) a bright 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 and carried as near as practicable on the same level as the coloured side

lights prescribed by paragraphs (iii) and (iv) of this By-law;

- (iii) 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; and
 - (iv) 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.
- (b) Side lights required by subparagraphs (iii) and (iv) of this By-law shall be fitted with inboard screens of sufficient height and length as to prevent either light from being seen across the opposite bow of the motor boat and such screen shall be painted the colour of the light on the side on which it is placed.
- (c) It is a sufficient compliance with subparagraphs (i) and (ii) of paragraph (a) of this By-law if the motor boat is fitted with one white light so constructed as to be visible through 360 degrees and situated on the centre line of the motor boat and above the coloured side lights referred to in subparagraphs (iii) and (iv) of paragraph (a) of this By-law.
- (d) If a motor boat is less than 26 ft in length it is a sufficient compliance with subparagraphs (iii) and (iv) of paragraph (a) of this By-law if the motor boat carried a combined lantern in the forepart so constructed as to show green and red lights on the starboard and the port side respectively through the angle specified in those subparagraphs.
- (e) The green and red lights referred to in this By-law shall be sufficiently bright to be seen at a distance of one mile.

3.03. *Lights for sailing boats under way—*

- (a) A sailing boat shall carry when under way, green and red lights which conform to the standards fixed for motor boats over 26 feet in length by the last preceding By-law.
- (b) If a sailing boat is less than 26 feet in length it is sufficient compliance with this By-law if it carries a combined lantern conforming with the provisions of paragraph (d) of By-law 3.02.
- (c) If a sailing boat being under way does not carry the stern light required to be carried by motor boats by By-law 3.02 it shall, on and during the approach to or of another vessel show a bright white light where it can be seen by the approaching vessel or by the vessel which the sailing boat is approaching.

3.04. *Bright white light.*—For the purposes of By-laws 3.02 and 3.03 (c) “a bright white light” means a white light visible at a distance of two miles; and

3.05. Where it is not possible on account of bad weather or other sufficient cause;

- (a) to affix sidelights, the sidelights prescribed by these By-laws shall be kept ready for use and on the approach of or to another vessel shall be exhibited in sufficient time to avoid a collision on the respective sides of the boat so that neither light can be seen from the opposite bow;
- (b) To fix the sternlight, an electric torch or other white light shall be kept ready for use and shown in sufficient time to prevent collision by an overtaking vessel.

3.06. *Lights for boats under 16 feet in length not being motor boats or sailing boats—*

- (a) All boats, being under 16 feet in length and not being motor boats or sailing boats are exempt from the provisions of this Part.
- (b) An inspector may on grounds which seem to him to be reasonable exempt a boat from the provisions of this Part.
- (c) A boat which is exempt or exempted from the provisions of this Part shall not between sunset and sunrise be under way unless—
 - (i) there is on board an electric torch or lantern; and
 - (ii) the electric torch or lantern is exhibited on the approach of or to another vessel in time to give sufficient warning of the approach or of the position of the boat as the case may be.

307. *Lights for boats at anchor.*—A boat at anchor between sunset and sunrise at a place other than a recognised boat anchorage shall exhibit a bright white light visible all round the horizon at a distance of one mile.

308. *Search Lights.*—A person shall not 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 on opposite or nearly opposite courses such that there is danger of a collision between them and one of the vessels is a motor boat or both of the vessels are motor boats each vessel which is a motor boat shall alter course to starboard so that each may pass on the port side of the other.

4.03. *Motor boats—crossing.*—Where two power driven vessels are on converging courses which are such that there is a danger of collision and one of the vessels is a motor boat or both of the vessels are motor boats each vessel, being a 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 mid channel or fairway which lies to the starboard side of the vessel, but under all circumstances shall keep clear of large vessels navigating in main shipping channels.

4.06. *Sailing vessels converging.*—

- (a) Where the courses of two sailing vessels are converging in circumstances in which they are likely to collide, the following rules shall be observed:
 - (i) when each has the wind on a different side, the vessel which has the wind on the port side shall yield right-of-way to the other; and
 - (ii) when both have the wind on the same side, the vessel which is to windward shall yield the right-of-way to the vessel which is to leeward.
- (b) For the purpose of this by-law “the windward side” means the side of the vessel towards which a wind is blowing at the time.

4.07. *All overtaking vessels.*—

- (a) When overtaking any other vessel proceeding in the same direction or substantially the same direction, a boat shall pass the overtaken vessel at a safe distance;
- (b) A boat shall be deemed to be overtaking 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) A boat being overtaken shall not alter course or speed until the overtaking vessel is finally past and clear;
- (d) Notwithstanding anything contained in this Part, a 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.

4.08. *Vessels to avoid crossing ahead.*—Every vessel which is required by these by-laws to keep out of the way of another vessel shall, where possible, avoid crossing ahead of the other.

4.09. *Joint emergency action.*—

- (a) Where by these by-laws a vessel is required to take specified action the other vessel shall keep her course and speed;
- (b) Where from any cause a vessel required by the last preceding paragraph to keep her course and speed gets to a position such that collision cannot be avoided by the action of the vessel required to take action she shall also take such action as in the circumstances is best in order to avoid 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 intervals 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 boat when under way, at intervals of not more than 1 minute—
 - (i) when on the starboard tack; One blast of 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.

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.

PART VI.—BY-LAWS FOR THE SUPPRESSION OF FIRE IN BOATS.

This Part applies to all small craft.

6.01. *Fuelling.*

- (a) A boat shall not be fuelled at a wharf while there is a person other than a member of the crew on board;
- (b) A person shall not smoke and a person in charge of a boat shall not permit a person to smoke on board a boat while it is being fuelled with volatile fuel.

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 the exhaust fumes emerge outside the hull.

6.03 *Gases.*—

- (a) Where a motor boat is fitted with any installation for the use of bottled gas in cooking heating or lighting the bottles of gas;
 - (i) shall be carried either on the uppermost deck or in an open air position; and
 - (ii) shall be firmly secured in racks or otherwise.
- (b) Appliances which use bottled gas as a fuel shall be securely fastened and used only in a place which is adequately ventilated.

6.04. *Naked Flame.*—Except with the approval of the Port Superintendent 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 of the types described hereunder but not less than specified sizes namely:

- (a) Dry chemical powder, size 2 lb.
- (b) Chlorobromomethane (C.B.M.), size 30 oz.

Both (a) & (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,

and "portable fire extinguisher" wherever appearing in their By-laws means a fire extinguisher complying with the provisions of this By-law.

PART VII.—MINIMUM SAFETY EQUIPMENT TO BE CARRIED BY SMALL CRAFT.

7.01. *Racing Shells*.—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 length* (except tenders to larger boats being bona fide tenders) shall carry or be fitted with—

- (a) one approved life jacket 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) a 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 paragraph 7.03 except oars or paddles.

7.05. *Motor Boats over 26 feet and not more than 40 feet in length* shall 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) an approved sound signalling device.

7.06. *Motor boats over 40 feet in length shall carry or be fitted with—*

- (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 signaling device.

7.07. *Sailing boats*.—Sailing boats shall carry the equipment prescribed for motor boats of their size except as follows:

- (a) All sailing boats over 16 feet in length shall be fitted with or carry an approved bilge pump.
- (b) All sailing boats having any form of cooking or lighting appliances involving the use of naked flame, of 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) Sailing boats with permanently enclosed hulls, such as catamarans or kayaks, shall be exempted from the necessity to carry the prescribed equipment.

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) The Port Superintendent may from time to time by notice published in a newspaper circulating in the city of Darwin exempt any class of boat from carrying any or any specified item of equipment.
- (d) The Port Superintendent or an inspector may upon the registration of a boat require it to be fitted with or carry any other equipment which the Port Superintendent or the inspector specifies.

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 and buoyant aids such as vests and belts shall be of a type and specification approved by the Port Superintendent and described in a notice exhibited at the office of the Port Authority.

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:

	<i>Diameter of Chain Link.</i>	<i>Circumference of vegetable fibre rope.</i>
Boats over 16 feet and not more than 26 feet in length	1/4"	2"
Boats over 26 feet and not more than 40 feet in length	5/16"	2½"
Boats over 40 feet and not more than 65 feet in length	3/8"	3"

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.*—

- (a) 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;
- (b) Vessels plying for hire and carrying passengers shall be equipped with buoyant apparatus appropriate to the number of persons she is licensed to carry;
- (c) All new boats constructed and first registered after 1st January 1968, shall have such reserve buoyancy built into their hulls.
- (d) 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;
- (e) All boats shall be seaworthy and any internal ballast shall be securely fastened in position; and
- (f) All boats shall be subject to and made available for inspection by the Port Superintendent or a person authorised by him.

8.02. *Capacity.*—

- (a) A person shall not 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) (i) The following is the maximum number of persons which may be carried in boats:
- Boats of less than 12ft. — maximum of 3 adults
 - Boats of 12ft. but less than 14ft.—maximum of 4 adults
 - Boats of 14ft. but less than 16ft.— maximum of 5 adults
 - Boats of 16ft. but less than 18ft.—maximum of 6 adults
 - Boats of 18ft. but less than 20ft.—maximum of 7 adults
- or
- (ii) Where upon the registration of a boat the Port Superintendent is satisfied that a number of persons in excess of the appropriate number specified in the last preceding sub-paragraph may be safely carried he shall endorse the certificate of registration with the number of adults which in his opinion the boat may safely carry and in such event the boat shall not be deemed to be overloaded unless it is carrying a number in excess of that number or unless the boat has been structurally altered since it was registered.

PART IX.—SPEED BOATS, WATER SKI BOATS AND POWER SKIS.

9.01. *Permit for Watersports.*—A person shall not, 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 sports.

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 while it is under way 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. *The engine* of a power ski shall be fitted with an automatic engine cut out designed to put the motor in a neutral 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 Part 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 there is in the boat with the driver a ski observer.

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 part shall not operate to prevent judges from being carried in addition to the driver and ski observer in a competition or an exhibition event.

9.11. *Ski-copter.*—Except when engaging in a competition in or an exhibition of an aquatic sport, approved by the Port Superintendent, a ski-copter 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 Collision 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. *Non-licensed drivers.*—A person, not being a person learning to drive under the supervision of a duly licensed driver shall not drive a speed boat or water ski boat unless he is duly licensed to do so.

9.15. *Cancellation or suspension of licence.*—The Port Superintendent may cancel or suspend a licence to drive a speed boat or a water ski boat if he is satisfied that the holder—

- (a) was under the influence of intoxicating liquor or of a drug whilst driving a speed boat or a water ski boat;
- (b) was guilty of careless or negligent navigation so as to cause injury or damage to any person, vessel or property; or
- (c) is otherwise not a fit and proper person to be so licensed.

9.16. *Application for a licence to drive a speed boat, water ski, 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 Seventh Schedule.

9.17. *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 Eighth Schedule.

PART X.—DRIVE YOURSELF MOTOR BOATS

10.01.—*Stability.*—A drive yourself Motor Boat—

- (a) Shall be of such form and proportions as are approved by the Harbourmaster and shall be stable and have a clear side amidships out of the water when on an even keel of not less than nine inches when it has its full complement of persons aboard.
- (b) Shall have rowlock chocks fitted with rowlock plates or pipe.
- (c) Shall have its bow decked for a length of twenty inches, such measurement to be taken from the aft side of the stem piece.

10.02. *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.

10.03. *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, which is fitted with an inboard motor, shall be kept painted a bright yellow.

10.04. *Outboard Motor—interior of boat to be painted yellow.*—The entire interior of a Drive Yourself Motor Boat which is fitted with an outboard motor, shall be kept painted a bright yellow.

10.05. *Owner to keep register.*—The owner of a Drive Yourself Motor Boat shall before hiring out the boat record in a permanent register book—

- (a) The registration number of the boat;
- (b) the name and address of the hirer; and
- (c) the number of persons declared by the hirer as the number of persons intended to be carried in the boat.

10.06. If a Drive Yourself Motor 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 power of the engine declared by the hirer to be intended to be used.

PART XI.—VESSELS PLYING FOR HIRE.

11.01. A person shall not ply a vessel for hire unless a licence in respect of the vessel has been granted and is in force.

11.02. *Licence of vessel.*—The Port Superintendent 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.

11.03. *Conditions of granting of licence.*—The Port Superintendent shall not grant or renew a licence under this Part 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.

11.04. *Information contained in licence.*—A licence under this Part may be in accordance with the First Schedule.

11.05. *Period of licence.*—A licence granted under this Part 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.

11.06 *Licensed number to be painted on vessel.*—The owner of a vessel licensed under the last preceding By-law shall—

- (a) cause to be painted and kept painted in legible letters in a conspicuous place inside the hull—
 - (i) the licence number of the vessel, preceded by the words “Licence No. ”; and
 - (ii) 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; or
- (b) with the approval of the Port Superintendent carry the Licence in a glass covered frame screwed to the boat in a conspicuous place on the inside of the hull.

11.07. *Cancellation of Licence.*—The Port Superintendent or a person authorised by him may at any time, by notice in writing to the holder of a licence, cancel a licence issued under this Part.

11.08. *Boatman's Certificate.*—A person shall not operate or be in charge of a vessel registered under this Part unless he is the holder of a Boatman's Certificate.

11.09. *Issue of Boatman's Certificate.*—The Port Superintendent may, if he is satisfied that a person is competent to operate vessels licensed under this Part issue to the person a Boatman's Certificate which shall be in accordance with the form in the Sixth Schedule.

11.10. A certificate issued under the last preceding By-law may be cancelled by the Port Superintendent if he is satisfied that the person in respect of whom it was issued is not a fit and proper person to hold such a certificate.

PART XII.—REGISTRATION AND IDENTIFICATION OF MOTOR BOATS.

12.01. A person shall not operate or drive a motor boat unless it is registered in accordance with this Part.

12.02 *Registration.*

- (a) The owner of a motor boat may apply in the form on the Second Schedule for registration of a motor boat;
- (b) The registration of a motor boat shall remain in force until it is cancelled by the Port Superintendent.
- (c) The owner of a registered motor boat shall produce the motor boat for inspection by the Port Superintendent whenever he is so required by the Port Superintendent.
- (d) A certificate of registration shall be in the form contained in the Third Schedule.

12.03. *Identification Number—Display.*

- (a) The owner shall cause the identifying number appearing on the registration certificate to be painted or displayed on the outside of the hull of the motor boat to which such certificate relates unless the Port Superintendent otherwise directs in relation to any motor boat so constructed that compliance cannot be made herewith.
- (b) The number shall be displayed 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.
- (c) During the currency of registration the identifying number shall be maintained so as to be at all times legible.

12.04 *Disposal or acquisition.*—

- (a) A person who sells or otherwise acquires a motor boat shall within seven days give notice of the sale or disposition in the form in the Fourth Schedule.
- (b) A person who purchases or acquires a motor boat shall within seven days give notice of the purchase or acquisition in the form in the Fifth Schedule.

12.05. *Return of Certificate.*—Upon being served with a notice, signed or purporting to be signed by the Port Superintendent the person in whose name a motor boat is registered shall return to the Port Superintendent the Certificate of Registration.

12.06. *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.

PART XIII.—MISCELLANEOUS.

13.01. *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.

13.02. *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 any liability of the person otherwise imposed on him by law.

13.03. *Payment of money not to restrict penalty.*—The payment of any money payable under these By-laws to the Port Authority or the Harbour-master does not take away or restrict the liability of a person to a penalty for any breach of these By-laws.

13.04. *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 by a fine not exceeding forty dollars.

13.05. Where, under these By-laws, a boat is required to be fitted with anything or to carry anything it is an offence for a person to drive or sail the boat or to operate the boat upon any declared waters unless the thing required to be fitted has been fitted or the thing required to be carried is carried.

13.06. Where no penalty is fixed by these By-laws for an offence against a By-law the penalty shall be a fine not exceeding forty dollars.

13.07. *Service of notice.*—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;
- (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.

13.08. *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.

13.09. *Penalty for reckless navigation.*—A person shall not navigate or use a vessel carelessly, negligently, recklessly or at a speed or in such manner as is dangerous to or likely to cause injury to any person or damage to any property, including the same vessel.

13.10. *Authorised persons to be allowed on vessels.*—Any inspector or Surveyor authorised by the Port Superintendent 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.

13.11 *Authorised persons not to be hindered in their duty.*—A person shall not delay, hinder, impede, assault or obstruct a person in the discharge of his duty under these By-laws.

13.12. *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.

13.13. *Skindivers.*—Skindivers operating from a diving tender shall have their area of operation conspicuously flagged or patrolled. The international Code Flag H over D having the meaning "I am engaged in submarine survey work you should keep clear of me" shall be flown 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.

13.14. *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 usual 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.

13.15. *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 usual 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° (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 bearing of 288° (T) from a point 700 feet on a bearing of 180° (T) from the north western corner of Mindil Beach Reserve AND Myilly Point;
- (c) at a speed exceeding five nautical miles per hour through 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 south 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° direction for 3,000 feet to the shore at Fort Hill.

14.02. The Port Superintendent may by notice in a newspaper circulating in a port prohibit the use of specified waters in a port for any purpose either generally during particular periods or during particular hours in any day.

A person shall not contravene the provisions of a notice published in accordance with the provisions of the last preceding paragraph.

14.03. *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.

14.04. *Mooring to Navigation Marks.*—No person shall moor any boat to any buoy, marker or beacon placed by any person in accordance with the provisions of any law in force in the Northern Territory as an aid to navigation.

FIRST SCHEDULE

Ports Ordinance 1962-1963

Licence No.:

LICENCE TO PLY FOR HIRE

For navigation

Name of vessel:

Owner:

Address:

Phone No.:

Business:

Type of craft:

Dimensions: Length

Breadth:

Depth:

Tonnage: Gross

Nett Reg.

No. of W.T. Bulkheads:

Year Built:

Loaded draft:

Loaded Freeboard:

Rig:

Colour:

Cargo carried not to exceed:

Engines: No.

Type:

Fuel:

No. Cylinders:

H.P.:

Capacities: Fuel:

Water:

Crew:

Passengers carried not to exceed:

EQUIPMENT CARRIED:

Anchors and Chain:

Lifebuoys:

Lifebelts:

Liferafts or buoyant apparatus:

Boats:

Fire Extinguishers:

Fire pumps and other equipment:

Bilge Pumping arrangements:

Distress rockets or flares:

Line throwing and breaches

buoy apparatus:

Compasses:

Barometer:

Charts:

Signal Flags:

Signalling Lamp:

Lead Lines:

Fog Horn:

Medical Kit:

Navigation Lights:

Radio Equipment:

Tarpaulins:

Mooring Lines:

Domestic Heating:

Additional equipment carried see overleaf.

The above vessel of which particulars are set out above is licenced to ply for hire for the carriage of goods or passengers while it complies with the abovementioned conditions.

Date of expiry:

Dated this

day of

19

Port Superintendent

N.B. The combined weight of passengers and cargo shall not exceed the weight shown in this licence as the weight which cargo carried is not to exceed.

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.

DESCRIPTION OF BOAT

Maker's name	Make of engine
Colour	Type of engine
Length Overall	(e.g. petrol or diesel)
ft.	ins.
Breadth	Inboard or Outboard
ft.	ins.
Estimated maximum speed	Engine No.
Construction of hull	Horsepower
(e.g. metal, wood, composite, etc.)	Number of cylinders
Type	Internal diameter of cylinders
(e.g. runabout, launch, etc.)	

Dated at

the

day of

19

Signature of applicant

THIRD 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 Horsepower
Date

Harbourmaster

FOURTH 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).

Dated at the day of 19 Signature of Owner

FIFTH 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 required.

Dated at the day of 19 Signature of Applicant

SIXTH SCHEDULE

Ports Ordinance 1962-1963

Certificate No.

BOATMAN'S CERTIFICATE

This is to certify that (full name) of (Residential address)
is a competent boatman for the purpose of By-Law 11.09 of the Small Craft By-Laws.
Dated at the day of 19

Harbourmaster

SEVENTH SCHEDULE

Ports Ordinance 1962-1963

APPLICATION FOR A LICENCE TO DRIVE A SPEED BOAT,
WATER SKI BOAT OR A POWER BOAT

I, (full name) of (Residential address) being a person
over the age of sixteen years, her by apply for a licence to drive a speed boat/water
ski boat/power ~~the~~ for a period of (one, two or three) years.

Signature of Applicant,
Date

EIGHTH 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