

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

*Harbours Board.*

GENERAL ANNOTATION.

ADMINISTRATION.

At the date of its preparation for inclusion, the administration of this Chapter was vested in the Minister for Transport with the following exceptions:—

- (a) Section 1(1) (definition of “approved institution”) and 11—the Minister for Finance; and
- (b) Sections 4(4), 9(4) and 10—the Minister for Public Service; and
- (c) Sections 27, 28 and 29—the Minister for Lands.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Transport and Civil Aviation;

“the Department”—should be read as references to the Department of Transport and Civil Aviation.

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<sup>1</sup>Subsidiary legislation has not be updated.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

*Harbours Board Act.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

**Harbours Board Act.**

Being an Act to provide for the establishment of a Papua New Guinea Harbours Board and to define its powers and functions, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“approved bank”, in relation to any provision of this Act, means the Central Bank or any other bank approved by the Minister for the purposes of that provision;

“approved institution”, in relation to any provision of this Act, means an institution or corporation approved by the Minister responsible for financial matters for the purposes of that provision;

“the Board” means the Papua New Guinea Harbours Board established by Section 3;

“the by-laws” means any by-laws made under Section 30;

“declared port” means a port declared under Section 2;

“pilotage authority” means a pilotage authority appointed under Section 197 of the *Merchant Shipping Act*;

“port” means a port, harbour, haven, roadstead, channel or navigable river or creek where a vessel can ship or unship passengers and goods;

“Port Advisory Committee” means a Port Advisory Committee appointed under Part VI.;

“port craft” means a vessel plying solely within port limits;

“Port Manager” means a manager appointed by the Board to manage a port;

“vessel” means a ship, boat or other description of vessel used for any purpose on the sea or in navigation.

(2) For the purposes of this Act, the revenue of the Board consists of—

(a) storage charges, wharfage dues and berthing, mooring, pilotage dues and fees for pilotage services collected by the Board as a pilotage authority and any other charges or dues payable in accordance with the by-laws; and

(b) rents and profits of land vested in the Board; and

(c) moneys appropriated by the Parliament for the purposes of the Board,

other than any moneys collected under Section 24.

(Amended by No. 24 of 1977, s. 1.)

2. Declaration of ports.

(1) The Minister may, by notice in the National Gazette, declare—

(a) a port in Papua New Guinea; or

(b) any waters of Papua New Guinea and any land contiguous to such waters,

to be a declared port for the purposes of this Act.

(2) A notice under Subsection (1) shall define the limits of the port both by sea and by land.

**PART II.—THE PAPUA NEW GUINEA HARBOURS BOARD.**

*Division 1.—Establishment and Constitution of the Board.*

**3. Establishment of the board.**

(1) A Papua New Guinea Harbours Board is hereby established.

(2) The Board—

- (a) is a corporation; and
- (b) has perpetual succession; and
- (c) shall have a seal; and
- (d) may acquire, hold and dispose of property; and
- (e) is capable of suing and being sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document, and shall presume that it was duly affixed.

**4. Constitution of the Board.**

(1) The Board shall consist of—

- (a) the Head of the Department responsible for financial matters or his nominee; and
- (b) the Head of the Department responsible for transport matters or his nominee; and
- (c) the Head of the Department or Office responsible for national planning matters or his nominee; and
- (d) four members appointed by the Head of State, acting on advice, given after consideration of recommendations by the Minister.

(2) The Head of State, acting on advice, given after consideration of recommendations by the Minister, shall appoint one of the members appointed under Subsection (1)(d) to be Chairman of the Board.

(3) The members of the Board appointed under Subsection (1)(d) shall be appointed for such respective terms as are determined by the Head of State, acting on advice, and are eligible for re-appointment.

(4) The terms and conditions of service of members of the Board appointed under Subsection (1)(d) are such as are determined by the Minister.

*(Replaced by No. 46 of 1983, s. 1.)*

**4A. Alternate members of the Board.**

(1) For each of the members of the Board appointed under Section 4(1)(d) an alternate member shall be appointed in the same way and subject to the same terms and conditions as the member for whom he is alternate.

(2) In the event of the inability to act of a member of the Board, the alternate member has and may exercise all his powers, functions, duties and responsibilities.

(3) An alternate member may, unless the Board otherwise directs, attend all meetings of the Board but shall not, except where he is attending in the absence of the member for

whom he is the alternate, take part in the debate, vote on any matter or be counted towards a quorum.

*(Added by No. 46 of 1983, s. 2.)*

**5. Dismissal of members of the Board.**

(1) The Minister may terminate the appointment of a member of the Board for incapacity or misbehaviour.

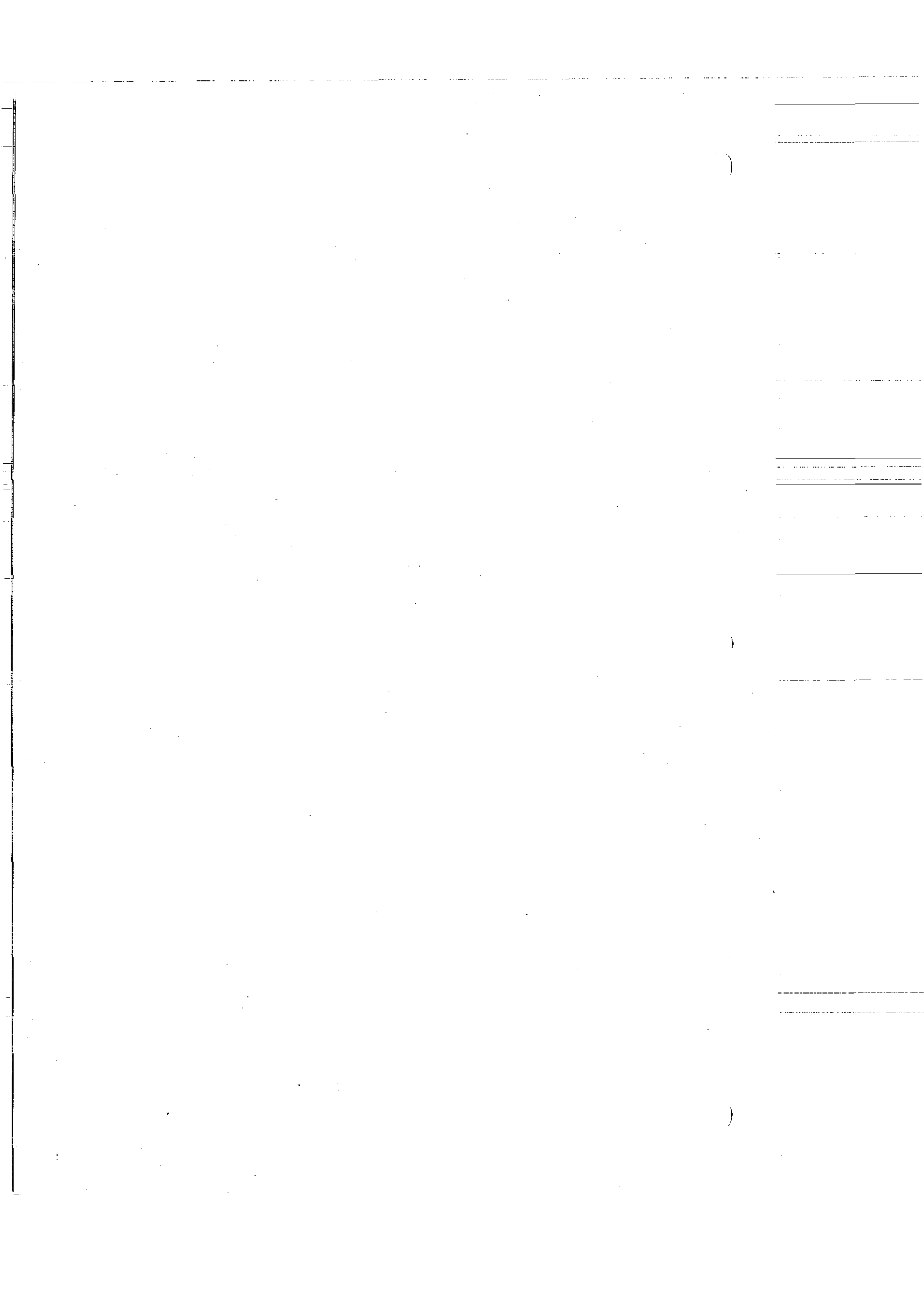
(2) If the appointment of a member of the Board is terminated under Subsection (1), the member may appeal to the National Court.

(3) The decision of the National Court on an appeal under Subsection (2) is final.

**6. Vacation of office.**

The office of a member of the Board becomes vacant—

- (a) if he becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (b) if he resigns his office by writing under his hand addressed to the Minister, and the resignation is accepted; or
- (c) if he is absent, except on leave granted by the Minister, from all meetings of the Board held during a period of three months; or





- (d) if in any way, otherwise than with the approval of the Minister or as a member and in common with the other members of an incorporated company consisting of not less than 25 persons, he—
  - (i) is concerned or interested in a contract or agreement entered into by or on behalf of the Board; or
  - (ii) participates or claims to participate in the profit of any such contract or agreement, or in a benefit or emolument arising from any such contract or agreement.

**7. Leave of absence.**

The Minister may grant leave of absence to a member of the Board on such terms and conditions as the Prime Minister determines.

**8. Meetings of the Board.**

- (1) The Board shall meet at such times and places as the Chairman determines.
- (2) The Minister may at any time convene a meeting of the Board.
- (3) At a meeting of the Board—
  - (a) four members are a quorum; and
  - (b) the Chairman, or in his absence a member elected by the members present from their own number, shall preside; and
  - (c) all matters shall be decided by a majority of the votes of the members present.

*Division 2.—The Service of the Board.*

**9. Appointment of officers.**

- (1) The Board may appoint to be Port Managers and other officers of the Board such persons as it thinks proper and necessary for the purposes of this Act.
- (2) The officers of the Board constitute the Service of the Board.
- (3) A person shall not be admitted to the Service of the Board unless—
  - (a) \* \* \* \* \* *(Repealed by No. 23 of 1977, s.1.)*
  - (b) he provides evidence to the satisfaction of the Board as to—
    - (i) his health and physical fitness; and
    - (ii) his possession of qualifications that enable him to perform the duties of the office to which he is to be appointed; and
    - (iii) his age; and
    - (iv) his good character; and
  - (c) he makes and subscribes an oath or affirmation in the form in Schedule 1.
- (4) The terms and conditions of employment of officers of the Board are as determined by the Minister responsible for Public Service matters, after considering reports from the Board and the Public Services Commission.
- (5) If a person appointed under this section was, immediately before his appointment, an officer of the Public Service, his service as an officer of the Board shall be counted as

service in the Public Service for the purpose of determining his existing and accruing rights under the *Public Service Act* and the *Public Officers Superannuation Act*.

(6) Section 104 of the *Public Service Act* applies in relation to an office in the Service of the Board as if it had been specifically included in that section.

#### 10. Temporary and casual employees.

The Board may employ such temporary or casual employees as it thinks proper on such terms and conditions as are determined by the Minister responsible for Public Service matters, after considering reports from the Board and the Public Services Commission.

#### *Division 3.—Finance.*

#### 11. Capital and profits of the Board.

(1) The capital of the Board is, at any time, an amount equal to the sum of—

(a) K7 830 000.00, representing the value of the special purposes leases granted under Section 27; and

(b) the amount of the values, as determined by the Valuer General, of—

(i) any lease granted to the Board under Section 28; and

(ii) any other property (other than a State lease granted otherwise than in accordance with Section 28) acquired by the Board from the State,

as at the date of its grant or acquisition.

(2) Subject to Subsection (3), out of the profits of the Board for any financial year the Board shall pay to the State such amount in relation to that year as the Minister responsible for financial matters, with the approval of the Head of State, acting on advice, determines.

(3) In the making of a determination under Subsection (2), regard shall be had to any advice furnished by the Board to the Minister responsible for financial matters in relation to the financial affairs of the Board.

#### 12. Moneys of the Board generally.

(1) The Board shall open and maintain an account or accounts with an approved bank or approved banks, and shall maintain at all times at least one such account.

(2) The Board shall pay all money received by it into an account referred to in Subsection (1).

(3) Out of the money standing to the credit of the accounts referred to in Subsection (1), the Board shall pay—

(a) all money payable by it in repayment of advances under this Act, and as interest on those advances; and

(b) the costs, charges and expenses incurred by the Board in the performance of its functions under this Act; and

(c) the remuneration and allowances of the members of the Board and of officers and employees of the Board; and

(d) any other payments that the Board is authorized or required to make under this Act.

(4) In respect of money advanced or borrowed under this Act for the purposes of the Board, the Board shall maintain a separate account in respect of the money that is related to each such purpose, and shall cause proper entries of—

- (a) all moneys so advanced or borrowed for a particular purpose of the Board; and
  - (b) the purpose to which the moneys have been applied,
- to be made in the account maintained in respect of the purpose.

**12A. Pilotage dues, etc., to be collected by the Board.**

Where the Board is appointed the pilotage authority in respect of any area, the Board shall collect all pilotage dues and fees for pilotage services payable under the *Merchant Shipping Act* in respect of that area and shall pay such dues and fees into an account referred to in Section 12(1).

(Added by No. 24 of 1977, s. 2.)

**13. Guarantee for loans.**

With the concurrence of the Minister for Finance, the Minister may, for and on behalf of the State, guarantee to an approved bank or approved institution the repayment of any loan, including interest on the loan, by the bank or institution to the Board.

**14. Application of Public Bodies (Financial Administration) Act.**

The *Public Bodies (Financial Administration) Act* applies to and in relation to the Board, subject to the exceptions and modifications set out in Schedule 2.

**15. Exemption from taxation. (Repealed by No. 38 of 1979.)**

**PART III.—POWERS AND FUNCTIONS OF THE BOARD.**

*Division 1.—General.*

**16. Policy directions by Minister.**

The Board shall give effect to any direction given to it by the Minister on any matter of policy relating to the exercise or performance of its functions, duties or powers.

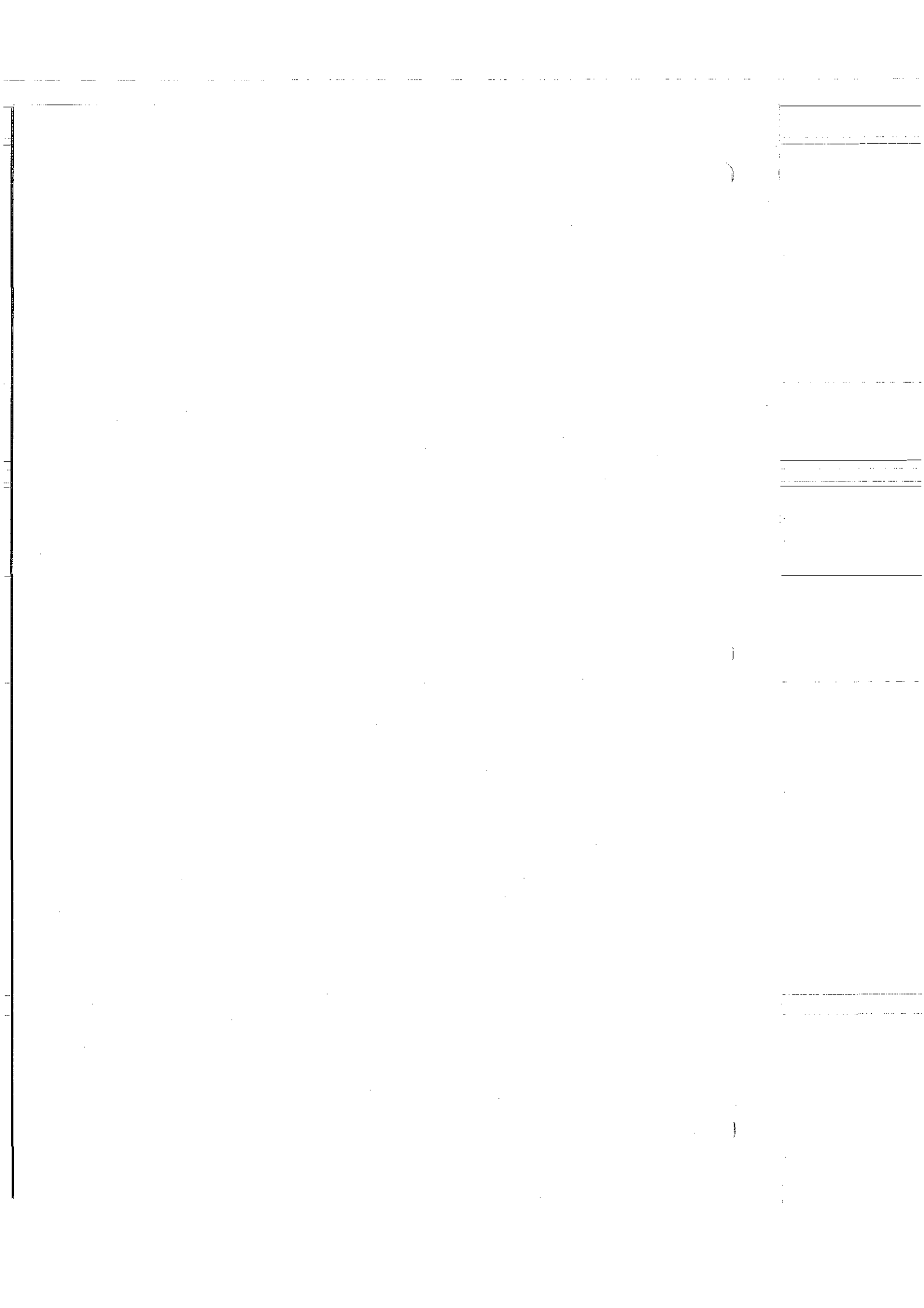
**17. General functions of the Board.**

(1) The Board is responsible for—

- (a) the regulation, management, operation and control of declared ports; and
- (b) the movement of shipping in such ports; and
- (c) the provision and maintenance of—
  - (i) lightships, buoys, beacons, moorings, wharves, docks, piers, jetties, landing stages, slips, landing ramps and platforms in such ports; and
  - (ii) machinery, equipment and installations used in connexion with such ports.

(2) In particular, and without limiting the generality of Subsection (1), the functions of the Board are, within a declared port—

- (a) to control and regulate all waters and the use of all waters; and



- (b) to provide, erect, maintain and regulate wharves, docks, piers, slips, jetties, landing stages, platforms and landing ramps placed under its control by or under this Act or any other law; and
- (c) to maintain, improve and extend any existing wharves, docks, piers, slips, jetties, landing stages, platforms and landing ramps referred to in Paragraph (b); and
- (ca) to act as a pilotage authority for the purposes of Part VIII. of the Merchant Shipping Act where appointed as such under that Act and to provide pilotage services in areas where pilotage is not compulsory; and (*Added by No. 24 of 1977, s. 3.*)

- (d) to provide, maintain and regulate services and facilities for—
  - (i) the berthing, mooring, loading and unloading of ships; and
  - (ii) the storage of goods; and
  - (iii) the transport of goods to and from any place where goods are to be loaded or unloaded from a ship; and
- (e) to provide, maintain and operate lighters and other craft for the loading or unloading of ships; and
- (f) to erect and place in position buoys, markers, beacons and leads, and other things, that are necessary or desirable to facilitate navigation in or into a declared port; and
- (g) to acquire, erect and maintain—
  - (i) warehouses, storehouses, bins and tanks for the reception and holding of fuel or other liquids; and
  - (ii) yards for the holding of animals; and
- (h) to construct and maintain harbour works; and
- (i) to dredge and maintain channels and berthing places; and
- (j) to build retaining walls for the purpose of reclaiming, and to reclaim and obtain title to, land that is the bed of a declared port; and
- (k) to control, direct and regulate the employment of waterside workers (whether or not employed by the Board); and
- (l) to provide, erect, maintain and operate services and facilities (including buildings) for or incidental to the employment of waterside workers (whether or not employed by the Board); and
- (m) to do all such other acts as will facilitate the use of a declared port by shipping; and
- (n) to establish effective co-operation between the Board and Port Advisory Committees and to co-ordinate the work of those Committees.

(3) The Board may act as the agent of the State or the Government in relation to any matter within the functions of the Board.

(4) The Board may make recommendations to the Minister on any matter in connexion with its functions.

#### **18. Functions of the Board outside declared ports.**

(1) Subject to Subsection (2), the functions of the Board include the following matters in places outside declared ports :—

- (a) the provision of markers, buoys, beacons and leads for the use of shipping approaching a declared port or in bays, rivers and estuaries used by shipping; and
- (b) in bays, rivers and estuaries used by shipping—
  - (i) the dredging and deepening of channels; and
  - (ii) the provision of berthing and mooring places with or without wharves or jetties; and
- (c) the investigation of bays, rivers and estuaries with a view to ascertaining their suitability for use as ports or by shipping.

(2) The Board shall not perform a function specified in Subsection (1) without the consent of—

- (a) in the area of the former Territory of Papua—The Marine Board of Papua; or
- (b) in the area of the former Territory of New Guinea—the Controller (Marine Services), Department of Transport.

#### 19. Special reports to the Government.

Where the Minister requests the Board to furnish a report or information on the activities or operations, or proposed activities or operations, of the Board, or on any matter relating to the control or use of ports, the Board shall, to the best of its ability, furnish the report or information requested.

#### 20. General powers of the Board.

(1) The Board has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.

(2) Without limiting the generality of Subsection (1), the Board has power—

- (a) for the purpose of securing any moneys borrowed by the Board—
  - (i) to give security over the property of the Board (other than any moneys collected under Section 24); and
  - (ii) to execute all mortgages and other instruments of assurance or charge; and
- (b) to purchase land, and to purchase or construct buildings, for use in carrying on the operations of the Board, and to dispose of land or buildings owned by the Board; and
- (c) to take on lease land or buildings for use in carrying on the operations of the Board, and to dispose of any such lease; and
- (d) to lease, sub-lease or otherwise deal with land held by it; and
- (e) to act as trustee of any land reserved or resumed and placed under its control under the *Land Act*, for any purpose consonant with the functions of the Board; and
- (f) to negotiate with the State or any other person for the acquisition by the Board of any harbour works or for the transfer to the Board of the benefit of or liability under any contract connected with the harbour works, on such conditions as are agreed on by the Board with the State or that other person; and
- (g) to purchase, take on hire or otherwise acquire plant, machinery, equipment or other goods necessary for carrying on the operations of the Board, and to dispose of any plant, machinery, equipment or other goods owned by the Board; and
- (h) to maintain and operate and, where necessary, improve and extend any harbour works vested in the Board, and to construct new, additional or supplementary works or acquire works or property for or in relation to harbours; and
- (i) to impose dues and levy charges at rates subject to determination under Section 21 of the *Prices Regulation Act*, fixed by the Board by notice in the National Gazette—
  - (i) for or in respect of the use of a declared port by any shipping; or

- (ii) in respect of the use of any facility provided, or for any operation carried on, in a declared port by the Board by itself or its agents; and
- (j) to remit the whole or part of any amount payable to the Board under this Act; and
- (k) subject to any right of tenancy or occupation granted by or under any law, to control the use of the foreshores in a declared port; and
- (ka) to act as a pilotage authority for the purposes of Part VIII. of the *Merchant Shipping Act*; and (*Added by No. 24 of 1977, s. 4.*)
- (l) to enter into contracts and agreements for or in respect of the performance of any function of, or the exercise of any power by, the Board; and
- (m) to require a person to remove or destroy, or to cause to be removed or destroyed, any object or thing that in the opinion of the Board is an obstruction, hindrance or danger to navigation in, or to the use of, a declared port by any vessel; and
- (n) where under Paragraph (m) the Board removes or destroys, or causes to be removed or destroyed, any object or thing, to recover from the owner of it, or from the person responsible for the placing or abandoning of it, the cost of the removal or destruction; and
- (o) to construct in a declared port roadways, railways or tramways necessary or convenient for the performance of its functions; and
- (p) to appoint agents; and
- (q) to do such other things as are required or permitted under this Act to be done by the Board.

(*Amended by No. 46 of 1983, s. 3.*)

#### 21. Delegation.

The Board may delegate to a person or to a committee of the Board all or any of its powers and functions under this Act (except this power of delegation).

#### *Division 2.—Special Provisions in Relation to Waterside Employment.*

#### 22. Interpretation of Division 2.

In this Division, "registered worker" means a person who is registered in a register established under Section 23(a).

#### 23. Special powers of the Board.

Without limiting the generality of Section 20, the powers of the Board include power—

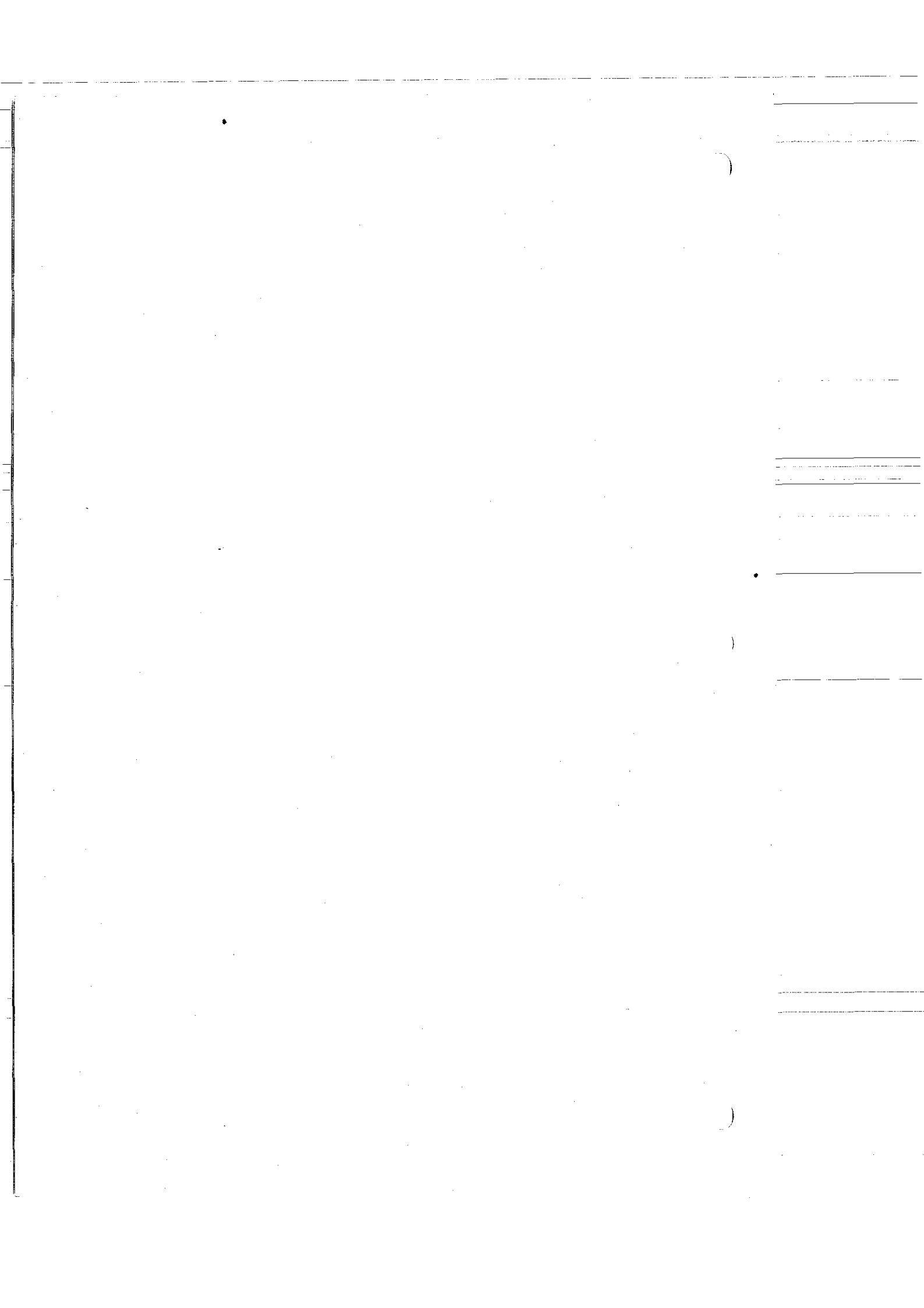
- (a) to establish a register for the registration of persons or classes of persons employed in the loading or unloading of cargo in a declared port; and
- (b) to register or de-register a person or class of persons in or from a register established under Paragraph (a); and
- (ba) to pay the guaranteed minimum wage to registered workers; and (*Added by No. 23 of 1977, s. 2.*)
- (c) to pay attendance money to registered workers, and to determine in what circumstances and in what amount it should be paid.



**24. Imposition and collection of cargo levy.**

(1) The Minister may, by notice in the National Gazette, impose a levy on cargo loaded or discharged in a declared port by registered workers.

(2) The Board shall collect a levy imposed under Subsection (1), and for the purposes of this Act the levy shall be deemed to be money due to the Board.



**25. Disposal of cargo levy.**

Any money received by the Board under Section 24(2) shall be applied by the Board for the purposes only of—

- (a) payments of attendance money to registered workers at the port where the money was collected; and
- (aa) payment of the guaranteed minimum wage to registered workers; and (*Added by No. 23 of 1977, s. 3.*)
- (b) administrative costs and expenses connected with such payments.

**PART IV.—VESTING OF CERTAIN LAND.****26. Interpretation of Part IV.**

In this Part, "land" includes land above and below high-water mark.

**27. Grant of certain leases.**

(1) As soon as practicable after 18 May 1972 (being the date of commencement of the pre-Independence *Papua New Guinea Harbours Board (Property) Act 1971*), the Minister responsible for land matters shall grant to the Board special purposes leases under the *Land Act* over the land in the declared ports to which this section applies that, immediately before that date, was, in the opinion of that Minister, used by the Board for port purposes.

(2) A lease granted in accordance with Subsection (1) shall be for a term of 99 years, and shall be without rent.

(3) The declared ports to which this section applies are—

- (a) Port Moresby; and
- (b) Lae; and
- (c) Rabaul; and
- (d) Madang; and
- (e) Kavieng; and
- (f) Samarai; and
- (g) Wewak; and
- (h) Kieta; and
- (i) Kimbe.

**28. Grant of further leases.**

The Minister responsible for land matters may grant to the Board further leases under the *Land Act* over any land within the limits of a declared port that is required by the Board for the purposes of this Act.

**29. Application of Land Act to leases under Part IV.**

(1) Subject to this Part, the *Land Act* applies to and in relation to leases granted in accordance with this Part.

(2) A lease in accordance with Section 27 or 28 may be granted without calling for applications or tenders, and without offering the subject land for sale by auction.

(3) In addition to the reservations and conditions prescribed by Section 39(3) of the *Land Act*, a lease granted in accordance with Section 27 or 28 shall contain such other reservations, covenants and conditions as to the Minister responsible for land matters seem proper.

(4) A lease granted in accordance with Section 27 or 28 shall be used only for the purposes of the Board under this Act.

(5) Nothing in this Part (other than in this section and Section 27) derogates the application of the *Land Act* or the power of the Minister to grant to the Board State leases under that Act.

PART V.—THE BY-LAWS OF THE BOARD.

30. By-laws.

(1) The Board may make by-laws, not inconsistent with this Act, for the control, regulation and management of declared ports and of the affairs of the Board, and in particular providing for or in relation to—

- (a) the control, supervision and guidance of all officers of, and the control of all property vested in or belonging to, the Board, and the time and mode of accounting by officers for all money coming into their hands; and
- (b) the security and facility of navigation in declared ports; and
- (c) the regulation, control and supervision of loading and unloading, the use of machinery, equipment and appliances in loading and unloading and the storage and handling of goods in declared ports; and
- (d) the construction and the method of construction of—
  - (i) wharves, docks, piers, jetties or embankments; and
  - (ii) sheds, landing stages, slips, platforms, roadways, railways, tramways or hoisting shears and engines; and
- (e) the dredging, cleansing and scouring of declared ports, the improvement of the beds and channels of ports and the abating and removing of wrecks and impediments, obstructions and nuisances to navigation in ports; and
- (f) the supply and removal of ballast and water for shipping; and
- (g) the improvement and management of declared ports and facilities in declared ports; and
- (h) subject to Section 20(2)(i) the imposing and levying of tolls, rates and charges for services rendered by the Board or for the use of any facility provided by the Board; and
- (i) the regulation and management of port craft, except as provided for by the *Navigation Act, 1889* of the former Territory of Papua (Adopted) or the *Coastal Shipping, Ports and Harbours Regulations 1938* of the former Territory of New Guinea (Adopted); and
- (j) the anchoring, mooring and fastening of vessels and port craft, and the shifting, removal and control of vessels and port craft, in declared ports whether under way or at anchor, afloat or aground, hove down, hauled up or in dock; and
- (k) the regulation and control of the use of lights and fire on board vessels within declared ports; and
- (l) the appointing of places for the loading or unloading, and the manner of loading or unloading, of any inflammable or explosive substance; and
- (m) the storage within declared ports of inflammable or explosive substances; and
- (n) the licensing of ferries and port craft, boatmen and operators of ferries and port craft, subject to such conditions as are prescribed in the by-laws; and

- (o) the regulation and licensing of stevedoring; and
- (p) the control of lights within a declared port with a view to the safety of navigation; and
- (q) the recovery of dues and charges imposed by or under this Act.

(2) A person who contravenes or fails to comply with a provision of the by-laws is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

Default penalty: A fine not exceeding K50.00.

(Amended by No. 46 of 1983, s. 4.)

### 31. Approval and publication.

By-laws have no force or effect until—

- (a) approved by the Head of State, acting on advice; and
- (b) published in the National Gazette.

## PART VI.—PORT ADVISORY COMMITTEES.

### 32. Constitution of Port Advisory Committees.

(1) A Port Advisory Committee for each declared port is hereby established.

(2) Subject to Section 33, a Port Advisory Committee shall consist of not less than five, and not more than nine, members appointed by the Minister by notice in the National Gazette.

(3) As far as practicable, the members of a Port Advisory Committee shall be selected to represent the following interests in the port—

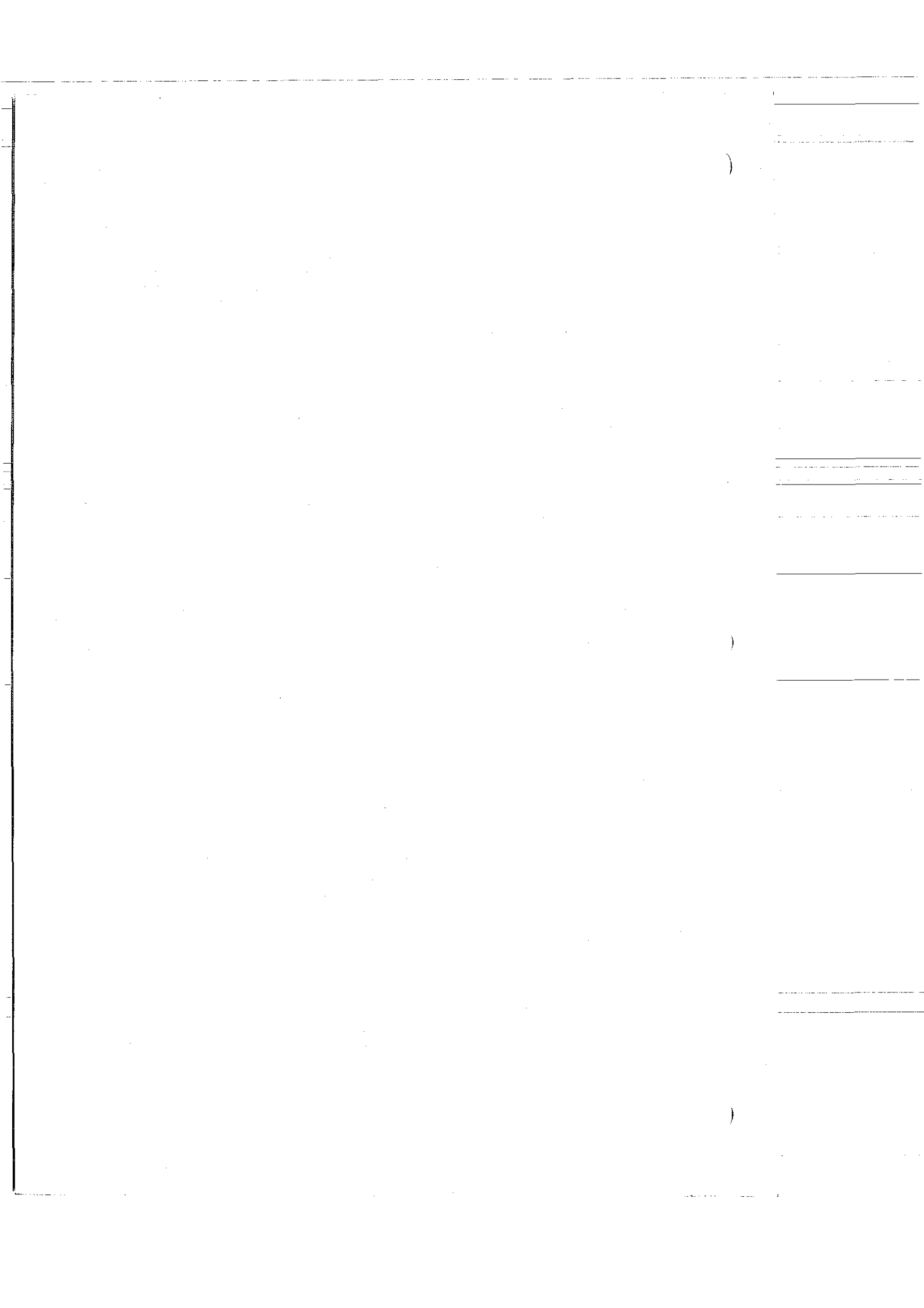
- (a) overseas shipping; and
- (b) coastal shipping; and
- (c) stevedoring; and
- (d) transport; and
- (e) labour; and
- (f) shippers; and
- (g) bulk fuel handlers; and
- (h) warehouse operators; and
- (i) the provincial government body, Local Government Authority or Local Government Council. (Added by No. 23 of 1977, s. 4.)

(4) The term of office of the members of a Port Advisory Committee is two years, and they are eligible for re-appointment.

### 33. Ex officio members.

(1) For the purposes of this section "the licensed pilot" means—

- (a) the person holding a current pilot licence issued under the *Merchant Shipping Act*; and
- (b) where there is more than one person under Paragraph (a) for the pilotage area declared under that Act for the port, the licensed pilot appointed by the Board by written notice.



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*Harbours Board*

(2) In addition to the members referred to in Section 32, the Port Manager, the licensed pilot and the Collector of Customs for the port are ex officio members of the Port Advisory Committee for a port.

*(Amended by No. 23 of 1977, s. 5.)*

**34. Alternate members of Port Advisory Committees.**

(1) For each member of a Port Advisory Committee (other than an ex officio member referred to in Section 33) an alternate member shall be appointed in the same way and subject to the same conditions as the member for whom he is the alternate.

(2) In the event of the absence from the country, or the inability to act, of a member of a Port Advisory Committee, his alternate member has and may exercise all his powers, functions, duties and responsibilities.

### 35. Procedures of Port Advisory Committees.

(1) A Port Advisory Committee shall elect a Chairman.

(2) A Port Advisory Committee shall meet at least once every three months, at such times and places as are fixed by the Chairman or as are directed by the Board.

(3) At a meeting of a Port Advisory Committee—

(a) two-thirds of the members constitute a quorum; and

(b) the Chairman, or in his absence a Deputy Chairman elected by the members present, shall preside; and

(c) all matters shall be decided by a majority of the votes of the members present; and

(d) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(4) Minutes of the proceedings of a Port Advisory Committee shall be kept.

### 36. Functions of Port Advisory Committees.

(1) A Port Advisory Committee may, and if directed by the Board shall, consider any matter relating to the working or efficiency of the port and advise the Board on it.

(2) A Port Advisory Committee may make local rules, not inconsistent with this Act, the by-laws or other law, in relation to—

(a) places for anchoring and mooring; and

(b) the use of the wharves and ancillary facilities; and

(c) the speed and loads of vehicles in the port area; and

(d) fire precautions; and

(e) water sports; and

(f) safety in port working.

(3) A local rule made under Subsection (2)—

(a) applies within the limits of the port; and

(b) is of no force or effect until approved by the Board.

(4) A person who contravenes or fails to comply with a local rule made under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

Default penalty: A fine not exceeding K4.00.

## PART VII—OFFENCES.

### 37. Obstruction, etc.

A person who hinders or obstructs a person in the performance of his functions or the exercise of his powers under this Act is guilty of an offence.

Penalty: A fine not exceeding K100.00.



**38. Corruption.**

(1) In this section, 'bribe' includes the giving, conferring or procuring of any property or benefit of any kind in respect of—

- (a) any act done or to be done; or
- (b) any forbearance observed or to be observed; or
- (c) any favour or disfavour shown or to be shown,

in relation to the affairs or business of the Board or to any matter under this Act.

(2) A member, officer, employee or agent of the Board who obtains or attempts to obtain a bribe is guilty of an offence.

(3) A person who bribes or attempts to bribe a member, officer or employee of the Board is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**39. Directions by Port Manager or Harbour Master.**

(1) The Port Manager may give directions for regulating—

- (a) the time and manner in which any vessel shall enter into, depart from or lie in a declared port; and
- (b) the position, mooring, unmooring, placing or removing of any vessel within a declared port; and
- (c) the manner in which, or the time at which, any vessel shall—
  - (i) take in or discharge its cargo or any part of its cargo; or
  - (ii) take in or deliver ballast, water or fuel.

(2) The master of a vessel in a declared port must regulate the vessel according to any directions of the Port Manager given under Subsection (1).

Penalty: A fine not exceeding K400.00.

*(Amended by No. 23 of 1977, s. 6.)*

**40. Failure to comply with directions of Port Manager or Harbour Master.**

(1) If the master of a vessel fails to comply with a direction of a Port Manager given under Section 39 to moor, unmoor, place or remove the vessel, the Port Manager may cause the vessel to be moored, unmoored, placed or removed accordingly.

(2) In addition to any penalty for an offence of failing to comply with the directions of the Port Manager, the master of a vessel that a Port Manager has caused to be moored, unmoored, placed or removed under Subsection (1) is liable to pay all expenses incurred in the mooring, unmooring, placing or removal of the vessel.

(3) Any amount that a master is liable to pay under Subsection (2) is payable to the Board.

*(Amended by No. 23 of 1977, s. 7.)*

PART VIII.—MISCELLANEOUS.

**41. Purposes of the Board to be public purpose.**

The purposes of the Board are a public purpose within the meaning of any law.

**42. Application of certain provisions of the Land Act.**

The Board, or an officer or employee of the Board authorized by it for the purpose, shall be deemed to be a person authorized by the Minister under Section 79, 80, 81 and 82 of the *Land Act*.

**43. Proof of certain matters.**

In any proceedings by or against the Board, proof is not required, unless evidence is given to the contrary, of—

- (a) the constitution of the Board; or
- (b) a resolution of the Board; or
- (c) the appointment of a member, officer, employee or agent of the Board; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Board.

**44. Indemnity.**

A member, officer, employee or agent of the Board is not personally liable for any act or default of himself or the Board done or omitted to be done in good faith in the course of the operations of the Board or for the purposes of this Act.

**45. Service of process.**

A notice, summons, writ or other process required to be served on the Board may be served by being left at the office of the Board or, in the case of a notice, by post.

**46. Authentication of documents.**

Any document requiring authentication by the Board is sufficiently authenticated without the seal of the Board if it is signed by the Chairman of the Board.

**47. Appointment of attorneys.**

(1) The Board may, by instrument under its seal, appoint a person to act as its attorney outside the country for the purpose of doing anything that the Board itself might lawfully do.

(2) A person appointed under Subsection (1) may, on behalf of and in the name of the Board, do any act, exercise any power and perform any function that he is authorized by the instrument to do, exercise or perform.

**48. Compensation.**

(1A) Where a person exercises by or on behalf of the Board the functions of a licensed stevedore under this Act, that person shall indemnify, and keep indemnified the Board against any liability it may incur to any person suffering loss or damage as a result of the exercise of that function where the loss or damage is attributable in whole or in part to a negligent or wrongful act or omission in connexion with the purported exercise of that function.

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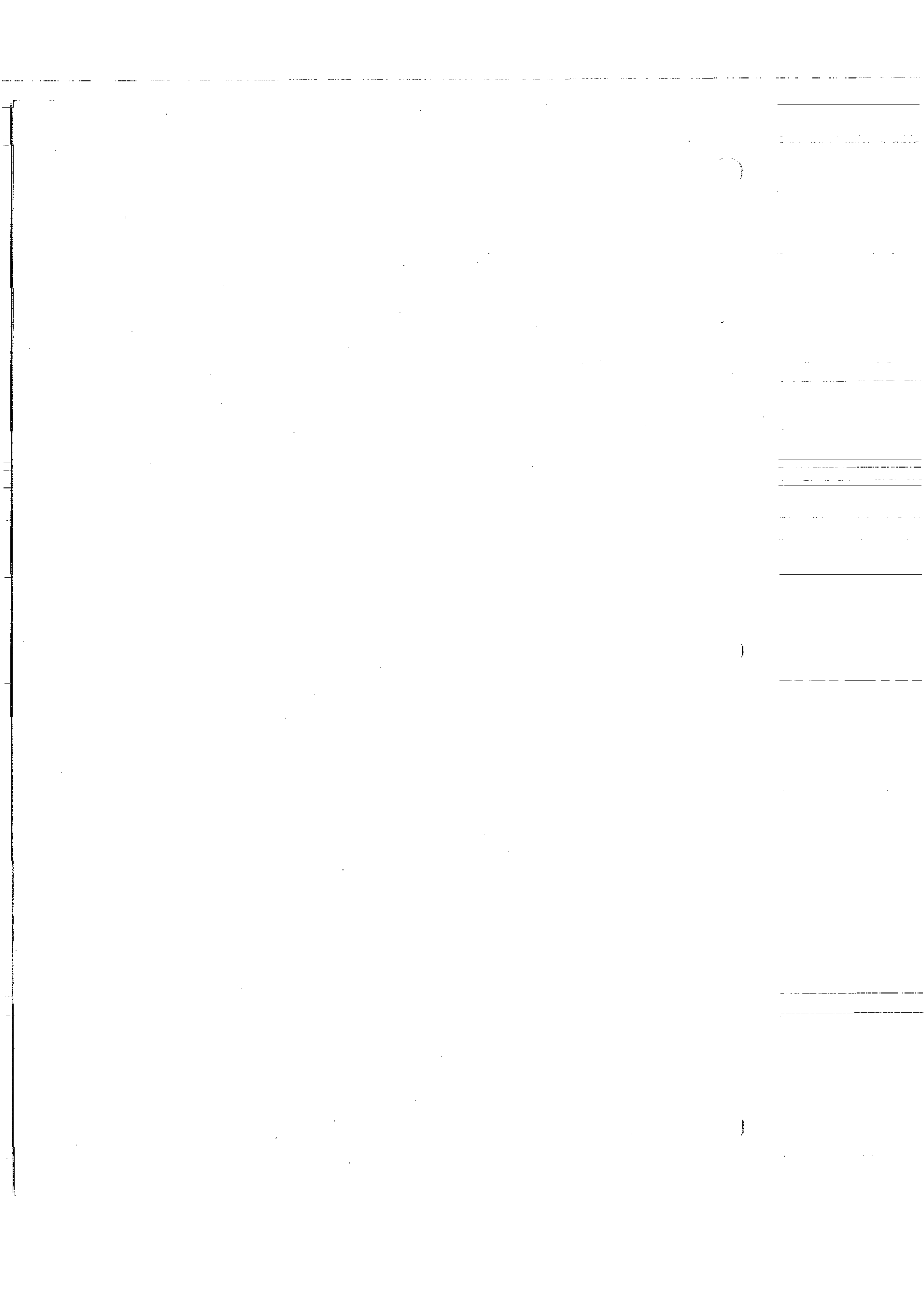
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(1) Subject to Subsection (1A), where loss or damage is suffered by any person by reason of the exercise, by or on behalf of the Board, of a power conferred by or under this Act, compensation for the loss or damage is payable to him by the Board.

(2) Subject to Subsection (3), the amount of compensation payable under Subsection (1) is as determined by the Minister.

(3) A person aggrieved by a determination of the Minister under Subsection (2) may appeal to the National Court.

*(Amended by No. 23 of 1977, s. 8.)*



49. Recovery of money due.

Any money due to the Board under this Act may be recovered by the Board as a debt.

50. Adoption of standard codes.

The regulations or the by-laws may adopt, subject to such modifications, conditions and restrictions as are prescribed, any standard code or procedure laid down by the Standards Association of Australia or any other authority approved by the Board in relation to any of the undertakings of the Board, and thereupon compliance with the code or procedure, as in force from time to time, shall be deemed to be compliance with the relevant provisions of this Act, the regulations or the by-laws, or of any order or direction under this Act.

51. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing penalties of fines not exceeding K2 000.000 and default penalties of fines not exceeding K50.00 for offences against the regulations.

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SCHEDULES.

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SCHEDULE 1.

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Sec. 9(3)(d).

OATH AND AFFIRMATION OF OFFICE.

*Oath.*

I, \_\_\_\_\_, do swear that I will give good and faithful service as an officer of the Papua New Guinea Harbours Board.

So help me God!

*Affirmation.*

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will give good and faithful service as an officer of the Papua New Guinea Harbours Board.

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SCHEDULE 2.

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Sec. 14.

EXCEPTIONS AND MODIFICATIONS TO THE PUBLIC BODIES (FINANCIAL  
ADMINISTRATION) ACT.

*Provision*

*Modification, etc.*

Section 3

Does not apply.

Section 4

Does not apply.

Section 5

Does not apply.

Section 11

Applies as if the words 'in such form as the Minister approves' were omitted.

Section 13

For the purposes of Subsection (1) the specified sum is K1 000.00.

Section 14

Applies as if the figures 'K100 000.00' were omitted and the figures 'K80 000.00' substituted.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

*Harbours Board (General) By-laws.*

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
  - "the Act"
  - "cargo"
  - "day"
  - "goods"
  - "the International Collision Regulations"
  - "master"
  - "night"
  - "owner", in relation to a vessel
  - "owner", in relation to goods
  - "the Secretary"
  - "wharf".

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3. Petitions.
4. Office hours.

*Division 2.—Meetings of the Board.*

5. Suspension of rules of procedure.
6. General order of business at ordinary meetings.
7. General order of business at special meetings.
8. Motions, etc., generally.
9. Enforcement of standing orders.
10. Motions for adjournment.
11. Amendments.
12. Rules of debate generally on motions, etc.
13. Points of order.
14. Voting.

*Division 3.—Committees.*

15. Meetings of committees.
16. Minutes of committees.

*Division 4.—Protests against Resolutions.*

17. Protests.

*Division 5.—Right to Documents.*

18. Right to documents.

*Division 6.—Tenders.*

19. Calling for tenders.
20. Deposits.
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22. Observance of Part III.
23. Power of entry, etc.
24. Works on land vested in the Board, etc.
25. Leases on land vested in the Board, etc.
26. Appointment of agents of vessels.

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*Subdivision A.—General.*

27. Liability of owner, etc.
28. Interference with gates.
29. Right to demand name and address.
30. Obedience to orders of Port Manager.
31. Closure of wharves, etc.
32. Report of casualties.
33. Provision of roadways and lighting.
34. Protection of lands, etc.
35. Provision of assistance and amenities.
36. Removal of goods and storage rates.
37. Fires on wharves.
38. Rescue and fire-extinguishing operations.
39. Obstruction by goods.
40. Disposal of cargo.
41. Restrictions on loading capacity of wharves.
42. Interference with goods on wharves.
43. Handling of heavy goods.
44. Protection of ports from dropped cargo, ballast, etc.
45. Nuisances on wharves, etc.
46. Unauthorized persons on wharves.
47. Repairs of ships on wharves.
48. Loitering and smoking on wharves, etc.
49. Touting.
50. Selling of goods, etc., on wharves.
51. Improper behaviour.
52. Injury to property of the Board.
53. Interference with property of the Board.
54. Interference with barriers.
55. Life-saving apparatus, etc.
56. Watch on wharf premises.
57. Lighting.



Subdivision B.—Vehicular Traffic on Wharves.

- 58. Responsibility for vehicles, etc.
- 59. Vehicles on wharves, etc., generally.
- 60. Speed of vehicles.
- 61. Negligent driving, etc.
- 62. Vehicles equipped with gas-producer units.

Subdivision C.—Use of Machinery and Cargo-handling Appliances.

- 63. Interpretation of Subdivision C—  
    'mobile crane'.
- 64. Use of machinery, etc., on wharves, etc.
- 65. Use of machinery of the Board.
- 66. Inspection of machinery, etc.
- 67. Removal of stevedores' gear.

Subdivision D.—Handling of Goods.

- 68. Statement of goods on vessel.
- 69. Delivery of manifest.
- 70. Return by master.
- 71. Notification to owners of unshipped goods.
- 72. Loading and unloading.
- 73. Keeping wharf open.
- 74. Slinging of goods.
- 75. Damage to goods on wharf by water from vessels.
- 76. Discharge of ballast.
- 77. Discharge of timber.
- 78. Occupation of wharf space.
- 79. Unattended equipment.
- 80. Goods on wharf, etc., without permission.
- 81. Removal of goods from wharf.
- 82. Packaging of goods.
- 83. Sorting and stacking.
- 84. Removal of goods.
- 85. Handling of objectionable goods.
- 86. Discharge of hazardous goods.
- 87. Goods discharged over another vessel.

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- 88. Cutting and welding operations.
- 89. Careening, etc.
- 90. Disturbance of bed of port.
- 91. Excavations in ports.
- 92. Fishing from the property of the Board.
- 93. Fires on land of the Board fronting public reserves.

PART IV.—CONTROL OF PORT MORESBY PASSENGER JETTY, ETC.

- 94. Interpretation of Part IV.—  
    "officer"  
    "park"

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- "the port"
- "the Port Manager"
- "public shelter"
- "the ramp"
- "the shore"
- "vehicle".
- 95. Application of Part IV.
- 96. Observance of Part IV.
- 97. Vessels alongside passenger jetty.
- 98. Goods on passenger jetty.
- 99. Goods in public shelters.
- 100. Obstruction of approaches.
- 101. Vessels lying abreast.
- 102. Securing of mooring ropes, etc.
- 103. Running of engines at jetty.
- 104. Speed approaching jetty, etc.
- 105. Lying close to jetty, etc.
- 106. Goods left on ramp.
- 107. Use of ramp by vessels.
- 108. Limitations on use of ramp.
- 109. Berthing at passenger jetty.
- 110. Closure of jetty, etc.
- 111. Bathing from jetty, etc.
- 112. Miscellaneous offences.

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- 113. Berthing of vessels.
- 114. Priority for berthing.
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- 118. Berthing in tier.
- 119. Requirement to leave berth in emergency.
- 120. Vessel not working to capacity.
- 121. Appeals.
- 122. Cleaning of berth, etc.
- 123. Speed limits.
- 124. Facilities for handling vessel on arrival, etc.
- 125. Failure to supply berth, etc.
- 126. Naval vessels.

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- 127. Interpretation of Part VI.—
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  - "permanent mooring".
- 128. Control of berthing.
- 128A. Permanent mooring or anchorage.
- 129. Mooring in tier.
- 130. Extra anchors, etc.

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132. Mooring fees.
133. Interference with vessels.
134. Boats, etc., riding astern of vessels.
135. Lighters lying abreast at night.
136. Steel vessels at wharves.
137. Screening, etc., of openings in vessels alongside wharves.
138. Deck or side openings of moored vessels.
139. Provision of gangways, etc., alongside wharf.
140. Gangway ladders when not at wharf.
141. Lights for passengers landing.
142. Heating of combustible matter on vessel at wharf.
143. Repairs at berth.

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  - "motor boat"
  - "oil"
  - "sea-going vessel".
145. Observance of Part VII.
146. Prevention of collisions.
147. Report of collisions causing damage.
148. Licences to drive motor boats.
149. Registration of harbour vessels.
150. Lights on vessels at wharves.
151. Lights on lighters lying alongside vessels.
152. Lights on timber moored alongside vessels.
153. Towing.
154. Speed limits.
155. Testing of speed.
156. Reduction of speed when passing dredges, etc.
157. Speed of vessels passing harbour works, etc.
158. Use of guns, etc.
159. Use of fog horns, etc.
160. Explosives, etc.
161. Regulation of timber rafts.
162. Disabled, burning, etc., vessels entering ports.
163. Beaching of vessels.
164. Obstruction by sunken vessels, etc.
165. Trawling in fairway.
166. Obstruction of waters or lands.
167. Crewing of vessel under way.
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- 173. Vessels lying alongside steps, etc.
- 174. Small boats obstructing channels, etc.
- 175. Damage to cables.
- 176. Use of silencers.
- 177. Aquatic sports.
- 178. Deaths in port.
- 179. Watchmen in port.
- 180. Interference with beacons, etc.
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- 191. Application of Part VIII.
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- 197. Testing of equipment.
- 198. Ropes.
- 199. Checking of cargo gear.
- 200. Hours of work.
- 201. Cancellation of licence.
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  - “coastal voyage”
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  - “international voyage”
  - “length”
  - “offshore vessel”

- "overseas vessel"
- "overseas cargo"
- "owner," in relation to a container
- "pleasure craft"
- "tonne"
- "vessel"
- "vessel of primitive build"
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- 204. Application of Part IX.
- 205. Liability under Part IX.
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- 207. Production of books.
- 208. Port dues.
- 209. Wharfage charges.
- 210. Storage charges: Imported goods and inward coastal cargo.
- 211. Storage charges: Other.
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- 212. Responsibility for stored goods.
- 213. Detention of goods until payment.
- 214. Berthage charges.
- 215. Miscellaneous charges.
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- 216A. Board may check, etc., cargo.
- 217. Claims for refunds.
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- FORM 3.—Application for Permit to Trade, etc., on Wharf.
- FORM 4.—Permit to Trade, etc. on Wharf.
- FORM 5.—Application for Licence to Use Machinery, etc., on Wharf
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- FORM 7.—Notice to Remove Goods from Wharf.
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- FORM 9.—Application for Berth.
- FORM 9A.—Application Form for Permanent Mooring/Anchorage.
- FORM 10.—Application for Licence to Drive Motor Boat.
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SCHEDULE 2.—Wharfage Rates.

SCHEDULE 3.—Miscellaneous Charges.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

*Harbours Board By-laws.*

MADE under the *Harbours Board Act.*

PART I.—PRELIMINARY.

1. Interpretation.

In these By-laws—

“the Act” includes any regulations and by-laws made under the Act;

“cargo” includes any goods;

“day” means the hours between sunrise and sunset;

“goods” means goods, wares, merchandise and articles of any description;

“the International Collision Regulations” means the International Regulations for Preventing Collisions at Sea, 1960, as in force from time to time;

“master”, in relation to a vessel, includes every person having for the time being, lawfully or de facto, the command, charge or management of the vessel;

“night” means the hours between sunset and sunrise;

“owner”, in relation to a vessel, includes—

(a) any person who is the owner, jointly with any other person; and

(b) any company or corporation to which the whole or part of the vessel belongs, whether beneficially or otherwise;

“owner”, in relation to goods, includes a consignor, consignee, shipper or agent for the sale, custody, loading or unloading of goods;

“the Secretary” means the Secretary to the Board, and includes a person acting as the Secretary;

“wharf” includes—

(a) any wharf, quay, jetty, pier, landing place, landing stage, platform, slip, basin, siding, dock, wall or other place at which goods are landed, loaded or unloaded; and

(b) any building or other erection on any such wharf; and

(c) the appurtenances of, and the approaches to, any such wharf.

PART II.—CONDUCT OF BUSINESS.

*Division 1.—General.*

2. Seal of the Board.

(1) The seal of the Board shall be kept locked with two locks.

(2) The Chairman shall have a key of one of the locks and the Secretary shall have a key of the other, and a duplicate of each of the keys shall be lodged at such bank as the Board directs.

(3) The seal shall be affixed by—

- (a) the Chairman of the Board; and
- (b) another member of the Board; and
- (c) the Secretary,

or in the absence of the Chairman by two members and the Secretary.

**3. Petitions.**

Except in case of incapacity by sickness, a petition shall be signed, in their names or with their marks, by the persons whose names are appended to the petition and by no one else.

**4. Office hours.**

The offices of the Board shall be open for the transaction of business between 7.45 a.m. and noon and between 1 p.m. and 4.06 p.m. from Mondays to Fridays, both inclusive, except for such days or portions of days as are declared by the Board to be holidays.

*Division 2.—Meetings of the Board.*

**5. Suspension of rules of procedure.**

Any provision of this Division relating to the management and conduct of business at a meeting of the Board may be suspended for a special purpose by the consent of two-thirds of the members of the Board present.

**6. General order of business at ordinary meetings.**

(1) At an ordinary meeting of the Board, the first business shall be the reading and confirmation of the minutes of the proceedings at the preceding meeting.

(2) Except as to their accuracy as a record of the proceedings, no discussion shall be permitted on the reading of the minutes.

(3) When they are confirmed, the minutes shall be signed by the Chairman.

(4) After the signing of the minutes, the order of business of an ordinary meeting of the Board shall, subject to Subsection (5), be as follows:—

- (a) the reading of copies of letters sent by the authority of the Board; and
- (b) the reading of letters received, and consideration of and action on them; and
- (c) business arising out of the minutes of the preceding meeting; and
- (d) the reception and reading of petitions and memorials; and
- (e) the receiving of deputations; and
- (f) the presentation of the schedule of receipts and disbursements and the passing of accounts; and
- (g) the presentation of reports of the Chairman and of committees of the Board, and consideration of action to be taken on the reports, but so that postponed items of former reports of committees take precedence over new business brought up by committees; and
- (h) orders of the day, including subjects continued from proceedings of former meetings and, with the consent of the members, any business the Chairman thinks desirable; and
- (i) motions of which previous notice has been given; and



(j) notices of motion for consideration at later meetings.

(5) For the greater convenience of the members of the Board at any particular meeting, the order of business may be altered by resolution to that effect.

**7. General order of business at special meetings.**

The order of business at special meetings shall be the order in which business stands in the notice.

**8. Motions, etc., generally.**

(1) All notices of motion shall be dated and signed, and given by the intending mover to the Secretary—

(a) at a meeting of the members of the Board; or

(b) at least 14 clear days before the holding of an ordinary meeting.

(2) The Secretary shall enter the notices in a Notice of Motion Book, in the order in which they are received, and send a copy of each notice of motion to each member with the ordinary notice of meeting.

(3) A motion entered in the Notice of Motion Book shall not be proceeded with in the absence of the member of the Board who gave the notice, except by another member of the Board who has written authority from him to proceed.

(4) A motion (whether an original motion or an amendment) at a meeting of the Board shall, if required by the Chairman, be—

(a) reduced into writing; and

(b) signed by the mover; and

(c) delivered to the Chairman immediately on its being moved and seconded.

(5) Subject to Section 9, a motion or amendment shall not be discussed or put to the vote unless it has been seconded.

(6) A motion or amendment shall not be withdrawn without the consent of the majority of the members of the Board present.

**9. Enforcement of standing orders.**

Notwithstanding Section 8(5), a member of the Board may require the enforcement of a standing order of the members simply by directing the attention of the Chairman to any contravention of it.

**10. Motions for adjournment.**

A motion for the adjournment of the Board or of a debate may be moved at any time, but no discussion shall be allowed on the motion.

**11. Amendments.**

(1) If an amendment is moved and is defeated, a second amendment may be moved to the question.

(2) If an amendment is carried, the motion as amended becomes the original motion.

(3) Only one amendment shall be submitted to the Board for discussion at a time.

**12. Rules of debate generally on motions, etc.**

(1) A member of the Board who wishes to make a motion or amendment, or to take part in discussion on a motion or amendment—

- (a) shall address the Chairman; and
- (b) shall not be interrupted unless called to order.

(2) The mover of an original motion (but not of an amendment) has the right to reply, immediately after which the question shall be put from the Chair.

(3) If two or more members rise to speak at the same time, the Chairman shall decide which of them is entitled to priority.

(4) A member shall not speak a second time on the same question unless—

- (a) he is entitled to a reply; or
- (b) he has been misrepresented or misunderstood and he is given permission to explain,

or if the attention of the Chair is called to a point of order.

(5) A member of the Board moving a motion shall be held to have spoken on the motion, but a member seconding a motion shall not be held to have spoken on it.

(6) A member of the Board shall not digress from the subject-matter of the question under discussion, and all imputations of improper motives, and all personal reflections, shall be deemed to be highly disorderly.

**13. Points of order.**

(1) When called on to decide on a point of order or practice, the Chairman shall state the provision, rule or practice that he thinks applicable to the case, without discussing or commenting on it, and his decision as to order or explanation is final.

(2) A member of the Board who is called to order shall sit down, unless permitted to explain.

(3) When a member who is speaking is called to order—

- (a) he shall stop speaking until the member calling to order has been heard; and
- (b) he may, subject to the ruling of the Chairman, proceed with the subject when the question of order is disposed of.

**14. Voting.**

When a division is called for, the members of the Board shall vote by show of hands.

*Division 3.—Committees.*

**15. Meetings of committees.**

The Secretary shall convene a committee of the Board—

- (a) within 10 days after its first appointment; and
- (b) at any other time afterwards, on the order of the Chairman of the committee or of any two members of the committee.

**16. Minutes of committees.**

Minutes of all proceedings of a committee shall be entered in the minute books of the committee.

*Division 4.—Protests against Resolutions.*

**17. Protests.**

- (1) A member of the Board may protest against any resolution of the Board.
- (2) Notice of intention to protest shall be given on the adoption of the resolution to be protested against.
- (3) The protest shall—
  - (a) specify the reasons for protesting; and
  - (b) be entered and signed, at least three days before the next ordinary meeting of the Board, by the protesting member in a book to be kept for the purpose in the office of the Secretary; and
  - (c) be entered in the minutes of the meeting at which notice of intention to protest was given, before the confirmation of the minutes.
- (4) A protest entered in the minutes in accordance with Subsection (3)(c) may be deleted from the minutes if it is declared by a majority of members to be not in accordance with the truth or to be in its terms disrespectful to the Board.

*Division 5.—Right to Documents.*

**18. Right to documents.**

A member of the Board may demand, as of right, the production of any document of the Board applying to a question under discussion, and may have access at any time during business hours to all the records and documents of the Board.

*Division 6.—Tenders.*

**19. Calling for tenders.**

Where tenders are to be called for the execution of supplies and services, they shall be invited by advertisement—

- (a) in newspapers published in, and circulating in, the country; and
- (b) where thought desirable or necessary—in Australian newspapers.

**20. Deposits.**

The tenderer shall enclose with his tender, in a sealed envelope, a banker's cheque payable to the order of the Board for the amount required by the conditions of tender as a preliminary deposit, but the Board has no liability in the event of the loss of the cheque before it reaches the hands of the Secretary.

**21. Acceptance of tenders.**

- (1) The Board is not bound to accept the lowest or any tender.
- (2) On the acceptance of a tender, the Secretary shall notify the tenderer, who shall be required to enter, within the time specified in the general conditions of tender, into a formal contract for the execution of the work or as the case may be.

PART III.—CONTROL OF PROPERTY, ETC.

*Division 1.—Administration and General.*

**22. Observance of Part III.**

Except where otherwise specifically provided in this Part, the master and the owner of a vessel are severally responsible for the due performance and observance of this Part.

**23. Power of entry, etc.<sup>1</sup>**

(1) Subject, where necessary or appropriate, to the consent of the Customs, an officer or employee of the Board may at any reasonable time—

(a) enter and inspect any ship, structure or wharf, or any land or building—

(i) in waters controlled by the Board; or

(ii) in or adjacent to, or in the vicinity of, any area vested in or controlled by the Board,

for the purpose of ascertaining whether a breach of the Act has been committed; and

(b) take measurements or make tests; and

(c) take photographs and remove specimens or samples of any substance, material or thing, as is reasonable in the circumstances.

(2) A person who hinders or obstructs an officer or employee of the Board in the exercise or performance of a power or function vested in him by Subsection (1) is guilty of an offence.

**24. Works on land vested in the Board, etc.**

(1) Works shall not be constructed on—

(a) land vested in the Board; or

(b) the bed of any harbour controlled by the Board,

without the permission of the Board.

(2) Applications for permission under Subsection (1), giving full details of the proposals, shall be forwarded to the Board, together with the prescribed fee.

**25. Leases on land vested in the Board, etc.**

(1) Application for leases of land vested in the Board, or for under-water leases in waters under the control of the Board, shall be made to the Board in Form 1, giving full details.

(2) The prescribed fee shall be paid with the application.

**26. Appointment of agents of vessels.**

Before a vessel enters a port, the master, owner or charterer of the vessel shall, unless the Board has agreed to dispense with the appointment, appoint an agent of the vessel who is authorized to act, on behalf of the master, owner or charterer, in all matters arising out of the administration of the Act.

<sup>1</sup> But see Constitution, Sections 44 and 53.

Division 2.—Control of Wharves and Goods.

Subdivision A.—General.

27. Liability of owner, etc.

(1) Subject to this Part and to the Act—

(a) the owner of any goods; and

(b) the owner of a vessel in whose custody any goods have been placed on a wharf,

must see that this Part and all other laws relating to the port and affecting the goods are properly observed and carried out.

(2) The owner of any goods, and the owner of a vessel, referred to in Subsection (1) are each liable for a breach of this Part whether committed by himself or by a person acting for him.

28. Interference with gates.

A person must not, without reasonable excuse, on any place under the jurisdiction of the Board, open or close, or otherwise interfere with, any gate, grille or door that has been closed, locked or opened by the Board or by a person acting with the authority of the Board.

29. Right to demand name and address.

(1) Where an officer of the Board, an officer of Customs or a member of the Police Force has reasonable grounds for believing or suspecting that a person found on any portion of a declared port has contravened this Part, the officer or member may request the person—

(a) to state his name and address; and

(b) to produce to him such evidence of his identity as in the circumstances may reasonably be required.

(2) A person who fails to supply any information required under Subsection (1) is guilty of an offence.

30. Obedience to orders of Port Manager.

(1) A person (other than an officer of the Customs engaged on Customs duty) who is employed at any work, or is engaged in any occupation, on a wharf, landing or gangway must promptly and without question obey the lawful orders of the Port Manager.

(2) In particular watermen, ferrymen, stevedores, steam hoist drivers, porters, carters and other persons engaged on, or being on, any wharf must obey the lawful orders of the Port Manager.

31. Closure of wharves, etc.

(1) The Board may close any wharf or portion of a wharf, or any portion of a declared port, to any vehicle or any class of vehicles.

(2) A vehicle that is licensed under Part IX. shall not be permitted on a wharf except by virtue of a permit in Form 2.

(3) On giving due notice of its intention to do so, the Board may close to the public any wharf or portion of any wharf or port area under its jurisdiction, as it thinks necessary.

**32. Report of casualties.**

Where a casualty occurs in the port area or damage is done to a wharf, shed or other property of the Board, the person who caused it shall be reported without delay to the Port Manager.

**33. Provision of roadways and lighting.**

The Board may make such provision as it thinks necessary on any land vested in it for—

- (a) the construction and maintenance of roads or approaches to any installation; and
- (b) the adequate lighting of any installation or of any such roads or approaches.

**34. Protection of lands, etc.**

The Board may appoint such persons as it thinks necessary—

- (a) to preserve order on or in relation to any land and installations vested in it; and
- (b) to prevent the entry of, or to remove, any person making use of any such land or installation for purposes other than purposes for which they are intended to be used; and
- (c) to remove any person loitering on or adjacent to any property of the Board,

where those persons believe on reasonable grounds that it is necessary to do so in order to protect the lands, installations or property of the Board or property of other persons on the lands, installations or property.

*(Amended by No. 37 of 1981, s. 1.)*

**35. Provision of assistance and amenities.**

The Board may appoint such persons as it thinks necessary—

- (a) to assist any vessel in making use of any of the property or installations of the Board; and
- (b) to conduct and operate any depot, shed, warehouse, building, tramway, railway, engine, crane, hoisting or weighing machine or other apparatus or convenience on any land vested in the Board or under its control or management,

where those persons believe on reasonable grounds that it is necessary to do so in order to protect the lands, installations or property of the Board or property of other persons on the lands, installations or property.

*(Amended by No. 37 of 1981, s. 1.)*

**36. Removal of goods and storage rates.**

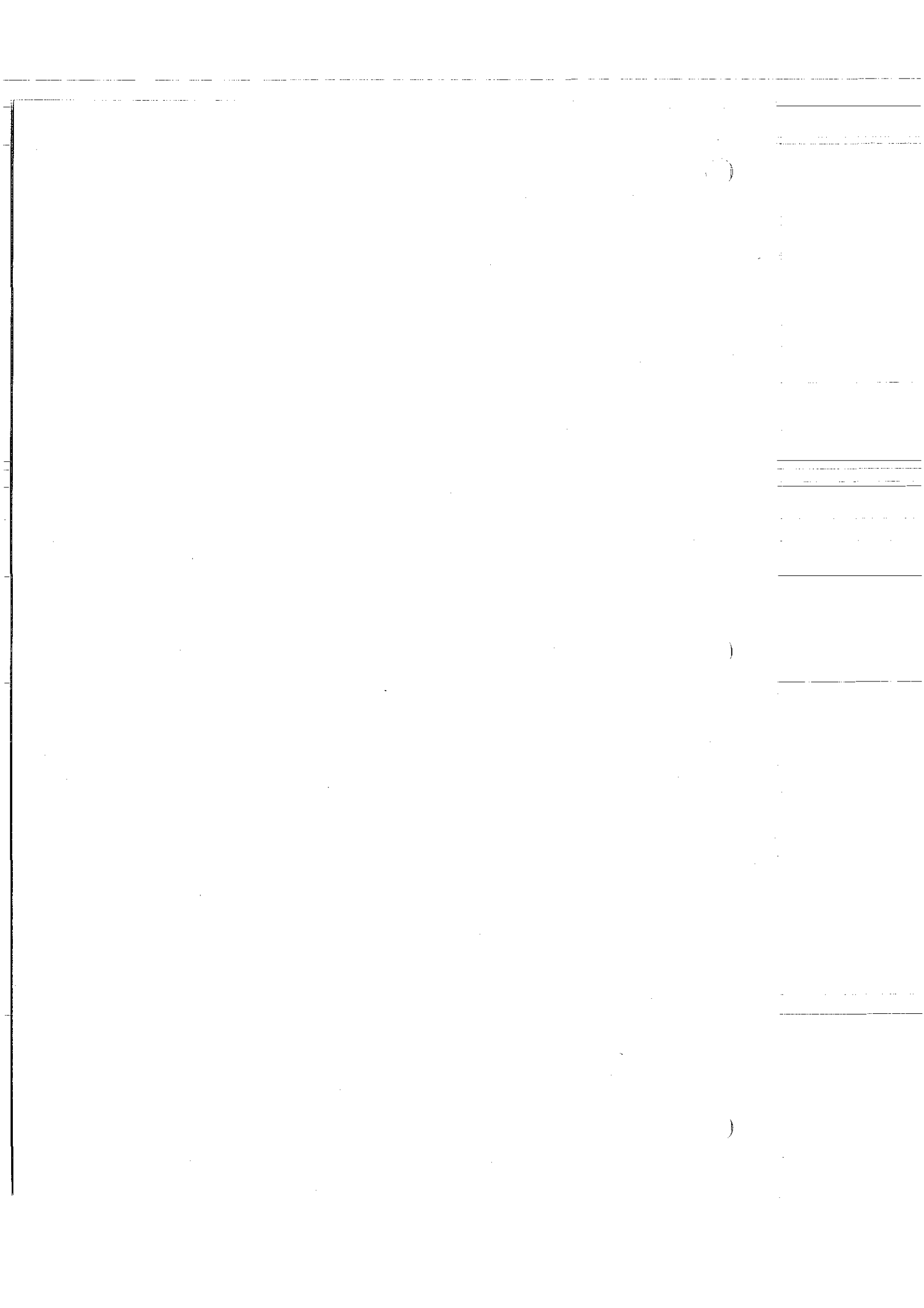
(1) The lessee of any wharf premises in a declared port that are vested in the Board must not permit any goods received for shipment or unshipped at the premises to remain on them for a period exceeding a month without the written consent of the Board.

(2) Notwithstanding this Part and subject to any other law, if goods that have been unshipped on to, or received on, a wharf are not removed from the wharf as prescribed, or within the period prescribed, by this Part, the Board may, without notice, remove the goods or cause them to be removed to a bond or other store or to such place as the Board, in its discretion, thinks proper.

(3) Goods removed under Subsection (2) are, on the removal, subject to storage charges.

**37. Fires on wharves.**

A person must not make a fire on a wharf except with the written permission of the Port Manager.





**38. Rescue and fire-extinguishing operations.**

The Board may—

- (a) provide and maintain such plant, apparatus and things as it thinks necessary for—
  - (i) the rescue and resuscitation of drowning or apparently drowned persons; and
  - (ii) the recovery of the bodies of drowned persons; and
  - (iii) the extinguishing of fires on vessels or on any property vested in the Board; and
- (b) employ such persons as it thinks necessary for the proper operation and use of the plant and apparatus.

**39. Obstruction by goods.**

(1) Goods landed or placed on a wharf shall be landed and placed in such a manner as to keep—

- (a) the mooring posts or rings free; and
- (b) any fire-plugs clear with a space of 0.914m<sup>1</sup> all round each fire-plug and a passage 0.914m<sup>1</sup> wide leading up to each fire-plug.

(2) A person must not place or deposit goods, carts, carriages, trucks or other vehicles on a wharf so as to obstruct or prevent the free use or working of any crane, machinery or appliance.

**40. Disposal of cargo.**

(1) Subject to the consent of the Customs, the Port Manager may direct that cargo—

- (a) be delivered direct from the wharf; or
- (b) be stored in open storage; or
- (c) be stored in the transit sheds.

(2) The Port Manager may refuse to admit cargo into the transit sheds if in his opinion it should be stored elsewhere or delivered direct from the wharf.

(3) No owner, ship's agent or consignee has a preference or right to any particular place, shed or portion of a shed.

(4) Persons engaged in discharging, stacking, storing or removing goods at, on or from a wharf, or in or from a shed on a wharf, must obey all lawful orders given by the Port Manager in regard to the discharging, stacking, storing or removing of the goods.

**41. Restrictions on loading capacity of wharves.**

(1) The Board may—

- (a) post on a wharf a notice restricting the loading capacity of the wharf; or
- (b) authorize such a notice to be so posted.

(2) Where a notice is posted on a wharf in accordance with Subsection (1), a person must not—

- (a) place goods on any portion of the wharf in a manner that causes a greater weight to rest on the wharf than that indicated by the notice; or

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<sup>1</sup> Metricated editorially. The original distance was 3 ft.

- (b) bring on the wharf a cart, car, lorry or other vehicle with a weight on any wheel greater than that indicated by the notice; or
- (c) permit a cart, car, lorry or other vehicle referred to in Paragraph (b) to be on the wharf.

**42. Interference with goods on wharves.**

- (1) A person other than—
  - (a) the owner of the goods; or
  - (b) an officer of the Board; or
  - (c) a person authorized by—
    - (i) the owner of the goods; or
    - (ii) the Collector of Customs; or
    - (iii) the Board,to do so,

must not, for any purpose, interfere with any goods on a wharf.

- (2) A person taking delivery of goods must not disarrange goods remaining on a wharf or in a shed.

**43. Handling of heavy goods.**

(1) Pig iron, timber, stone, machinery or heavy goods of any kind must not be tilted, thrown out of or dropped from a cart, lorry or other vehicle, or from a vessel, on to a wharf, but shall be placed on the wharf with proper care.

(2) Heavy goods must not be deposited on a wharf contrary to the directions of the Port Manager.

**44. Protection of ports from dropped cargo, ballast, etc.**

(1) Where a vessel is loading or discharging coal, ballast, shale, ashes or other material, the master of the vessel must—

- (a) use good and sufficient tarpaulins or shutes so stretched and spread or placed as to prevent effectually any material from falling into the waters of a declared port; and
- (b) carry out any directions given by the Port Manager in regard to the loading or discharging.

(2) If any cargo, ballast or other material is dropped, or falls, into the waters of a declared port from a vessel, whether by accident or otherwise, the master, owner or agent of the vessel must immediately notify the Board.

(3) In a case to which Subsection (2) applies, the master, owner or agent must, without delay, remove and dispose of the cargo, ballast or other material, to the satisfaction of the Board.

(4) The Board may, at the risk and at the expense, of the owner, recover and remove or dispose of any cargo, ballast or other material referred to in Subsection (2).

**45. Nuisances on wharves, etc.**

- (1) A person must not—
  - (a) throw, drop or deposit into the waters of a declared port; or

- (b) place or leave on or in—
  - (i) a wharf or shed; or
  - (ii) any road or vacant land vested in the Board,any rubbish, refuse matter, vegetable matter, animal matter or goods that are—
  - (c) in a state of decay or putrefaction; or
  - (d) likely to create a nuisance.

(2) Where—

- (a) any goods on a wharf are, in the opinion of the Board, unfit to remain on the wharf; and
  - (b) the owner has been notified and refuses or neglects to remove them within the time specified in the notice,
- the Board may cause them to be removed at the risk and expense of the owner.

**46. Unauthorized persons on wharves.**

(1) A person, other than an officer of the Board, an officer of Customs or an officer of a health authority must not, without the permission of the lessee of the wharf or of the Board, go on a wharf that is used for the purpose of berthing vessels.

(2) The lessee of a wharf that is used for the purpose of berthing vessels must not allow any person, other than an officer of the Board, an officer of Customs or an officer of a health authority, access to the wharf unless the person has previously obtained the permission of the lessee.

(3) The lessee of a wharf must not grant permission for the purposes of Subsection (2) except to a person who has satisfied him that he has lawful occasion to be on the wharf.

**47. Repairs of ships on wharves.**

(1) Subject to Subsection (2), a person must not, without the written permission of the Port Manager—

- (a) on or under a wharf—
  - (i) make, repair, dress or scrape spars or masts; or
  - (ii) do any kind of carpentry, smith work, boiler-making or rigging work;or
- (b) hang or put up sails, masts, spars or any other thing to or on any of the beams or joists of a wharf, or to or on a shed or other structure erected on a wharf.

(2) Subsection (1) does not apply to a wharf the lease of which authorizes such work to be carried out.

**48. Loitering and smoking on wharves, etc.**

(1) Subject to Subsection (2), smoking is prohibited in any shed under the jurisdiction of the Board.

(2) Subsection (1) does not apply to—

- (a) a ferry wharf; or
- (b) any office accommodation, amenity block or lavatory situated on a wharf.

(3) The Port Manager may by notice prohibit smoking in other specified areas of a wharf.

(4) A person must not smoke in an area specified under Subsection (3).

(5) A person must not—

- (a) loiter under, on or in a wharf; or
- (b) lounge or sleep among the cargo placed on a wharf; or
- (c) play any game on a wharf.

*(Amended by No. 37 of 1981, s. 2.)*

**49. Touting.**

A person must not—

- (a) on a vessel or wharf within a declared port; or
- (b) on a street or roadway under the jurisdiction or control of the Board,

tout for or solicit—

- (c) customers or patronage for any shop, residence, restaurant, boarding-house, hotel or place of amusement; or
- (d) passengers for any vessel or carriage.

**50. Selling of goods, etc., on wharves.**

(1) A person must not—

- (a) sell or expose for sale any goods (including newspapers, books, magazines or periodicals) on a wharf or landing, steps or other property of the Board to which the public have access; or
- (b) carry on any retail trade on any such wharf, landing or steps; or
- (c) hold an auction sale on a wharf vested in the Board,

unless he is the holder of a permit under this subsection.

(2) An application for a permit under Subsection (1) shall be made to the Board in Form 3.

(3) A permit under Subsection (1) shall be in Form 4.

**51. Improper behaviour.**

(1) A person under the influence of alcohol must not be on a wharf, shed or other premises of the Board.

(2) A person must not commit a nuisance, consume intoxicating liquor, use obscene or abusive language, behave in a manner calculated to cause a disturbance or breach of the peace or disturb or interfere with the comfort of other persons using any wharf, shed or other premises vested in the Board.

**52. Injury to property of the Board.**

A person must not—

- (a) write or draw on; or
- (b) mark with chalk or other substance; or
- (c) post bills or placards on; or
- (d) carve, cut, break, injure, disfigure or destroy,

any property vested in the Board.

**53. Interference with property of the Board.**

Unless authorized by the Port Manager to do so, a person must not—

- (a) clamber—
  - (i) on or about the structure of a wharf below the deck level; or
  - (ii) on or over any gate or fence; or
  - (iii) under any wharf at night-time; or
- (b) interfere with any crane, hoist or other machinery or plant; or
- (c) use any electric fittings or mains; or
- (d) turn any valve or cock; or
- (e) open or shut any fireplug or hydrant.

**54. Interference with barriers.**

Unless authorized by the Board or by the lessee of the wharf, a person must not use, operate, damage or interfere with the use or operation of, or climb, cross or pass beyond, the barriers erected on a wharf for the regulation of traffic.

**55. Life-saving apparatus, etc.**

(1) A lessee of wharf premises used for business purposes in a declared port must, to the satisfaction of the Board—

- (a) provide and maintain in good order and condition; and
- (b) keep readily available for use,

proper and sufficient life-saving apparatus and fire-extinguishing appliances.

(2) Subject to Subsection (3), a person must not interfere with any life-saving gear, boat hook, drag, grapnel, lifebuoy or other apparatus placed within a declared port and intended to be used for the purpose of saving life from drowning.

(3) Subsection (2) does not apply to interference—

- (a) for the purpose of saving life; or
- (b) by the police in dragging for the bodies of drowned persons.

**56. Watch on wharf premises.**

(1) In order to prevent theft, damage, fire, loitering or smoking, or other acts likely to bring about injury to the premises, and in order to prevent breaches of these By-laws, every lessee of premises in a declared port used for shipping purposes must, when called on by the Board to do so, cause the premises to be well and sufficiently watched continuously.

(2) If, in the opinion of the Board, any wharf premises are not well and sufficiently watched, the Board may, at the expense of the lessee of the wharf, employ watchmen or such additional watchmen as it thinks necessary.

**57. Lighting.**

The lessee of wharf premises in a declared port must provide and maintain at his expense such lighting as is necessary in the use of the leased premises.

## Subdivision B.—Vehicular Traffic on Wharves.

**58. Responsibility for vehicles, etc.**

The owner and the person in charge of a lorry, traction engine or other vehicle or machinery are severally responsible for the due performance and observance of this Part relating to the lorry, traction engine, vehicle or machinery.

**59. Vehicles on wharves, etc., generally.**

Unless authorized to do so by the Port Manager or a person authorized by him for the purpose, a person must not—

- (a) back a cart, car, lorry or other vehicle against a wharf or shed; or
- (b) permit a cart, car, lorry or other vehicle to be driven on, or to stand on, a wharf or in a shed,

except while the vehicle is being actually used—

- (c) in loading or unloading goods; or
- (d) in the transport of passengers to and from the wharf.

**60. Speed of vehicles.**

A person must not drive on a wharf—

- (a) a vehicle propelled wholly or partly by any means other than animal power at a speed greater than 16 km/h<sup>1</sup>; or
- (b) a horse or other animal at a speed greater than walking pace,

or permit one to be so driven.

**61. Negligent driving, etc.**

A person must not—

- (a) drive furiously or negligently on or along a wharf or a near approach to a wharf; or
- (b) drive or ride along the wrong side of a wharf or a near approach to a wharf; or
- (c) have a horse on a wharf or a near approach to a wharf, unless he has full control of the horse.

**62. Vehicles equipped with gas-producer units.**

A person must not bring on or into a wharf or wharf shed a vehicle equipped with a gas-producer unit, or permit any such vehicle to remain on or in a wharf or wharf shed, unless—

- (a) the vehicle is provided with a fire-extinguisher approved by the Board; and
- (b) the gas-producer unit is fitted with an efficient flame trap; and
- (c) the ash door of the gas-producer unit is kept securely closed; and
- (d) the gas-producer unit is not opened for any purpose; and
- (e) any apparatus with which the gas-producer unit is equipped for the purpose of creating a draught through the hopper when the engine is stopped is fitted with a copper gauze cover to prevent the escape of naked flame; and

<sup>1</sup> Metricated editorially. The original speed was 10 mph.

- (f) any goods on any portion of the vehicle are not closer to the gas-producer unit than—
- (i) 304.8mm <sup>1</sup>, if the goods are of a readily combustible nature; or
  - (ii) 76.2mm <sup>2</sup>, if the goods are not of a readily combustible nature.

Subdivision C.—Use of Machinery and Cargo-handling Appliances.

**63. Interpretation of Subdivision C.**

In this Subdivision, 'mobile crane' includes a fork truck or any other mobile lifting appliance.

**64. Use of machinery, etc., on wharves, etc.**

(1) A person must not erect or use on a wharf or any other property of the Board any mobile crane or other machinery for the purpose of hoisting or conveying any goods or other articles, or for any other purpose, without a licence under this subsection.

(2) An application for a licence under Subsection (1)—

(a) shall be made to the Board in Form 5; and

(b) shall be accompanied by a certificate from the Secretary, Department of Labour and Industry, or an officer authorized for the purpose, that the crane or machinery is in good order and condition.

(3) A licence under Subsection (1) shall be in Form 6.

(4) A mobile crane licensed under this section shall have, on some conspicuous part of the crane, the number of the licence issued for it, preceded by the letters 'HB', painted in black, in letters of a size and design approved by the Board, on a white ground.

(5) A person must not—

(a) use on a wharf a mobile crane in such a manner that the maximum wheel load specified in the licence is exceeded; or

(b) use on a wharf a mobile crane—

(i) the licence in respect of which has been cancelled or suspended; or

(ii) that is not in good order or condition; or

(c) replenish the fuel tank of a mobile crane while the crane is on a wharf.

(6) Where a mobile crane that is licensed by the Board is used in contravention of this section, the Board may cancel or suspend the licence.

**65. Use of machinery of the Board.**

(1) A person must not use a crane, or other machinery or appliance, belonging to the Board without the permission of the Board.

(2) The Port Manager of a declared port may, on agreement to pay the prescribed fee<sup>3</sup>, permit a person to use a crane, or other machinery or appliance, belonging to the Board, for a purpose specified in the permission.

(3) A person who uses a crane, or other machinery or appliance, belonging to the Board must ensure that—

(a) it is used only for the purpose for which permission has been given; and

<sup>1</sup> Metricated editorially. The original measurement was 12 in.

<sup>2</sup> Metricated editorially. The original measurement was 3 in.

<sup>3</sup> For fees and charges, see Part IX.

(b) it is not used to lift or handle weights greater than its specified maximum capacity.

(4) The user or hirer of any crane, or other machinery or appliance, belonging to the Board—

(a) is responsible for the safe keeping and good condition of it; and

(b) shall, on demand, pay the Board—

(i) all charges for the use of it; and

(ii) all costs and expenses incurred by the Board in making good any damage or injury to it or to any other property of the Board,

caused by or arising out of the use of it by the user or hirer; and

(c) shall indemnify the Board against any action, claim or demand made by any person, arising from the use of it.

**66. Inspection of machinery, etc.**

(1) Mobile cranes and other machinery on a wharf or other property of the Board may be inspected at any time by an officer of the Board authorized for the purpose.

(2) If a mobile crane or other machinery is found to be defective in any way or unfit for use, the Board may cancel or suspend any licence to use it.

(3) Cranes or machinery for which permission has been cancelled or suspended shall not be used until such alterations or repairs as the Board thinks necessary in the interests of public safety have been carried out to its satisfaction.

(4) The owner or any person having charge of a mobile crane or other machinery to be inspected under this section must afford the officer inspecting the crane or machinery every facility for the purpose of making the inspection.

**67. Removal of stevedores' gear.**

(1) Subject to this section, any stevedores' gear, portable crane or vehicle required for use in cargo sheds must, except during the actual loading or unloading of a vessel, be moved by the owner of it from any closed sheds.

(2) If any stevedores' gear, portable crane or vehicle is in a closed shed otherwise than as permitted by Subsection (1), the prescribed fee<sup>1</sup> for storage is payable by the owner or hirer of the gear, crane or vehicle while it remains in the shed.

(3) If a portable crane or vehicle that is not in use is left on the property of the Board, there is payable by the owner or hirer of the crane or vehicle the prescribed sum<sup>1</sup> per day or part of a day during which it remains on the property of the Board.

(4) The Board may permit stevedores' gear that is consistently used at least once a week to remain in an open shed or on an open wharf, if it is stacked in an orderly manner and to the satisfaction of the Port Manager.

(5) Where stevedores' gear that is not consistently used at least once a week is left on the property of the Board, there is payable by the owner or hirer of the gear the prescribed sum<sup>1</sup> per day or part of a day during which the gear or any part of the gear remains on the property of the Board.

<sup>1</sup> For fees and charges, see Part IX.



(6) Notwithstanding this section, a person must not permit any self-propelled vehicle used or intended for use in the handling of goods to remain on a wharf or in a closed shed except while it is being actively used in the handling of goods.

(7) When not in use, self-propelled vehicles shall be—

(a) removed from the property of the Board; or

(b) parked in a place provided by the Board for the parking of such vehicles.

(8) Notwithstanding this section, the Board may, without notice remove any stevedores' gear, crane or vehicle from any property vested in the Board and store it at the risk, and at the expense, of the owner or hirer.

Subdivision D.—*Handling of Goods.*

**68. Statement of goods on vessel.**

(1) Within 24 hours after its arrival in a declared port, the master, owner or agent of a vessel must deliver to the Port Manager a written statement signed by the master, owner or agent, showing—

(a) the gross and net registered tonnage of the vessel; and

(b) the gross tonnage of the cargo on board that is to be discharged at the port.

(2) Within 48 hours after shipment, the master, owner or agent of a vessel in a declared port must deliver to the Board a true copy of the outward manifest of the vessel, signed by him as correct and, if required by the Board, verify it by statutory declaration.

(3) In the case of a vessel having no cargo on board when entering or leaving the port, the master, owner or agent must mark the statement referred to in Subsection (1) "Nil".

**69. Delivery of manifest.**

(1) Within 24 hours after the arrival of a vessel from which goods (other than coal) are to be landed, discharged or transhipped in a declared port, the master or owner of the vessel must deliver to the Port Manager a true and complete copy of the manifest of the vessel in respect of all goods intended to be landed, discharged or transhipped in the port, signed by the master or owner, or by the agent (if any), as being correct.

(2) If the vessel is not laden, the manifest shall be marked "Nil".

(3) If required by the Board, the master or owner must verify the manifest by statutory declaration.

(4) The master, owner or agent of the vessel shall, on demand by the Port Manager, produce and submit to the Port Manager the master's copy of all bills of lading.

(5) Goods shall not be landed, discharged or transhipped in a declared port without the consent of the Port Manager until the copy manifest required under Subsection (1) has been delivered to the Port Manager.

(6) If the master, owner or agent—

(a) fails to deliver the copy manifest within the prescribed time; or

(b) lands, discharges or tranships any goods from his vessel before—

(i) the copy manifest is delivered to the Port Manager; or

(ii) his consent under Subsection (5) is obtained,

the master, owner or agent is guilty of an offence.

(7) If the copy manifest delivered to the Port Manager is inaccurate in a material respect, any person by whom or by whose authority the copy was signed as being correct is guilty of an offence.

#### 70. Return by master.

(1) Not later than 24 hours after the vessel's departure, the master, owner or agent of a vessel from which goods have been unshipped must deliver to the Board a written statement bearing the date of the signing of the statement and containing the following particulars :—

- (a) the name of the vessel from which the goods were unshipped and the name of its owner and master ; and
- (b) a description of the goods unshipped and the identifying marks or numbers on the goods or on the outside packages or cases containing the goods, as the case may be; and
- (c) the state, order and condition—
  - (i) in which the goods were unshipped; or
  - (ii) of the outside packages or cases containing the goods, as the case may be; and
- (d) the nature and extent of any apparent damage—
  - (i) to the goods unshipped; or
  - (ii) to the outside packages or cases containing the goods, as the case may be.

(2) The Board may exempt any vessel or any berth from Subsection (1).

#### 71. Notification to owner of unshipped goods.

(1) The owner of a vessel from which goods have been unshipped on to a wharf must, immediately after the completion of the unshipment of a consignment of goods—

- (a) cause the owner of the goods to be notified of the unshipment; and
- (b) at the same time furnish him with particulars of the goods and of their location on the wharf premises.

(2) Subject to any other law, the Board may, by written notice in Form 7, require the owner to remove the goods from the wharf after the expiry of the prescribed free period.<sup>1</sup>

#### 72. Loading and unloading.

(1) Subject to Subsection (2), the master of a vessel must—

- (a) if required by a written notice, signed by the Port Manager and left on board the vessel—cause the loading or unloading of the vessel to proceed without intermission day or night; and
- (b) provide all necessary facilities, material and gear to permit the expeditious loading or unloading of the vessel.

(2) Loading or unloading need not be proceeded with on Sundays or during any period when the weather conditions are, in the opinion of the Port Manager, such as—

- (a) to make it impracticable—
  - (i) to comply with the notice; or

<sup>1</sup> See Section 210 *et sequi*.

- (ii) to furnish the assistance required under Subsection (1); or
- (b) to be liable to damage the cargo in the course of loading or unloading.

**73. Keeping wharf open.**

The owner of a vessel from which goods have been unshipped on to a wharf must, except on a public holiday—

- (a) cause all parts of the wharf premises that are necessary to enable the goods to be delivered and removed promptly to be kept open—
  - (i) between the prescribed hours; and
  - (ii) at such other times as the Board, or an officer or employee of the Board authorized for the purpose, directs in writing; and
- (b) subject to any other law, cause his employees to be in attendance at the wharf premises for the purpose of delivering goods during those hours to the owner of the goods.

**74. Slinging of goods.**

The master of a vessel loading or unloading goods is responsible for—

- (a) the proper slinging of all goods; and
- (b) any damage that may occur from—
  - (i) the breaking of slings; or
  - (ii) goods being improperly slung.

**75. Damage to goods on wharf by water from vessels.**

The master of a vessel lying alongside a wharf is responsible for all damage caused to goods lying on the wharf, by water used on the vessel for washing down decks, or for any other purpose.

**76. Discharge of ballast.**

The master or owner of a vessel must not discharge ballast in a declared port without the written permission of the Port Manager.

**77. Discharge of timber.**

- (1) The master of a vessel must not, without the consent of the Board, discharge timber overside into the waters of a declared port.
- (2) The owner of timber discharged with the consent of the Board must take delivery of the timber within 48 hours from the time of discharge.
- (3) Timber discharged from a vessel into the waters of a declared port—
  - (a) shall be moored alongside the vessel; and
  - (b) shall not extend out to a greater distance than 15.24m<sup>1</sup> from the vessel.

**78. Occupation of wharf space.**

The cargo of a vessel loading or discharging at a wharf—

- (a) shall not, without the written consent of the Port Manager, occupy a greater space on the wharf than the length of the vessel; and

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<sup>1</sup> Metricated editorially. The original distance was 50 ft.

(b) shall be so placed as—

- (i) to allow a clear passage of at least 3.048m<sup>1</sup> from the edge of the wharf nearest the vessel; and
- (ii) to leave a space of 0.914m<sup>2</sup> all round each fire plug and a clear passage of 0.914m<sup>2</sup> wide leading up to each fire plug.

#### 79. Unattended equipment.

A pallet, container or other item of equipment of any kind shall not, without the permission of the Board, be deposited and left unattended on a wharf, or on any land within the jurisdiction of the Board.

#### 80. Goods on wharf, etc., without permission.

(1) Unless the permission of the Port Manager has first been obtained, a person must not—

- (a) before the vessel by which it is intended to ship the goods has berthed at the wharf, place any goods on a wharf for shipment; or
- (b) place or permit goods to remain on a wharf or shed the property of the Board; or
- (c) deposit goods at any place within a declared port, otherwise than in an area designated for the receipt of the goods.

(2) If in the opinion of the Port Manager any goods, vehicles or other objects within a declared port constitute a danger to persons or property, the Port Manager may cause barricades to be erected or warning lights to be placed as he thinks proper, and the costs of erecting the barricades or installing the warning lights is a debt due to the Board by the owner of the goods, vehicles or other objects.

#### 81. Removal of goods from wharf.

(1) The owner of goods that have been unshipped from a vessel on to a wharf must remove or cause them to be removed from the wharf within the following times :—

- (a) in the case of objectionable goods or goods that are likely to become a nuisance—as prescribed in Section 85; or
- (b) in the case of goods that are insecurely packaged—as prescribed by Section 82; or
- (c) in the case of goods the removal of which has been required under Section 71(2)—in accordance with that section.

(2) Where the Board, or an officer of the Board authorized for the purpose, causes a vessel to be berthed at more than one wharf, the obligation under Subsection (1)(c) begins to operate only after the date on which the unshipping of the cargo has been completed at the last of the wharves where goods were discharged.

(3) Subject to Subsections (4) and (5), where goods have been delivered to the wharf for shipment on a vessel, the owner of the vessel must remove them, or cause them to be removed, from the wharf within two days after they have been placed on the wharf.

(4) The period referred to in Subsection (3) shall be calculated exclusive of—

- (a) any Saturday that falls within or immediately after the two days so referred to; and

<sup>1</sup> Metricated editorially. The original measurement was 10 ft.

<sup>2</sup> Metricated editorially. The original measurement was 3 ft.

- (b) any Sunday; and
- (c) any public holiday.

(5) The Port Manager may, in his discretion, extend in any particular case the period referred to in Subsection (3).

(6) The Port Manager may, by notice in Form 8, require the master, owner or agent of a vessel to remove goods placed on a wharf and not removed in accordance with this Part.

(7) Where any goods—

- (a) have been delivered to a wharf for shipment on a vessel; and
- (b) are not shipped on the vessel before its first departure from the wharf after the delivery,

the owner or agent of the vessel must cause the goods to be removed from the wharf immediately after the departure of the vessel.

#### 82. Packaging of goods.

(1) A person must not place on a wharf for shipment any goods enclosed in a container unless the container is of sound material and of sufficient durability and strength to hold the goods without leakage or spillage until they are delivered to the owner.

(2) If any goods are placed on a wharf contrary to Subsection (1), the Board, or an officer or employee of the Board authorized for the purpose, may direct the owner or the person who placed the goods on the wharf to remove them immediately.

#### 83. Sorting and stacking.

(1) The owner or agent of a vessel from which goods have been unshipped on to a wharf must cause them to be promptly sorted and stacked on the wharf in their separate consignments, and in such a manner that they are readily accessible.

(2) Small consignments of goods may be stacked together in a "Miscellaneous Stack", but they shall be placed in the stack in such a manner as will enable the mark of each separate consignment to be readily indentified.

(3) The owners of goods stacked in accordance with this section must, if practicable, take delivery only from the face of the stack, and if permitted to do otherwise by the shipowner or his agent, or by the Board or an officer or employee of the Board authorized for the purpose, must, if required to do so, restack any disarranged goods to the satisfaction of the person who gave the permission for the delivery.

#### 84. Removal of goods.

(1) In this section—

"permit" means a permit referred to in Subsection (2);

"person in charge", in relation to a vehicle, includes the person who is for the time being—

- (a) the driver of the vehicle; or
- (b) otherwise in apparent control or charge of the vehicle.

(2) A person who attempts to remove any goods from a wharf or shed within the fenced area without delivering to the person acting under the authority of the Board at the gate to the fenced area a permit to remove the goods, issued by—

- (a) the master, owner or agent of the importing vessel; or

(b) a person authorized by the master, owner or agent to effect the removal of the goods,  
is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(3) A permit for the removal of goods in or on a vehicle that is delivered in accordance with Subsection (2) shall contain a complete and accurate record of all of the goods then in or on the vehicle for removal.

(4) If a permit delivered in accordance with Subsection (2) does not contain the complete and accurate record required by Subsection (3), the person delivering it is guilty of an offence, whether the omission or inaccuracy was caused intentionally, by mistake, inadvertently, or otherwise.

(5) Where a permit is required for the removal of any goods in or on a vehicle in a declared port, the person in charge of the vehicle must not move it, or attempt to move it, from a wharf or shed in the fenced area unless—

(a) he is in possession of a permit that, by an appropriate identification, enumeration or description, covers all of the goods on or in the vehicle for removal; and

(b) he has signed the permit.

(6) Where a person, who is authorized by the Board for the purpose, believes on reasonable grounds that goods, in respect of which a permit under Subsection (2) has not been obtained—

(a) are contained in a vehicle—the authorized person may request the person in charge of the vehicle to stop and permit a search of the vehicle to be made for the goods; or

(b) are carried by a person either on his person or in a case, bag, receptacle or container—the authorized person may request the person to permit the search of himself or the case, bag, receptacle or container.

(7) Where an authorized person finds goods under Subsection (6) that are not the subject of a permit under Subsection (2) on a vehicle or on a person or in a case, bag, receptacle or container, he may retain the goods pending the receipt of a permit under Subsection (2).

*(Amended by No. 37 of 1981, s. 3.)*

### 85. Handling of objectionable goods.

(1) Unless permission has been granted under Subsection (2) for the goods to be placed on a wharf, the owner of any objectionable goods unshipped from a vessel must remove them (with the consent of the Customs, if they are unentered goods) direct from the vessel's slings and in such a way as to prevent any leakage or spillage on to the wharf.

(2) The Board, or an officer or employee of the Board authorized for the purpose, may, subject to such conditions as it or he thinks necessary, permit objectionable goods to be placed on a wharf.

(3) Conditions imposed under Subsection (2) shall be strictly complied with.

(4) The Board, or an officer or employee of the Board authorized under Subsection (2), may, without prejudice to any action that may be taken under this Part against any person, at any time cancel or suspend a permission granted under that subsection.

(5) If—

(a) the owner of any objectionable goods fails to comply with—

(i) the requirements of the preceding provisions of this section; or

(ii) any conditions, terms or stipulations imposed by the Board or an officer or employee of the Board authorized for the purpose; or

(b) any objectionable goods break bulk, spill or decay, or in any other way become obnoxious or offensive or a danger, or hinder in any way the use of, or the work on, a wharf,

the Board, or an officer or employee of the Board authorized for the purpose, may require the owner to remove them or to abate the nuisance or danger within a specified period.

**86. Discharge of hazardous goods.**

The master and owner of any vessel discharging hazardous goods, as defined in the *Navigation Act 1912-1973 of Australia*<sup>1</sup>, as adopted by Section Sch. 2.6 of, and Schedule 5 to, the Constitution, must—

(a) take all precautions against fire or explosion; and

(b) arrange with the Board for the attendance of any additional fire-fighting equipment that may be required,

at the expense of the master or owner.

**87. Goods discharged over another vessel.**

(1) Cargo may be discharged from or taken in by a vessel berthed in tier over and across the deck of the vessel berthed at the wharf.

(2) In a case to which Subsection (1) applies, the master of the vessel berthed at the wharf must, at the direction of the Port Manager, allow, and afford the facilities necessary for the purpose of, the unloading.

*Division 3.—Miscellaneous.*

**88. Cutting and welding operations.**

(1) Gas or electric cutting or welding, or any other operation in which gas or electric cutting or welding equipment is used, shall not be carried on or upon a vessel within a declared port unless—

(a) the fire hydrant and hose system of the vessel is in good working order and connected to an adequate water supply; and

(b) if the pumps of the vessel cannot be used—there is an effective and continuous shore water supply available; and

(c) the shore water supply is of sufficient pressure to enable distribution all over the vessel; and

(d) fire extinguishers and buckets of water or sand are laid out on the vessel ready for use in the vicinity and in spaces under, over or adjacent to the place where the cutting, welding or other operation is being carried on.

<sup>1</sup> *Sic*. There does not appear to be a definition of "hazardous goods" in the *Navigation Act*: cf. Section 248 of that Act (definition of "dangerous goods").

(2) Where any cutting, welding or other operation referred to in Subsection (1) is being carried on—

(a) in a place where it is possible for sparks to lodge in wooden parts or drop through pipes or openings to the space below—

(i) sheet metal guards, asbestos or fire-proof millboard curtains or similar non-combustible devices shall be used to keep sparks close to the work being done; and

(ii) guards shall be large enough and sufficiently tight not to permit sparks to roll underneath inflammable material or to slide through openings; and

(iii) curtains shall be weighted to the deck, floor or ground, so that sparks cannot get underneath; or

(b) in the tank of a vessel—

(i) a man shall be stationed at a manhole entrance to the tank to be prepared to cut off the gas quickly when he hears the lightest blow-back explosion; and

(ii) provision shall be made for adequate ventilation to guard against dangerous accumulations of welding gases; or

(c) in the vicinity of wooden decks—damp sand shall be employed as a fire precaution and to protect the deck; or

(d) in an engine room—

(i) the space where the work is being carried on shall be, and be kept, clear of oily waste; and

(ii) the master of the vessel must—

(A) appoint an officer of the vessel to make an inspection not more than half an hour after the workmen leave, and to search for smouldering waste, bags or other material; and

(B) satisfy himself that the inspection and search have been made.

(3) Where any cutting, welding or other operation referred to in Subsection (1) includes—

(a) the cutting of cleats or ring bolts on weather decks—it shall be carried on only after the 'tween deck cargo has discharged; and

(b) cutting through decks—a man shall be stationed underneath with a bucket containing a layer of sand held so as to catch the molten slag, sparks and metal particles.

(4) When the welding of fittings on decks or bulkheads is being carried out—

(a) proper care shall be taken to ensure that the space behind the deck or bulkhead is clear of cargo and lining; and

(b) a man shall be stationed there with a fire extinguisher or water to see that no burning takes place.

(5) A watch shall be maintained in the vicinity of any cutting, welding or other operation referred to in Subsection (1) irrespective of any precautions undertaken by those responsible for the work, and after any work carried on in the vicinity of inflammable cargo or the fittings of the vessel is finished for the day the master of the vessel must appoint a person to keep a good watch during the night in the vicinity where the work was carried on.



(6) Cutting, welding or other operations referred to in Subsection (1) shall not be carried on on a vessel containing explosives—

- (a) on the deck immediately over the magazine or compartment containing the explosives; or
- (b) elsewhere on the vessel unless there is a space of one compartment or two bulkheads between the magazine or other compartment containing the explosives and the place where the cutting, welding or other operation is to be carried on.

(7) Special care shall be taken to prevent sparks, slag or hot metal particles coming into contact with mineral oil on water surfaces in the vicinity of the vessel.

**89. Careening, etc.**

A person desiring to careen or heave down a vessel, or haul a vessel on shore, must apply to the Port Manager for permission, and a vessel shall not be broken up on shore until written permission has been granted.

**90. Disturbance of bed of port.**

A person must not—

- (a) use drags or grapplings for the purpose of lifting articles or things from the bed of a declared port; or
- (b) disturb the bed in any way,

without the prior written consent of the Port Manager.

**91. Excavations in ports.**

(1) Unless the permission of the Port Manager has been obtained, a person must not make an excavation within a declared port.

(2) Where an excavation has been made within a declared port, whether with or without the permission of the Port Manager, the Port Manager may cause barricades to be erected or warning lights to be placed as he thinks proper, and the cost of erecting or installing them may be recovered by the Board as a debt from the person who made or authorized the making of the excavation.

**92. Fishing from the property of the Board.**

(1) The Port Manager may by notice prohibit fishing from any land or structure under the jurisdiction of the Board.

(2) A person who engages in fishing from any area the subject of a notice under Subsection (1) is guilty of an offence.

**93. Fires on land of the Board fronting public reserves.**

(1) In this section, "public reserve" means—

- (a) a public park or land dedicated or reserved from sale for a public purpose; and
- (b) any land acquired or used for any such purpose.

(2) A person must not make a fire on any land vested in the Board that is situated on the water frontage of any public reserve, except in a place specially set apart for the lighting of fires.

PART IV.—CONTROL OF PORT MORESBY PASSENGER JETTY, ETC.

**94. Interpretation of Part IV.**

In this Part, unless the contrary intention appears—

“officer” means the Port Manager, the Wharf Superintendent or an Assistant Wharf Superintendent appointed for the port;

“park” has the same meaning as in the *Motor Traffic Act*;

“the passenger jetty” means the jetty in the port so designated by the Board and conspicuously marked to that effect;

“the port” means the declared port of Port Moresby;

“the Port Manager” means the Port Manager appointed for the port;

“public shelter” means any shelter erected on the shore by the Board for public use;

“the ramp” means the ramp in the port so designated by the Board and conspicuously marked to that effect;

“the shore” means the land adjacent to the passenger jetty and ramp that has been reclaimed to seaward from the high water mark of January 1953;

“vehicle” has the same meaning as in the *Motor Traffic Act*.

**95. Application of Part IV.**

This Part applies only in the declared port of Port Moresby.

**96. Observance of Part IV.**

(1) The owner and the person in charge of a vehicle, vessel or machinery or of any goods are severally responsible for the due performance and observance of the provisions of this Part relating to the vehicle, vessel, machinery or goods.

(2) It is a defence to a charge by virtue of Subsection (1) against the owner of any vehicle, vessel, machinery or goods if he proves that—

(a) he was not aware, and could not with reasonable diligence have become aware, of the non-compliance; and

(b) he took all reasonable steps to insure that no such non-compliance took place.

**97. Vessels alongside passenger jetty.**

A vessel must not, without the permission of the Port Manager, remain alongside the passenger jetty at any one time for a period of more than 20 minutes.

**98. Goods on passenger jetty.**

(1) A person must not leave goods on the passenger jetty except for the purpose of loading them into, or discharging them from, a vessel lying at the jetty, or for longer than is necessary for that purpose.

(2) The Port Manager may—

(a) remove, without notice, any goods left on the passenger jetty contrary to Subsection (1); and

(b) place them in store at the expense of the owner.

**99. Goods in public shelters.**

(1) A person must not place or store goods of any kind in a public shelter without the permission of an officer.

(2) An officer may—

(a) remove, without notice, any goods left or stored in a public shelter contrary to Subsection (1); and

(b) place them in store at the expense of the owner.

**100. Obstruction of approaches.**

(1) At all times, the approaches to the passenger jetty and to the ramp, both from seaward and on the shore, must be kept clear of any obstruction, vehicle, vessel, goods or other thing.

(2) The Port Manager may—

(a) without notice, remove any vehicle, vessel, goods or thing obstructing the shore or the approaches to the passenger jetty or the ramp; and

(b) place them in store or on a mooring, as the case requires, at the expense of the owner.

**101. Vessels lying abreast.**

Except with the approval of the Port Manager, a person must not permit more than two vessels to lie abreast at the passenger jetty.

**102. Securing of mooring ropes, etc.**

A person must not place a rope, wire or other means of securing a vessel to the passenger jetty, or permit any such thing to be placed, otherwise than on a cleat, bollard or other portion of the jetty intended to be used for mooring purposes.

**103. Running of engines at jetty.**

A person must not unnecessarily test or run the engine of a vessel while the vessel is moored at the passenger jetty.

**104. Speed approaching jetty, etc.**

A person in charge of a vessel approaching the passenger jetty or the ramp must ensure that the vessel is travelling at a moderate speed not greater than is necessary for the efficient control of the vessel.

**105. Lying close to jetty, etc.**

A vessel shall not be anchored or lie at a distance less than 182.88m<sup>1</sup> from the passenger jetty or the ramp, except for the purpose of tying up at the passenger jetty, or berthing at the ramp, within a reasonable time.

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<sup>1</sup> Metricated editorially. The original distance was 600 ft.

**106. Goods left on ramp.**

- (1) A person must not leave goods on the ramp.
- (2) An officer may—
  - (a) remove, without notice, any goods left on the ramp contrary to Subsection (1); and
  - (b) place them in store at the expense of the owner.

**107. Use of ramp by vessels.**

- (1) A vessel, other than a pleasure craft not exceeding 5 tons gross, shall not use the ramp without the written permission of the Port Manager.
- (2) A person who wishes to use the ramp for a vessel, other than a pleasure craft not exceeding 5 tons gross, must apply, in writing, to the Port Manager at least 24 hours before the use of the ramp, stating—
  - (a) full particulars of the vessel; and
  - (b) the reasons for which the use of the ramp is required.

**108. Limitations on use of ramp.**

- (1) The Board may, by notice erected on the shore of the ramp, prohibit or restrict the use of the ramp—
  - (a) by any vessel with a displacement in excess of the displacement specified in the notice; or
  - (b) by any vehicle, equipment or machine, or similar thing, the weight of which is in excess of the permissible weight specified in the notice.
- (2) A vessel with a displacement greater than the displacement specified under Subsection (1)(a), or any vehicle, equipment, machine or thing with a weight in excess of the weight specified under Subsection (1)(b), shall not use the ramp in contravention of the notice.

**109. Berthing at passenger jetty.**

- (1) Subject to Subsection (2), vessels shall berth at the passenger jetty in order of arrival.
- (2) A vessel engaged on a regular scheduled service paying dues at the annual rate<sup>1</sup> has priority for a berth.

**110. Closure of jetty, etc.**

The Board may at any time, without notice, close to the public—

- (a) the passenger jetty; or
- (b) the ramp or the shore; or
- (c) any part of the passenger jetty, the ramp or the shore.

**111. Bathing from jetty, etc.**

A person must not bathe from the passenger jetty, the ramp or the shore.

<sup>1</sup> For fees and charges, see Part IX.

**112. Miscellaneous offences.**

A person must not—

- (a) park a vehicle on the ramp; or
- (b) drive a vehicle on the passenger jetty,

without the written approval of the Port Manager.

**PART V.—BERTHING OF VESSELS, ETC.**

**113. Berthing of vessels.**

(1) At least 48 hours before a berth at a wharf is required for a vessel, the master or agent of the vessel shall make application to the Port Manager in Form 9.

(2) A person must not berth a vessel at a wharf owned by the Board in a declared port, without the prior permission of the Port Manager.

(3) A person must not move a vessel from a berth or wharf owned by the Board at any time other than the time directed by the Port Manager.

(4) On being appointed to a berth, a vessel shall immediately—

- (a) proceed to occupy it; and
- (b) commence and continue the discharge or loading of her cargo,

and if she does not the Port Manager may allocate the berth to another vessel.

(5) The owner, agent or master of a vessel must give to the Port Manager at least six hours' notice of intention to sail or move the vessel from a berth.

**114. Priority for berthing.**

(1) The Port Manager may grant berthing priority to a vessel—

- (a) that has on board for discharge—
  - (i) urgently needed supplies or cargo that is subject to deterioration if discharge is delayed; or
  - (ii) live stock; or
- (b) in the interests of safety, for the discharge of dangerous goods at a wharf,

but a vessel to which priority is so granted shall not remain at the berth longer than is necessary for the discharge of the cargo or, in a case to which Paragraph (b) applies, of the dangerous goods.

(2) In Subsection (1)(b), "dangerous goods" means those goods specified in the list issued by the Department of Transport of Australia, instructions for the handling of which are contained in the pre-Independence *Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws 1967 (Adopted)*.

(3) Application for priority under this section for a vessel shall be made to the Port Manager by the master, owner or agent of the vessel.

(4) When instructed to do so by the Port Manager, a vessel shall vacate a berth to make way for a vessel granted priority under this Part.

**115. Time at Berth.**

A vessel shall not retain a berth for longer than is required to complete discharge or loading, unless the berth is not required for another vessel.

**116. Vessels discharging, etc., from one hatch.**

(1) Where a vessel has cargo for discharge in one hatch only or intends to load into one hatch only, the Port Manager may—

- (a) refuse the vessel a berth at a wharf; and
- (b) require it to work cargo into or from lighters at anchorage,

if the berth is required by another vessel that can make better or full use of the capacity of the wharf for the discharge or loading of cargo.

(2) Where a vessel has completed discharge of cargo and intends to load at one hatch only, the Port Manager may require the vessel to vacate the berth and load from lighters at an anchorage, if the berth is required by another vessel that can make better or full use of the capacity of the wharf for the discharge or loading of cargo.

**117. Control of movement of vessels.**

(1) A vessel in a declared port must berth, moor, anchor and move as, when and where directed by the Port Manager.

(2) It is a defence to a prosecution of a contravention of Subsection (1) that weather conditions, an industrial dispute or an unsafe berth preclude compliance with the directions of the Port Manager.

**118. Berthing in tier.**

(1) The Port Manager may direct the berthing of vessels in tier.

(2) Where vessels are berthed in tier, the master, owner or agent of each vessel so berthed must allow such free and uninterrupted passage over the deck as is necessary for—

- (a) the embarkation and disembarkation of passengers; and
- (b) the loading and unloading of goods; and
- (c) any other purpose approved by the Port Manager.

**119. Requirement to leave berth in emergency.**

In an emergency, the Port Manager may require a vessel to leave a wharf at any time.

**120. Vessel not working to capacity.**

Where a vessel that is lying at a wharf under the jurisdiction of the Board fails to work to full capacity—

- (a) through any cause; and
- (b) after having been duly warned by the Port Manager of the need to do so,

the Port Manager may require the vessel to vacate the berth without delay if another vessel is waiting for that berth and is able to take up berth immediately.

**121. Appeals.**

(1) Where the master, owner or agent of a vessel is dissatisfied with the action or decision of a Port Manager under this Part, he may appeal, in writing, or in case of urgency where communication by mail would result in unacceptable delay, by telephone or telegram, to the Chairman of the Board or, in the absence of the Chairman, to a member of the Board, stating fully the circumstances and reasons.

(2) The decision of the Chairman or of the member of the Board appealed to under Subsection (1) is final.<sup>1</sup>

#### 122. Cleaning of berth, etc.

Where a vessel departs from a wharf before cleaning the portion of the wharf opposite the berth occupied, the berth may be cleaned by the Board's staff, and in that case the prescribed fee<sup>2</sup> is payable.

#### 123. Speed limits.<sup>3</sup>

Craft of any description shall not, either by day or by night, race or travel at a speed of more than 8kt inside the face of any wharf owned by the Board.

#### 124. Facilities for handling vessel on arrival, etc.

The agents of a vessel must supply—

- (a) a sufficient number of men to handle the vessel's lines on arrival and departure; and
- (b) such boats for running lines as are required by the Harbour Master.

#### 125. Failure to supply berth, etc.

The Board is not responsible for—

- (a) failure to provide a berth; or
- (b) delay in providing a berth; or
- (c) failure to provide a full berth,

for any vessel.

#### 126. Naval vessels.

Naval vessels have no priority for a berth unless operational requirements necessitate a berth without delay.

### PART VI.—MOORING OF VESSELS GENERALLY.

#### 127. Interpretation of Part VI.

In this Part, unless the contrary intention appears—

"mooring" includes a mooring-chain, anchor buoy or float, and all related gear;

"permanent anchorage" means anchorage for any continuous period longer than seven days;

"permanent mooring" means a mooring for any continuous period longer than seven days.

(Amended by No. 21 of 1978, s. 1.)

#### 128. Control of berthing.

(1) The Port Manager shall appoint and direct the respective places where vessels, including pleasure vessels, shall lie or take up an anchorage within a declared port.

(2) A vessel must not lie or be anchored in any place, or be taken, brought or placed alongside any wharf, without the authority of the Port Manager or contrary to his directions.

(3) A person must not, without the permission of the Port Manager—

- (a) change the position or place of anchorage of a vessel; or
- (b) move a vessel from or leave any berth at a wharf or in the stream.

<sup>1</sup>But see Constitution, Section 155.

<sup>2</sup>For fees and charges, see Part IX.

<sup>3</sup>And see Section 154.

(4) The Port Manager may allocate an individual mooring to a person on payment of the prescribed fee.

**128A. Permanent mooring or anchorage.**

Where the owner or agent of a vessel desires a permanent mooring or anchorage for the vessel he shall—

- (a) make application to the Port Manager in Form 9A; and
- (b) indemnify the Board against any loss, damage or injury to any person, vessel or property caused by or arising whether directly or indirectly out of or in any way attributable to the permanent mooring or anchorage.

*(Added by No. 21 of 1978, s. 2.)*

**129. Mooring in tier.**

(1) The Port Manager may direct the mooring of vessels in tier.

(2) Where vessels are moored in tier, the master, owner or agent of each vessel so moored must allow such free and uninterrupted passage over the deck as is necessary for—

- (a) the embarkation and disembarkation of passengers; and
- (b) the loading and unloading of goods; and
- (c) any other purpose approved by the Port Manager.

**130. Extra anchors, etc.**

Extra anchors, buoys, moorings and chains for securing a vessel shall be run out from time to time as the Port Manager directs.

**131. Mooring at wharves.**

A person must not make fast any rope or mooring from a vessel to a wharf or part of a wharf, or to any erection on a wharf, otherwise than to the mooring piles, rings, hooks or bollards for mooring purposes.

**132. Mooring fees.**

Mooring fees are as prescribed by these By-laws<sup>1</sup>.

**133. Interference with vessels.**

A person must not, without the permission of the owner or licensee—

- (a) cut, break or destroy the mooring or fastening of a vessel; or
- (b) move, unmoor, interfere with a boat, or cast off or take any boat away from any wharf or place appointed, directed or licensed by the Board for the mooring of vessels.

**134. Boats, etc., riding astern of vessels.**

A vessel at anchor must not—

- (a) have a boat riding astern of it, or attached to it, at a greater distance than 5.486m<sup>2</sup>; or
- (b) have any lighter or deeply-laden boat, log of timber or other floating object riding astern while at anchor.

<sup>1</sup>For fees and charges, see Part IX.

<sup>2</sup>Metricated editorially. The original distance was 18 ft.



**135. Lighters lying abreast at night.**

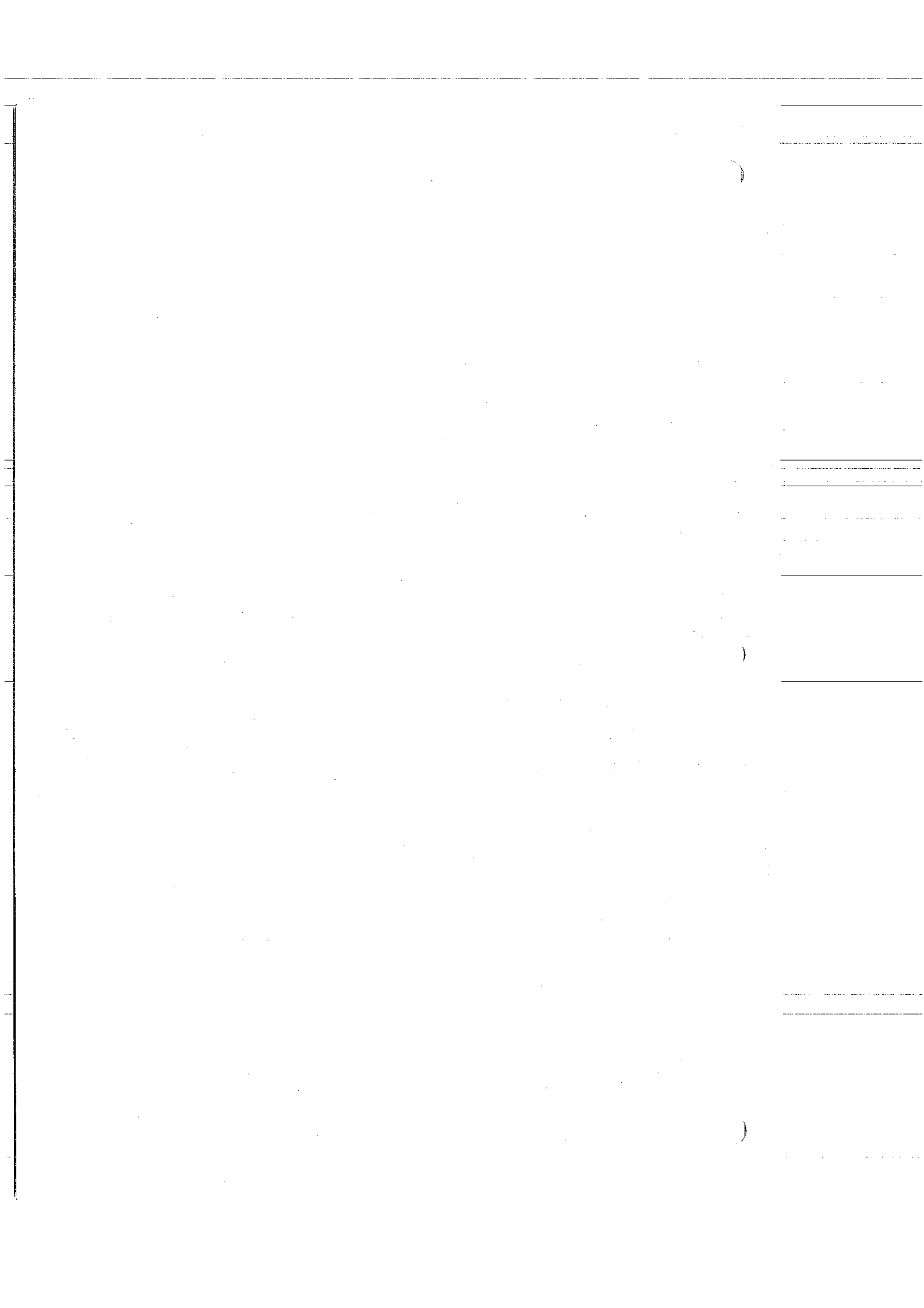
A vessel must not have alongside at night more than two lighters lying abreast.

**136. Steel vessels at wharves.**

(1) Steel vessels arriving at a cathodically-protected wharf under the jurisdiction of the Board shall be bonded to the wharf.

(2) It is the responsibility of the master to ensure that—

(a) connexion is effected on arrival; and



(b) disconnexion is effected on departure.

(3) Any damage sustained to a wharf fitting through failure to disconnect the fitting on departure is a charge against the vessel.

**137. Screening, etc., of openings in vessels alongside wharves.**

A vessel lying alongside a wharf must have all openings out of which water, steam or other fluid is liable to be discharged—

- (a) closed against use; or
- (b) properly screened and protected,

in a manner approved by the Board, so as to ensure that water, steam or other fluid will not fall on the deck of a wharf or on any structure, machinery or appliance on the wharf.

**138. Deck or side openings of moored vessels.**

Deck openings or openings in the side of a vessel moored at a wharf must, at night-time, be closed or well and sufficiently lighted and protected, unless work in loading or unloading is proceeding on the vessel.

**139. Provision of gangways, etc., alongside wharf.**

(1) A vessel lying alongside a wharf must fix, and keep fixed, a safe and proper gangway from the vessel to the wharf, and the gangway must be sufficiently lighted at night-time.

(2) All gangways must have an efficient safety net securely and properly suspended underneath.

**140. Gangway ladders when not at wharf.**

A vessel lying in a declared port and not alongside a wharf must fix, and keep fixed, a safe and proper gangway ladder, which must be sufficiently lighted at night-time.

**141. Lights for passengers landing.**

(1) When arriving at or departing from a wharf or transferring passengers at night-time, a vessel carrying passengers must have in use a sufficient number of bright lights so placed as to enable passengers to land, board or transfer with ease and safety.

(2) Lights supplied under Subsection (1) are subject to the approval of, and must conform to any directions given by, the Board, both as to quality and as to number.

**142. Heating of combustible matter on vessel at wharf.**

Combustible matter such as pitch, tar, resin or oil must not be heated on board a vessel lying at a wharf.

**143. Repairs at berth.**

(1) The master, owner or agent of a vessel moored at a berth under the jurisdiction of the Board must give written notice to the Port Manager that he wishes to undertake repairs to the vessel or to its engines while it is so moored.

(2) Work must not be commenced on a vessel unless prior written permission has been obtained from the Port Manager.

PART VII.—NAVIGATION.

**144. Interpretation of Part VII.**

In this Part, unless the contrary intention appears—

“ballast” includes every kind of stone, gravel, sand, soil and other material commonly used for ballasting vessels;

“motor boat” means any vessel that—

- (a) plies or is let for hire, or is used, for business purposes; and
- (b) is propelled by mechanical power other than steam (whether or not it is under sail);

“oil” means oil of any description, or any mixture of oil and water, irrespective of its flash point;

“sea-going vessel” means a vessel that has been, is being or is intended to be used for sea voyages.

**145. Observance of Part VII.**

(1) Except where otherwise specifically provided in this Part—

- (a) the master and the owner of a vessel are severally responsible for the due performance and observance of the provisions of this Part; and
- (b) when a vessel is under the direction of a pilot, the pilot is responsible for the due performance and observance of the provisions of this Part.

(2) The responsibility of a pilot under Subsection (1)(b) does not relieve the master or owner of the vessel of his responsibility under Subsection (1)(a).

(3) When a vessel is in tow, the master and the owner of the vessel towing, and the master and the owner of the vessel being towed, are severally responsible for the due performance and observance of the provisions of this Part relating to towing.

**146. Prevention of collisions.**

A vessel within a declared port shall—

- (a) observe and obey the International Collision Regulations that are applicable to the vessel; and
- (b) exhibit the lights prescribed by those Regulations.

**147. Report of collisions causing damage.**

Where a collision resulting in damage to a vessel or wharf occurs within a declared port, the master of each vessel concerned in the collision must report the circumstances immediately, in writing, to the Board.

**148. Licences to drive motor boats.**

(1) A person must not drive a motor boat in a declared port under the jurisdiction of the Board unless he has obtained a licence under this subsection.

(2) An application for a licence under Subsection (1) shall be in Form 10, and shall be forwarded to the Board with the prescribed fee<sup>1</sup>.

(3) A licence under Subsection (1) shall be in Form 11.

<sup>1</sup> For fees and charges, see Part IX.

**149. Registration of harbour vessels.**

(1) A vessel plying for hire solely in a declared port must hold a certificate of registration under this subsection.

(2) An application for registration under Subsection (1) shall be in Form 12, and shall be forwarded to the Board with the prescribed fee<sup>1</sup>.

(3) A certificate of registration under Subsection (1) shall be in Form 13.

**150. Lights on vessels at wharves.**

A vessel lying alongside a vessel moored to a wharf at night-time must exhibit a bright light so placed as to show a clear and unbroken light completely around her off side from right ahead to right astern.

**151. Lights on lighters lying alongside vessels.**

(1) At night-time there must be exhibited at the fore and after ends of—

(a) a lighter that is moored alongside a vessel within a declared port; or

(b) the outer lighter only of any two lighters that are moored abreast alongside a vessel within a declared port,

above the extreme outer edge, a white light of such strength and in a lantern so constructed as to show a clear uniform light visible all around the lighter at a distance of at least 0.805km<sup>2</sup>.

(2) The owner and master of the lighter are severally responsible for the due performance and observance of Subsection (1).

**152. Lights on timber moored alongside vessels.**

Where timber is moored alongside a vessel within a declared port, the master and the owner are jointly and severally liable to ensure that, during the night-time, the timber is lighted all around with a lantern showing a clear, white, uniform and unbroken light visible for at least 0.805km<sup>2</sup>.

**153. Towing.**

(1) A vessel must not tow within a declared port a timber raft—

(a) exceeding 60.96m<sup>3</sup> in length or 15.24m<sup>4</sup> in width; or

(b) in such a way that the extreme forward end of the raft is at a greater distance than 15.24m<sup>4</sup> from the stern of the vessel.

(2) A tug must not tow more than two vessels alongside it unless authorized in writing by the Port Manager to do so.

(3) Subject to Sections 170A and 170B, a tug having a vessel in tow must attend on the vessel until it is properly moored or secured. (*Amended by No. 20 of 1978, s. 1.*)

**154. Speed limits.<sup>5</sup>**

(1) Subject to Subsection (2), a vessel must not proceed at a speed exceeding that prescribed by the by-laws in respect of individual ports within the jurisdiction of the Board.

<sup>1</sup>For fees and charges, see Part IX.

<sup>2</sup>Metricated editorially. The original distance was half a mile.

<sup>3</sup>Metricated editorially. The original measurement was 200 ft.

<sup>4</sup>Metricated editorially. The original measurement was 50 ft.

<sup>5</sup>And see Section 123.

(2) Where the Board thinks it expedient or reasonable to do so, it may approve, subject to conditions, speeds in excess of those referred to in Subsection (1).

#### 155. Testing of speed.

(1) The speed of a vessel must not be tested within a declared port unless a written permit has been obtained from the Port Manager after 24 hours' written notice.

(2) The test must be carried out within the area specified in the permit.

(3) The prescribed fee<sup>1</sup> for the test is payable to the Board.

#### 156. Reduction of speed when passing dredges, etc.

Where a steam vessel is passing within a radius of 91.44m<sup>2</sup> from a dredge, diving plant, rock-breaking machine or other plant—

(a) it must go dead slow; and

(b) if it is necessary to prevent damage or interruption before it passes over, along or by the mooring chains of the dredge, diving plant, rock-breaking machine or other plant—the engines of the vessel must be stopped until it has passed beyond the mooring chains.

#### 157. Speed of vessels passing harbour works, etc.

(1) Subject to Subsection (2), when a vessel is passing within a radius of 91.44m<sup>2</sup> from any harbour works in progress, or of any wharf or mooring—

(a) it must go dead slow; and

(b) if it is necessary to prevent damage or interruption to the wharf, mooring, plant or works—the engines of the vessel must be stopped while it is passing them.

(2) Subsection (1) does not apply to a vessel or class of vessel exempted from this section by the Board by notice in the National Gazette.

#### 158. Use of guns, etc.

Except in a bona fide case of distress, a person must not fire a gun, or use or discharge any flares, rockets or other explosive, from or on a vessel within a declared port, unless written permission has been previously given by the Board.

#### 159. Use of fog horns, etc.

A steam whistle, siren, bell or fog horn must not be sounded on a vessel within a declared port except for purposes of navigation or in an emergency.

#### 160. Explosives, etc.

(1) Subject to Subsection (2), a vessel having explosives or prescribed dangerous goods on board must be in such places as are prescribed in the by-laws.

(2) Subsection (1) does not apply to—

(a) a naval vessel; or

(b) a vessel having on board only such explosives as, in the opinion of the Board—

(i) are reasonably required for the purpose of making signals; and

<sup>1</sup>For fees and charges, see Part IX.

<sup>2</sup>Metricated editorially. The original measurement was 300 ft.

- (ii) are carried and placed so as to be as far away as possible from fires and lights; and
  - (iii) are easily accessible in the event of fire; or
  - (d) a vessel having on board no more than 22.68kg<sup>1</sup> of explosives shipped and stowed in accordance with the requirements of the *Navigation (Dangerous Goods) Regulations* of Australia, as adopted by Section Sch. 2.6 of, and Schedule 5 to, the Constitution.
- (3) A vessel that has an open fire on board must not approach or remain close to a wharf or place in a declared port where explosives—
- (a) are stored; or
  - (b) are being loaded or discharged.

**161. Regulation of timber rafts.**

(1) Subject to Subsection (3), rafts or logs of timber must not be towed, navigated, anchored or moored in any part of a declared port without the written permission of the Port Manager.

(2) Subject to Subsection (3), the owner of a raft anchored or moored in a declared port at night-time must exhibit the light or lights required to be carried by vessels at anchor by the International Collision Regulations.

(3) The Board may permit the anchoring or storing of timber or a raft of timber at a place appointed by it for the purpose, and may waive the necessity to exhibit lights on the timber or raft.

**162. Disabled, burning, etc., vessels entering ports.**

(1) This section applies to a vessel arriving in a declared port in a case where—

- (a) the vessel is disabled, either wholly or partly, or is in a leaky condition; or
- (b) any part of the vessel or of its cargo is on fire; or
- (c) the cargo of the vessel consists entirely or principally of—
  - (i) oils or chemicals; or
  - (ii) any other substance of an inflammable or combustible character,and a fire has occurred in or in proximity to any such cargo within 24 hours before arrival in the declared port.

(2) The master of a vessel to which this section applies must furnish to the Board a report of the circumstances referred to in Subsection (1)(a), (b) or (c) immediately on the arrival of the vessel in the port.

**163. Beaching of vessels.**

(1) Except in circumstances of emergency, a vessel must not be beached or grounded on the foreshore of a declared port for any purpose unless written permission has been obtained from the Board.

(2) A vessel so beached or grounded must be removed by the master or owner immediately when called on to do so by the Board.

<sup>1</sup> Metricated editorially. The original weight was 50 lb.

**164. Obstruction by sunken vessels, etc.**

Where—

- (a) a vessel is sunk or stranded within a declared port; or
- (b) an obstruction impedes the navigation or use of the port or any part of the port,

the master or owner of the vessel, or the owner of the property by which the obstruction is caused, must—

- (c) exhibit on or near the vessel or obstruction—
  - (i) the signals and lights prescribed by the International Collision Regulations; and
  - (ii) such other flags, marks or lights as the Board directs; and
- (d) notify the Board of the position of the vessel or obstruction; and
- (e) immediately take steps for the removal of the vessel or obstruction.

**165. Trawling in fairway.**

A vessel must not engage in, or be used for, trawling or any kind of net-fishing in the fairway within a declared port.

**166. Obstruction of waters or lands.<sup>1</sup>**

(1) A person who—

- (a) moors, runs ashore, cuts loose or abandons a vessel, buoy or floating object or apparatus; or
- (b) cuts or slips a chain or anchor; or
- (c) places or deposits any article, material or thing,

in, or on the bed or shores of, any waters vested in or controlled by the Board, or on any land or wharf or in any building vested in or controlled by the Board, so that the right of the owner of any of those things<sup>2</sup> are impeded or made ineffective is guilty of an offence.

(2) The owner of a vessel, buoy, floating object or apparatus, chain, anchor, material or thing—

- (a) in, or on the bed or shores of, any waters vested in or controlled by the Board; or
- (b) on any land or wharf or in any building vested in or controlled by the Board,

must, within such time as is specified in a notice from the Board served on him and requiring him to do so, remove any such thing that is specified in the notice.

(3) If—

- (a) the identity or address of the owner of an article obstructing waters or land vested in or controlled by the Board cannot be established after reasonable inquiry; or
- (b) in the opinion of the Board it is essential to do so—
  - (i) in the interest of navigation; or
  - (ii) for the proper and efficient use of any land, wharf or building; or

<sup>1</sup> But see Constitution, Section 53.

<sup>2</sup> Sic.



(iii) for the safe keeping or preservation of a vessel, buoy, floating object or apparatus, chain, anchor, article, material or thing—

(A) in, or on the bed or shores of, any waters vested in or controlled by the Board; or

(B) on any land or wharf or in any building vested in or controlled by the Board; or

(c) it appears to the Board that an object or article is occupying any waters, land, wharf or building vested in or controlled by the Board in contravention of the Act,

the Board may—

(d) take possession of any thing referred to in Paragraph (a), (b) or (c); and

(e) if it thinks that the circumstances so require—remove any such object or article; and

(f) in the case of—

(i) a sunken or unseaworthy vessel; or

(ii) any other object or article that in its opinion cannot otherwise reasonably be dealt with,

blow it up or demolish it.

(4) The following provisions apply in respect of, or of a component part of, a vessel, buoy, floating object or apparatus, chain, anchor, article, material or other thing, possession of which has been taken by the Board in accordance with Subsection (3) :—

(a) if in the opinion of the Board it has no value, it shall be destroyed, but otherwise—

(i) it shall be held in the custody of the Board in such place as the Board thinks appropriate; and

(ii) it may be repaired and treated in such a way as, in the opinion of the Board, is necessary to preserve its utility and value; and

(b) if any person establishes to the satisfaction of the Board his ownership of it, he is entitled to receive it on payment of any expenses incurred by the Board, as fixed by the Board, in respect of the possession, removal, custody, repair and treatment of it; and

(c) if no person has established his ownership of it, or paid the expenses referred to in Paragraph (b), the Board may, after a lapse of time and such inquiry or public advertisement as it thinks appropriate in the circumstances—

(i) sell it in such manner as the Board thinks proper; or

(ii) if in the opinion of the Board its value to the Board would exceed the proceeds of sale—appropriate it and credit the owner with its net value; and

(d) if the net proceeds of the sale, or the credit allowed under Paragraph (c)(ii) exceed any expenses, as determined by the Board, incurred in respect of the assumption of possession, removal, custody, repair and treatment, the surplus shall be paid, on demand, to the owner by the Board; and

(e) the Board may recover from the owner any expenses, as determined by the Board, incurred in the assumption of possession, removal, custody, repair and treatment of any thing destroyed or retained by the Board under this section,

after deducting the net proceeds of any sale or any credit allowed under this subsection.

- (5) This section does not affect or diminish the rights of—
- (a) the owner of any land, in respect of the land; or
  - (b) a lessee, tenant or licensee, in respect of the premises included in his lease, tenancy or licence.

**167. Crewing of vessel under way.**

A vessel under way within a declared port must—

- (a) be under the charge of a competent master; and
- (b) be manned by a sufficient number of experienced seamen; and
- (c) in the case of a mechanically-propelled vessel—carry a duly qualified engineer and the necessary staff.

**168. Approaching or leaving wharf or dock.**

(1) The master of a vessel must not permit her to approach a wharf or dock—

- (a) while any other vessel is passing from the wharf or dock; or
- (b) before being ordered to do so by the Port Manager.

(2) The master of a vessel must not take, or attempt to take, a vessel from a wharf or dock—

- (a) while another vessel is approaching the wharf or dock; or
- (b) before being ordered to do so by the Port Manager.

**169. Assistance to boarding officers, etc.**

(1) While a vessel is entering or departing from, or is within, a declared port, the master must, by every means in his power consistent with the safety of the vessel, assist every duly authorized officer of the Public Service or of the Board in boarding or leaving the vessel.

(2) A person on board a vessel must not interfere with or obstruct an officer or pilot while carrying out his duties.

**170. Movement of vessels liable to pilotage.**

A vessel that is liable to pilotage must not be navigated within a declared port unless it is in the charge of a pilot duly licensed for the purpose.

**170A Tugs under pilots orders.**

Any vessel employed in towing, or in any way mooring or assisting another vessel under pilotage, shall be under orders of a pilot, duly licensed for the purpose, in all matters connected with the navigation of such vessel.

*(Added by No. 20 of 1978, s. 2.)*

**170B. Port Manager may direct use of tugs, etc.**

In any case where the Port Manager thinks fit for the purpose of the regulation, positioning, government and safety of a vessel or vessels in any port, or for the safety of any wharf, or any work or thing, whether the property of the Board or otherwise—

- (a) the Port Manager may direct the master of any vessel to engage the services of a tug or tugs of such capacity or power as the Port Manager may consider

necessary and, on receipt of such direction, the master shall engage the services of a tug or tugs; or

- (b) where a pilot is not employed and a master has engaged the services of a tug or tugs or been directed by the Port Manager to engage the services of a tug or tugs the Port Manager may direct the manner in which the tug or tugs shall be used and, on the receipt of that direction, the master shall use or endeavour to use the tug or tugs in accordance with that direction.

*(Added by No. 20 of 1978, s. 2.)*

**171. Anchoring, etc., near wharves.**

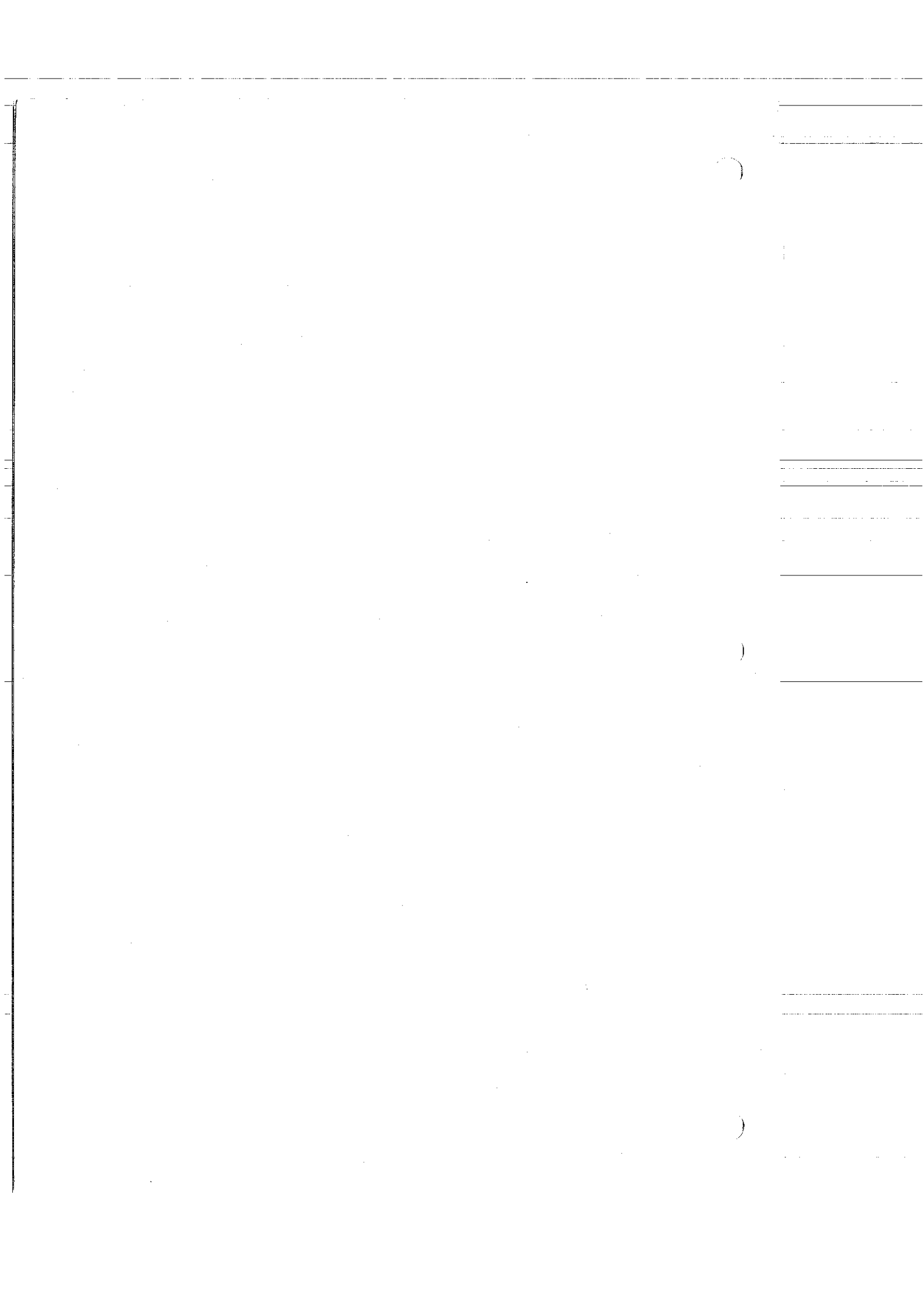
A vessel must not be anchored or lie at a distance of less than 182.88m<sup>1</sup> from any wharf, except for the purpose of immediately hauling alongside.

**172. Working of propellers when at wharf.**

The master of a vessel must not, without the permission of the Port Manager, work the propellers of his vessel, or allow them to be worked while it is moored to a wharf under the jurisdiction of the Board.

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<sup>1</sup>Metricated editorially. The original distance was 600 ft.



**173. Vessels lying alongside steps, etc.**

A vessel lying alongside any steps, landing place or ship's gangway must give way to—

- (a) Government vessels on duty; and
- (b) vessels of the Board; and
- (c) other vessels with passengers.

**174. Small boats obstructing channels, etc.**

The master or person in charge of a mechanically-propelled vessel, yacht, small sailing boat or rowing boat in a fairway or channel in a port must keep clear of, and not obstruct the movement of—

- (a) any vessel of 500 tons gross or upwards; or
- (b) any tug assisting at the berthing, unberthing or towing of a vessel.

**175. Damage to cables.<sup>1</sup>**

Where a vessel or any part of the equipment of a vessel causes damage to a submarine cable within a declared port, the master or owner of the vessel must immediately make good the damage at his own expense.

**176. Use of silencers.**

A vessel driven by mechanical means must be fitted with an effective silencer for the purpose of preventing offensive noise from the machinery or engine of the vessel.

**177. Aquatic sports.**

(1) A person must not organize, promote or conduct any racing or similar event, or any aquatic sport, in an area that has been declared by the Board, on the recommendation of the Port Advisory Committee, to be a prohibited area for that purpose.

(2) The master or owner of a vessel must not cause or permit his vessel to take part in any racing or similar event, or in any aquatic sport, in a prohibited area declared under Subsection (1).

(3) A person must not navigate a vessel that is being used for pleasure or recreation, or in any aquatic sport, in such a way that it interferes with or obstructs the free movement of—

- (a) a merchant vessel; or
- (b) a tug proceeding to take a vessel in tow or engaged in towing a vessel or craft.

**178. Deaths in port.**

If a seaman or other person dies on board a vessel in a declared port, the master of the vessel must cause the body to be brought ashore and buried in accordance with the *Cemeteries Act*.

**179. Watchmen in port.**

(1) A sea-going vessel must have a competent watchman on board at all times while in port.

(2) If there is no master, the owner of the vessel, or the person having lawfully or de facto the control of the vessel, is liable for any breach of this section.

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<sup>1</sup> See, also, *Submarine Cables and Pipelines Protection Act (Adopted)*.

**180. Interference with beacons, etc.**

A person must not trespass on, ride by, make fast to, damage, injure or otherwise interfere with any light-ship, light-house, dolphin, buoy or beacon the property of, or in the charge of, the Board.

**181. Discharge of ashes and refuse.**

An ash ejector or other appliance for the discharge of ashes or other refuse must not be used on a vessel in such a manner as to discharge ashes or refuse into the waters of a declared port.

**182. Removal of ballast, stones, etc., from below high-water mark.**

A person must not, without the permission of the Board, remove any ballast, rock, stones, slate, shingle, gravel or any like substance from any land below high-water mark in a declared port.

**183. Apparatus for discharge, etc., of oil.**

(1) All pipes, valves, hoses and other appliances used for the discharge or shipment of oil within a declared port must be free from leakage, in good condition and constructed and maintained in accordance with the American Petroleum Institute specifications A.P.I. Code No. 26, as in force from time to time.<sup>1</sup>

(2) Precautions, to the satisfaction of the Board, must be taken to prevent oil from flowing or falling or otherwise getting into the waters of a declared port.

(3) Failure to comply with Subsection (1) or (2) makes the owner and the master of the vessel on or from which oil is being shipped or discharged severally guilty of an offence.

**184. Pumping of oil into water of port.**

(1) Unless prior written permission has been obtained from the Board, a person must not pump out oil fuel from a vessel into the waters of a declared port.

(2) Where oil fuel is pumped into the waters of a declared port in contravention of Subsection (1), the master and the owner of the vessel are severally guilty of an offence.

**185. Vessels used for conveyance of refuse.**

(1) A vessel used within a declared port for the deposit or conveyance of refuse—

(a) must be equipped with covers of canvas or other material approved by the Board; and

(b) must be kept in a sanitary condition and properly and adequately cleansed, so that all parts of the vessel and its equipment not actually used for the deposit of refuse are free of all such material; and

(c) must be completely emptied, and all parts of the vessel used for the deposit of refuse thoroughly cleansed, at periods not exceeding seven days; and

(d) must not lie at a wharf with refuse on board unless effective means have been taken to prevent rats having access to or egress from the vessel.

(2) Covers referred to in Subsection (1)(a) must be used in such a way as to ensure that all refuse deposited in the vessel is completely covered at all times except when refuse is being loaded into or discharged from the vessel.

<sup>1</sup> Quære. See, now, APIRP 1102 (4th Edn, 1968), "Recommended Practice for Liquid Petroleum Pipelines Crossing Railways and Highways".

**186. Boats, etc., drifting in port.<sup>1</sup>**

(1) Any boat, timber or other article of value—

- (a) found drifting on the waters of a declared port; or
- (b) found stranded on the shores or banks of the port,

and not apparently in charge of any person, shall be immediately delivered up by the finder to the Board or may be taken possession of by the Board.

(2) The Board may detain a boat, timber or other article referred to in Subsection (1) until it is claimed by the owner, and the owner shall, before receiving his property from the Board, pay to it all expenses incurred by it in connexion with the property, including the prescribed charge for storage.

(3) Where any property referred to in Subsection (1) (other than property of a perishable nature) is not claimed within one month, or in the case of goods of a perishable nature within one day, after the date of the taking of possession by the Board—

- (a) it may be sold by the Board; and
- (b) the proceeds, after payment of all expenses and all charges in respect of storing and selling it, shall be paid to the owner on demand.

**187. Warning that divers operating.**

(1) A vessel from which a person is operating underwater as a diver or skin-diver must fly Flag "A" of the International Code of Signals (a blue and white burgee) as an indication that a diver or skin-diver is operating underwater in its vicinity.

(2) A vessel in the vicinity of a vessel flying Flag "A" must—

- (a) keep well clear of it; and
- (b) travel at a slow speed.

**188. Production of certificate of registry.**

The master of a vessel must produce the Certificate of Registry of the vessel to the Port Manager—

- (a) in the case of an oversea vessel, on every occasion of entry into the port; and
- (b) in the case of a coastal vessel, at least once in every 12 months,

and in any case immediately on any significant modification of the structure affecting the tonnage.

**189. Examination of vessels by Port Manager.**

The master or owner of a vessel—

- (a) must admit the Port Manager, or an officer authorized by the Port Manager, at all reasonable times to any part of the vessel for the purpose of ascertaining whether this Part has been, or is being, duly observed and complied with; and
- (b) must not obstruct the Port Manager or an officer authorized by him for the purpose, or permit him to be obstructed, while making the inquiry.

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<sup>1</sup>See, also, *Wreck and Salvage Act*.

## PART VIII.—STEVEDORING.

## 190. Interpretation of Part VIII.

In this Part, unless the contrary intention appears—

“business of a stevedore” means the operation of loading and unloading of ships, but does not include movement of cargo between ships and stacking areas, and the storing, sorting, stacking and delivery of cargo within the transit sheds and open stacking areas within the boundaries of a declared port; (*Replaced by No. 41 of 1978.*)

“equipment” includes mechanical equipment used in the operation of stevedoring;

“equipment register” means a register kept under Section 195(2);

“licence” means a licence under Section 192.

## 191. Application of Part VIII.

This Part applies to all declared ports.

## 192. Licensing of stevedores.

(1) Subject to Section 193, a person must not carry on the business of a stevedore within the boundaries of a declared port unless he is the holder of a licence.

(2) An application for a licence—

(a) shall be in Form 14; and

(b) shall be accompanied by—

(i) details of a training scheme to improve operating and supervisory standards; and

(ii) in the case of employment of non-citizens—a training and localization scheme approved pursuant to the *Employment of Non-Citizens Act*; and

(iii) particulars of proposals made in compliance with Sections 194 to 199; and

(iv) in the case of an application by a foreign enterprise within the meaning of the *National Investment and Development Authority Act*—a statement—

(A) that the majority shares of the equity of the applicant shall be made available for purchase by citizens; and

(B) containing proposals for such sale and purchase; and

(v) details of a policy of insurance with a reputable insurer sufficient to indemnify and keep indemnified the Board as required by Section 48 of the Act.

(3) On payment of the prescribed fee<sup>1</sup>, the Board may issue, or renew, a licence in Form 15 to a person to carry on the business of a stevedore.

(Amended by No. 13 of 1983, s. 1.)

## 193. Exemptions.

The Board may, by notice in the National Gazette, exempt—

(a) a person, or

(b) a vessel or class of vessels; or

<sup>1</sup>For fees and charges, see Part IX.



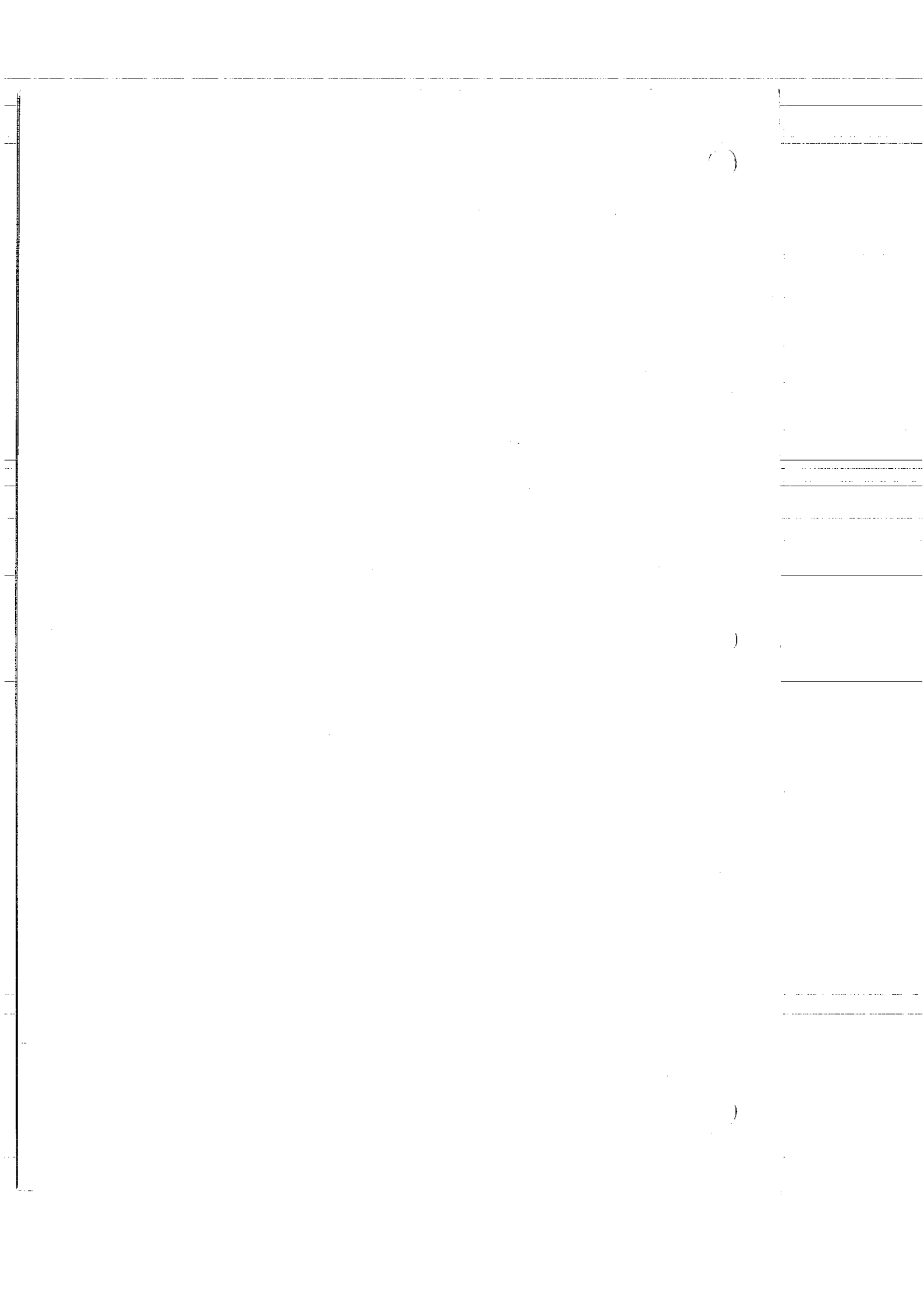
(c) a wharf or class of wharves,  
from the provisions of Section 192(1), subject to such conditions and restrictions as are specified in the notice.

**194. Duty of stevedore to provide supervision and labour.**

A licensed stevedore must—

- (a) provide adequate and efficient supervision; and
- (b) maintain or have on call an adequate labour force, including—
  - (i) a proportion of experienced workmen; and
  - (ii) such special categories of workmen as are stipulated by the Port Manager; and
- (c) provide additional labour, both by number and category, as required by the Port Manager,

so that vessels that are stevedored by him are worked, to the satisfaction of the Port Manager, efficiently and without delay.



**195. Stevedoring equipment.**

(1) A licensed stevedore must maintain, or have on call, stevedoring equipment of all kinds in good working order and condition, sufficient for him to be able to work efficiently the number of vessels that he would normally be called on to handle simultaneously.

(2) A licensed stevedore must keep available for inspection by an officer of the Board a register of equipment specifying—

- (a) the type; and
- (b) the age; and
- (c) the condition (including all repairs and alterations carried out),

of his equipment.

**196. Safety and care.**

(1) A licensed stevedore—

- (a) must not at any time carry on a practice that, in the opinion of the Port Manager, is unsafe or undesirable; and
- (b) must, on being instructed to do so by the Port Manager, immediately discontinue any such practice.

(2) A licensed stevedore must observe due care in the handling of cargo, and is liable to compensate the owner of any cargo for any damage or loss occasioned by careless or unsafe handling during stevedoring.

**197. Testing of equipment.**

(1) A licensed stevedore must not use hoisting gear unless—

- (a) it has been tested within the preceding four years; and
- (b) it has been opened and examined within the preceding 12 months, and its condition recorded in the equipment register.

(2) Equipment that has been repaired or altered must be tested for<sup>1</sup> use, and its condition shall be recorded in the equipment register.

**198. Ropes.**

(1) Wire ropes and other ropes used in stevedoring must be inspected every three months by a responsible person, and their condition shall be recorded in the equipment register.

(2) Wire ropes used in stevedoring must have an effective breaking strength—

- (a) in the case of loading gear with a lifting capacity not exceeding  $10.16t^2$ —five times the safe working load of the rope; or
- (b) in the case of loading gear exceeding  $10.16t^2$ —four times the safe working load of the rope.

**199. Checking of cargo gear.**

Cargo gear must be examined at intervals not exceeding three months by a responsible person.

<sup>1</sup>Sic. Possibly, "before" was intended.

<sup>2</sup>Metricated editorially. The original weight was 10 tons.

**200. Hours of work.**

A licensed stevedore shall—

- (a) work a vessel to capacity; and
- (b) work for such hours as are required by the shipping in the port,

as instructed by the Port Manager.

**201. Cancellation of Licence.**

In addition to any other penalty that may be imposed under the Act, the Board may cancel a licence—

- (a) for a breach of this Part; or
- (b) for general unsatisfactory performance of stevedoring duties adversely affecting, or likely to adversely affect, the efficiency of port operations.

**202. Appeals.**

A licensed stevedore may appeal to the Board against—

- (a) a requirement of a Port Manager that he thinks to be unreasonable; or
- (b) a decision of a Port Manager that a practice is undesirable or unsafe.

**PART IX.—CHARGES AND DUES.**

**203. Interpretation of Part IX.**

In this Part, unless the contrary intention appears—

“cargo” includes all goods other than a container;

“coastal cargo” means cargo loaded at a port in the country for discharge at another port in the country and includes cargo so carried under Customs bond that is not consigned on a through bill of lading; and

“coastal vessel” means a seagoing vessel engaged in coastal voyages but does not include an offshore vessel;

“coastal voyage” means a voyage other than an international voyage;

“container” means a container being an article of transport equipment conforming to the definition in ISO Recommendation No. 804; and

“cruise ship” means a vessel determined by the Board to be a cruise ship;

“day”, when used in connexion with any charge or due payable under this Part, includes part of a day;

“international voyage” means a voyage between—

- (a) a place or port in the country and a place or port outside the country; and
- (b) a place or port outside the country and another place or port outside the country;

“length”, in relation to a vessel, means length overall;

“offshore vessel” means a vessel that is—

- (a) engaged in the exploration and exploitation of the continental shelf of Papua New Guinea; and
- (b) operating to, or from, or is based at, a port in Papua New Guinea;

"overseas cargo" means—

- (a) cargo loaded at a port in the country for discharge at a port outside the country; and
- (b) cargo loaded at a port outside the country for discharge at a port in the country,

and includes such cargo that is consigned on a through bill of lading transhipped at a port in the country;

"overseas vessel" means a vessel engaged on an international voyage and includes a lash barge and an offshore vessel;

"owner" in relation to a container includes the owner of the vessel from which the container was last discharged in a declared port;

"pleasure craft" means a vessel that is—

- (a) exclusively used for pleasure; and
- (b) not used for—
  - (i) hire; or
  - (ii) reward; or
  - (iii) any commercial purpose;

"tonne", in relation to goods, except where otherwise specified in Schedule 2, means—

- (a) 1 000kg; or
- (b) 1m<sup>3</sup>,

whichever is the greater;

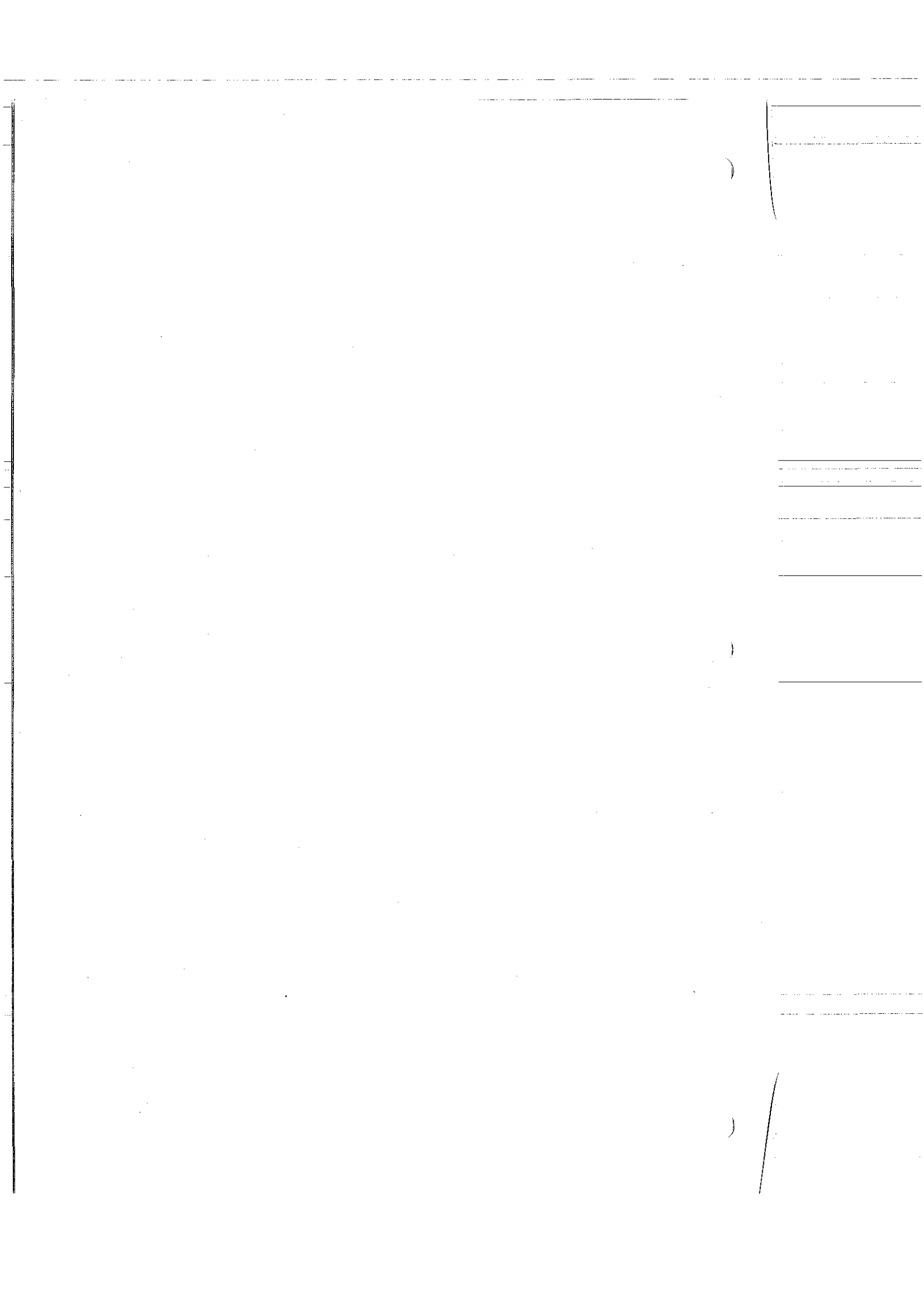
"vessel" means a ship, boat or other description of vessel used for any purpose on the sea or in navigation, other than—

- (a) a pleasure craft under 10 m in length; and
- (b) a vessel of primitive build; and
- (c) a ship of war;

"vessel of primitive build" means a vessel which is, in the opinion of the Registrar of Ships of primitive build;

"working day" means any day from Monday to Friday inclusive other than a public holiday.

*(Amended by No. 24 of 1976, s. 2, No. 3 of 1981, s. 1.)*



**204. Application of Part IX.**

This Part applies in all declared ports.

**205. Liability under Part IX.**

The master, agent or owner of a vessel in respect of which any amount is payable under this Part are jointly and severally liable for payment of the amount.

*(Amended by No. 24 of 1976, s. 4.)*

**206. Manner of payment.**

The charges and dues payable under this Part shall be paid to an officer of the Board authorized for the purpose, at the office of the Board appointed for the purpose in the declared port where the charges and dues are payable.

**207. Production of books.**

A master, agent or owner of a vessel must, at the request of a Port Manager, produce any of the vessel's documents for inspection.

*(Amended by No. 24 of 1976, s. 3.)*

**208. Port dues.**

(1) An overseas vessel entering a declared port shall pay—

- (a) port dues at the rate of K3.00 per metre or part of a metre length; and
- (b) cargo dues at the rate of K0.10 per tonne of cargo loaded or discharged—
  - (i) directly from the vessel to or from another vessel at anchor or buoys within a declared port; and
  - (ii) by the vessel at a privately owned wharf within a declared port; and
  - (iii) by the vessel to or from a harbour installation, other than a wharf under the control of the board, or through a pipeline, in a declared port; and
  - (iv) by the vessel to or from a lighter in a declared port, other than a lighter loaded or unloaded at a wharf under the control of the Board.

*(Amended by No. 3 of 1981, s. 2.)*

(2) A payment under Subsection (1) applies in respect of all declared ports entered within a period of three months from the date of payment.

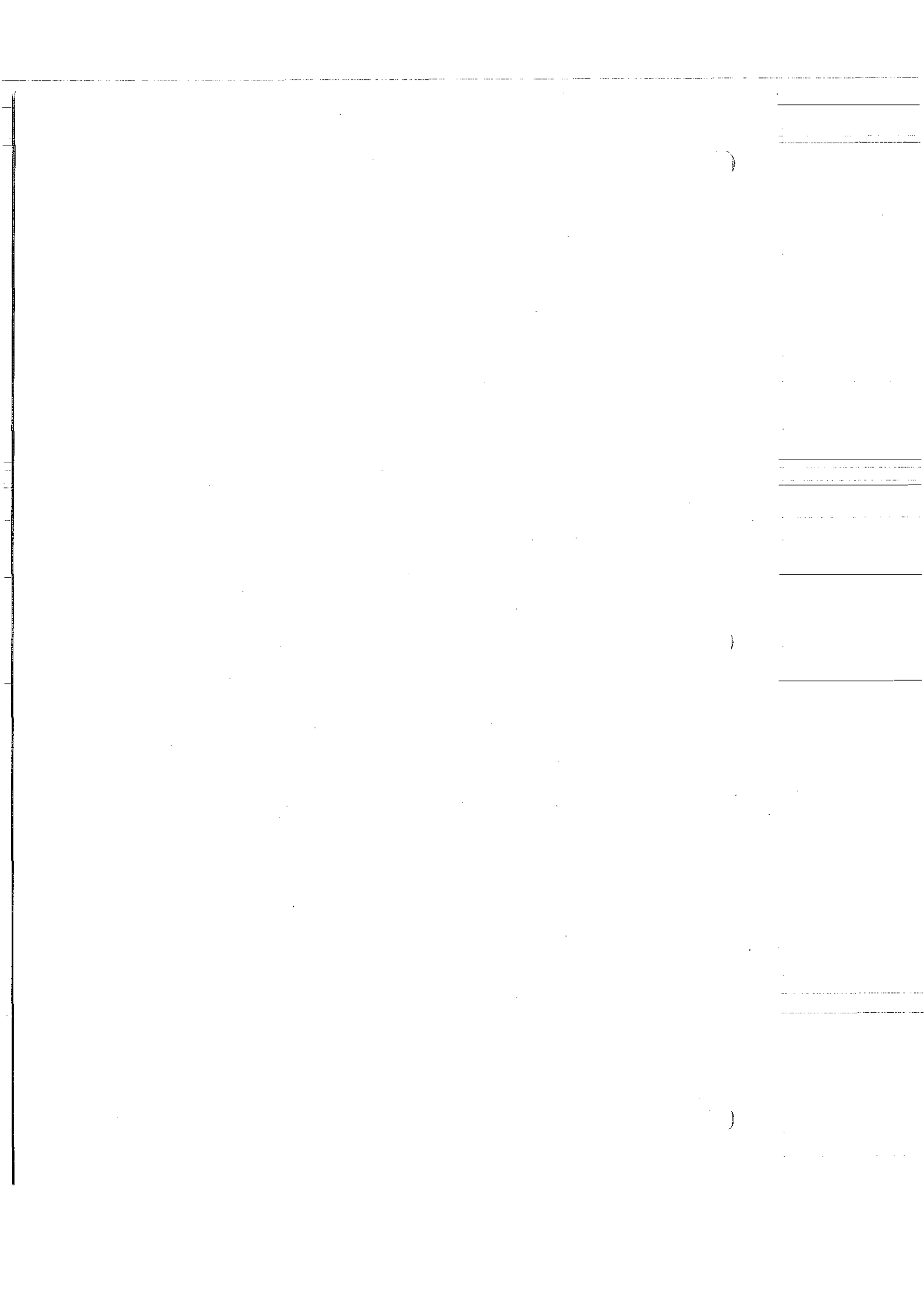
(3) Where an overseas vessel arrives solely for or on account of—

- (a) effecting repairs; or
- (b) stress of weather; or
- (c) obtaining provisions, coal or oil, to enable her to continue her voyage; or
- (d) otherwise being in distress; or
- (e) obtaining medical attention for a person on board her,

or for any of those reasons, and after arrival does not—

- (f) discharge or load any cargo; or
- (g) disembark or embark any passenger other than a person referred to in Paragraph (e) and any person accompanying him and necessarily disembarked with him,

the port dues are K1.00 per metre or part of a metre length.





(4) A coastal vessel shall pay port dues at the rate of K4.00 per metre or part of a metre length annually in advance.

(5) A pleasure craft which—

(a) is under 10 m in length; and

(b) is not a vessel of primitive build,

shall pay port dues at the rate of K20.00 annually in advance.

*(Amended by No. 24 of 1976, s. 5.)*

**209. Wharfage charges.**

(1) The master, owner or agent shall pay wharfage charges—

(a) in accordance with the rate specified in Schedule 2 in respect of all cargo loaded or unloaded; and

(b) at the rate of K10.00 per unit in respect of all overseas inwards containers unloaded,

at a wharf under the control of the Board.

(2) The master, owner or agent shall pay wharfage at 50% of the rates specified in Schedule 2 in respect of—

(a) cargo unloaded from an overseas vessel and reshipped on another overseas vessel; and

(b) inwards or outwards cargo on a through bill of lading, that is transhipped at a declared port.

(3) The charges under Subsection (2)(b) shall be paid at the port of transhipment.

*(Replaced by No. 3 of 1981, s. 3.)*

**210. Storage charges: Imported goods and inward coastal cargo.**

(1) Goods landed on a wharf, or placed in a shed or on a storage area, (other than a privately-owned wharf, shed or storage area) shall be removed by the owner—

(a) in the case of imported goods—within four working days; and

(b) in the case of inward coastal cargo—within one working day.

(2) Where any goods referred to in Subsection (1) are not removed from the wharf, shed or storage area, as the case may be, within the time specified in that subsection, the master, agent or owner is liable for and shall pay storage in respect of them at the rate of K0.50 per tonne per day until two working days after the declaration by Customs of the bonding date and after that at the rate of K1.00 per tonne per day, until the goods are removed.

(3) Notwithstanding the preceding provisions of this section, after the end of the time specified in Subsection (1) the Board, or an officer appointed by the Board for the purpose, may—

(a) if the goods are cleared; or

(b) with the consent of the Customs,

remove the goods, or cause them to be removed, from the wharf, shed or storage area, to such store or place as the Board or officer directs.

(4) The owner of any goods removed under Subsection (3) shall pay all charges and expenses connected with the removal and the storage.

*(Amended by No. 24 of 1976, s. 7, No. 3 of 1981, s. 4.)*

**211. Storage charges: Other.**

(1) Any outward cargo accepted with the permission of the Port Manager into a shed or on to a storage area under the jurisdiction of the Board is liable for storage charges after the end of seven days, at the rate of K0.50 per tonne or part of a tonne per day until the cargo is removed.

(2) \* \* \* \* \*

(3) \* \* \* \* \*

(4) The person making the application for storage shall, for the purposes of this Part, be deemed to be the owner of the goods.

*(Amended by No. 24 of 1976, s. 8, No. 3 of 1981, s. 5.)*

**211A. Transhipment cargo.**

(1) Overseas cargo, unloaded and stored in a shed or on a storage area for reshipment on an overseas vessel shall be allowed free storage for not more than 30 consecutive days.

(2) After the expiry of the period of 30 consecutive days referred to in Subsection (1), overseas cargo which remains unshipped shall be liable for storage charges at the rate of K0.50 per tonne or part of a tonne per day.

*(Added by No. 24 of 1976, s. 9.)*

**212. Responsibility for stored goods.**

Stored goods remain in any shed or storage area at the risk of the owners, and the Board is not responsible for compensation for any loss or damage due to—

(a) fire; or

(b) vermin; or

(c) inevitable accident; or

(d) a crime or misdemeanour.

**213. Detention of goods until payment.**

The Board, or an officer of the Board authorized for the purpose, may detain any goods stored in a shed or in any storage area under the jurisdiction of the Board until—

- (a) all the charges (including the charges incidental to the detention) have been paid; or
- (b) security for payment has been received by the Board.

**214. Berthage charges.**

(1) An overseas vessel that lies at, is moored to, or berthed in tier at, a wharf under the control of the Board shall pay berthage at the rate of K0.40 per metre or part of a metre length per hour or part of an hour.

(2) A coastal vessel that lies at, is moored to, or berthed in tier at, a wharf under the control of the Board shall pay berthage at the following rates per metre or part of a metre length per hour or part of an hour:

	K
Vessels under 20m	0.06
Vessels 20m or over and under 50m	0.08
Vessels 50m and over	0.10

*(Replaced by No. 3 of 1981, s. 6.)*

**215. Miscellaneous charges.**

The charges set out in Schedule 3 are payable in respect of the various matters specified in that Schedule.

**216. Payment of port dues and berthage charges.**

(1) Where the master, owner or agent of a vessel is liable to pay port dues or wharfage or berthage charges, he shall—

- (a) furnish to the Port Manager particulars in Form 16 in duplicate within one working day from the time the vessel completes loading and discharging; and
- (b) make payment of the port charges within two working days from the rendering of the port charges invoice; and
- (c) where there have been amendments to the manifest—make any necessary alterations to the particulars referred to in Paragraph (a) within two working days after those amendments have been made.

(2) Where there is a court order following proceedings for the recovery of dues and charges under this section, the defendant is liable for costs.

*(Replaced by No. 3 of 1981, s. 7.)*

**216A. Board may check, etc., cargo.**

(1) The Board, or an officer of the Board authorized for the purpose, may check the weight and measurement of cargo to ensure that it conforms with the weight or measurement, as the case may be, declared on the manifest.

(2) For the purposes of Subsection (1), with the prior approval of Customs, the Board, or an officer of the Board authorized for the purpose, may open any container and remove its contents.



(3) Where a false declaration or understatement of weight or measurement has been made, the master, owner or agent is liable, in addition to any other proceedings, for—

- (a) payment for additional wharfage charges due on account of the understatement; and
- (b) costs incurred in the checking or opening referred to in Subsections (1) and (2).

*(Added by No. 3 of 1981, s. 8.)*

**217. Claim for refunds.**

A claim for a refund of any charge paid to the Board shall be lodged with the Board not later than six months after the date on which the charge became payable.

*(Added by No. 24 of 1976, s. 12.)*

**218. Inspection fee.**

The fee for inspection under Section 46 of the *Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws* is as prescribed in Schedule 3.

*(Added by No. 24 of 1976, s. 12.)*

Ch. No. 240

**Harbours Board**

**SCHEDULES.**

**SCHEDULE 1.**

**PAPUA NEW GUINEA.**

**Harbours Board Act.**

By-laws, Sec. 25(1).

Form 1.

**APPLICATION FOR LEASE.**

I, \_\_\_\_\_, of \_\_\_\_\_, apply to the Papua New Guinea Harbours Board for a lease of \_\_\_\_\_ for the purpose of \_\_\_\_\_ for a term of \_\_\_\_\_ years on the following conditions:—

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(Signature of Applicant.)

**PAPUA NEW GUINEA.**

**Harbours Board Act.**

By-laws, Sec. 31(2).

Form 2.

No. \_\_\_\_\_

Issued to \_\_\_\_\_

**WHARF PASS FOR MOTOR VEHICLE.**

Port Manager.

This pass permits the entry of a vehicle to the Papua New Guinea Harbours Board wharves subject to compliance with the *Harbours Board Act*, and is issued subject to the condition that it may be withdrawn by the Board at any time.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

Secretary,

Papua New Guinea Harbours Board.

**PAPUA NEW GUINEA.**

**Harbours Board Act.**

By-laws, Sec. 50(2).

Form 3.

**APPLICATION FOR PERMIT TO TRADE, ETC., ON WHARF.**

I, \_\_\_\_\_, of \_\_\_\_\_, apply to the Papua New Guinea Harbours Board for a permit to enter and remain on \_\_\_\_\_ wharf in the declared port of \_\_\_\_\_ for the purpose of \_\_\_\_\_

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(Signature of Applicant.)

**Harbours Board**

Ch. No. 240

PAPUA NEW GUINEA.

**Harbours Board Act.**

By-laws, Sec. 50(3).

Form 4.

**PERMIT TO TRADE, ETC., ON WHARF.**

, of , is permitted to enter and remain on the wharf in the declared port of for the purpose of

Dated 19 .

Secretary,

Papua New Guinea Harbours Board.

This permit is issued subject to the *Harbours Board Act*, and may be suspended or cancelled by the Harbours Board for a contravention of, or a failure to comply with, the provisions of that Act.

PAPUA NEW GUINEA.

**Harbours Board Act.**

By-laws, Sec. 64(2)(a).

Form 5.

**APPLICATION FOR A LICENCE TO USE MACHINERY, ETC., ON WHARVES.**

I, , of , apply for a licence to use the following machinery on the property of the Papua New Guinea Harbours Board :—

Type of machinery:

Registered number:

Weight unloaded:

Lifting capacity:

Wheel loading when fully loaded:

Type of fuel used:

Purpose for which machine is to be used:

Place where machine is to be used:

I indemnify the Harbours Board from and against all actions, proceedings, claims, demands, costs and expenses relating to or arising out of any loss, damage or injury to any person or property caused by, arising out of or in any way attributable, directly or indirectly, to the use of the machinery during the period of the licence.

Dated 19 .

(Signature of Applicant.)

PAPUA NEW GUINEA.

**Harbours Board Act.**

By-laws, Sec. 64(3).

Form 6.

**LICENCE TO USE MACHINERY ON HARBOURS BOARD PROPERTY.**

Receipt No.

Licence No.

, of , is licensed to use the following machinery for the purpose specified in this licence :—

Type of machinery:

Registered number H B:

Weight unloaded:

Lifting capacity:

Maximum wheel load permitted:

Type of fuel used:

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**Harbours Board**

Purpose for which machinery is licensed to be used:

Place where machinery is licensed to be used:

Dated 19 .

Secretary,

Papua New Guinea Harbours Board.

This licence is issued subject to the *Harbours Board Act*, and may be suspended or cancelled by the Harbours Board for a contravention of or a failure to comply with the provisions of that Act.

**INDEMNITY.**

The applicant(s) is/are required to complete the following indemnity :—

I/We\* of , in consideration of the Papua New Guinea Harbours Board granting me/us\* a licence to use the machinery specified in this licence on the property of the Board, undertake to indemnify the Board and keep it indemnified from and against all actions, proceedings, claims, demands, costs and expenses relating to or arising out of or in any way attributable, directly or indirectly, to the use of the machinery during the period of the licence, and I/we\* agree to make good any damage to the property of the Board caused by the machinery during the period of the licence.

Dated 19 .

(Signature(s) of Applicant(s).)

\* Strike out whichever is inapplicable.

**PAPUA NEW GUINEA.**

**Harbours Board Act.**

By-laws, Sec. 71(2).

Form 7.

**NOTICE TO REMOVE GOODS FROM WHARF.**

Name of owner of goods:

Address:

In accordance with the *Harbours Board Act* you are required to remove the following goods from the wharf at the declared port of within days of this notice :—

Description of goods:

Location of goods:

Dated 19 .

Port Manager.



Harbours Board

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PAPUA NEW GUINEA.

Harbours Board Act.

By-laws, Sec. 81(6).

Form 8.

NOTICE TO REMOVE CARGO FROM WHARF.

Cargo ex under-mentioned vessels must be removed by 5 p.m. on the date specified below otherwise it may be removed by order of the Port Manager at the risk and at the expense of the owners and consignees.

Name of vessel.	Berth.	Date.
-----------------	--------	-------

Dated

19

Port Manager.

PAPUA NEW GUINEA.

Harbours Board Act.

By-laws, Sec. 113(1).

Form 9.

APPLICATION FOR BERTH.

Port:

Date:

19

I/We\* , apply for a berth for the vessel , of  
about tons gross register, Master from , due on or  
19 , to land cargo, which will be made up as follows :-

Weight: tonnes.

Measurement: tonnes.

Total: tonnes.

Estimated draughts of vessel on arrival

Forward: m.

Aft: m.

Length overall: m.

Cargo to be shipped—

Weight: tonnes.

Measurement: tonnes.

Total: tonnes.

Name of licensed wharfinger:

Name of agent:

(Signature(s) of Applicant(s).)

INDEMNITY.

The applicant(s) is/are required to complete the following indemnity :-

I/We\* , of , in consideration of being granted a berth for the vessel of which I/we\* are owners or agents, undertake—

1. To pay, as required, all prescribed charges for berthage, wharfage and port dues, and any other applicable charges.

2. To indemnify the Papua New Guinea Harbours Board, and keep it indemnified, from and against any loss, damage or injury to any person or property (including any property of the Board)

caused by or arising, directly or indirectly, out of, or in any way attributable or incidental to, the berthing, movement or unberthing of the vessel or the loading, discharging, stacking, storage, handling or movement of cargo on, destined for or discharged from the vessel, whether carried out by a wharfinger employed by me/us\* or on my/our\* behalf or stevedores engaged by me/us\* or on my/our\* behalf, notwithstanding that the loss, damage or injury takes place in a wharf, shed or other place vested in, or in the possession of or occupied by the Board, and in particular (without affecting the generality of the foregoing) to indemnify the Board in respect of—

- (a) all actions, proceedings, claims and demands brought, in relation to any such loss, damage or injury, against the Board; and
- (b) all damages, costs and expenses incurred or sustained by the Board as a result of, or in connexion with, any such loss, injury or damage.

This indemnity does not apply to injury, loss or damage to persons or property attributable to any negligence on the part of the Board or any officer or servant of the Board, or to any defective condition of any property vested in the Board unless the defective condition was created, whether alone or jointly with some other person, by the wharfinger or stevedore.

3. To continue as agent for the vessel during the time when the vessel is in waters under the jurisdiction of the Board, and to accept the responsibilities of agent as provided in the *Harbours Board Act*.

Dated 19 .

(Signature(s) of Applicant(s).)

\*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

*Harbours Board Act.*

By-laws, Sec. 128A.

Form 9A.

APPLICATION FORM FOR PERMANENT MOORING/ANCHORAGE.

I/We\*, , as owner/agent\* of the M.V. apply to the Papua New Guinea Harbours Board for permission to permanently anchor/moor\* the ship within the declared port of

I/We declare I/we am/are\* aware of the provisions of all laws of Papua New Guinea relating to ports of Papua New Guinea designated "declared ports" under the *Harbours Board Act*.

FORM OF INDEMNITY.

To the Papua New Guinea Harbours Board.

In consideration of being granted a permanent anchorage/mooring\* for the vessel of which I/we am/are the owner/agent\* undertake:—

1. To pay, as required, all prescribed charges for permanently mooring/anchoring\* the vessel in the declared port of
2. To indemnify and keep indemnified the Board from and against any loss, damage or injury to any person or property caused by or arising whether directly or indirectly, out of or in any way attributable or incidental to, the permanent mooring/anchorage\* of the , and in particular to indemnify the Board in respect of—
  - (a) all actions, proceedings, claims and demands brought (whether under Section 48(1) of the *Harbours Board Act* or otherwise) in relation to such loss, damage or injury, against the Board; and
  - (b) all damages, costs and expenses incurred or sustained by the Board as a result of or in connexion with such loss, injury or damage.

*Harbours Board*

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3. To notify the Papua New Guinea Harbours board of any change in ownership or agency of the vessel within 24 hours of such change. Such notice to be in writing and delivered to the Port Manager.

(Signature of Owner/Agent\*.)

Dated \_\_\_\_\_, 19 \_\_\_\_\_

\*Strike out whichever is inapplicable.

(Added by No. 21 of 1978, s. 2.)

PAPUA NEW GUINEA.

*Harbours Board Act.*

By-laws, Sec. 148(2).

Form 10.

APPLICATION FOR LICENCE TO DRIVE MOTOR BOAT.

I, \_\_\_\_\_, of \_\_\_\_\_, apply to the Papua New Guinea Harbours Board for a licence to drive a motor boat within the limits of the declared port of \_\_\_\_\_, subject to the *Harbours Board Act*.

Description :—

Age:

Height:

Eyes:

Hair:

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(Signature of Applicant.)

PAPUA NEW GUINEA.

*Harbours Board Act.*

By-laws, Sec. 148(3).

Form 11.

LICENCE TO DRIVE MOTOR BOAT.

Licence No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

of \_\_\_\_\_

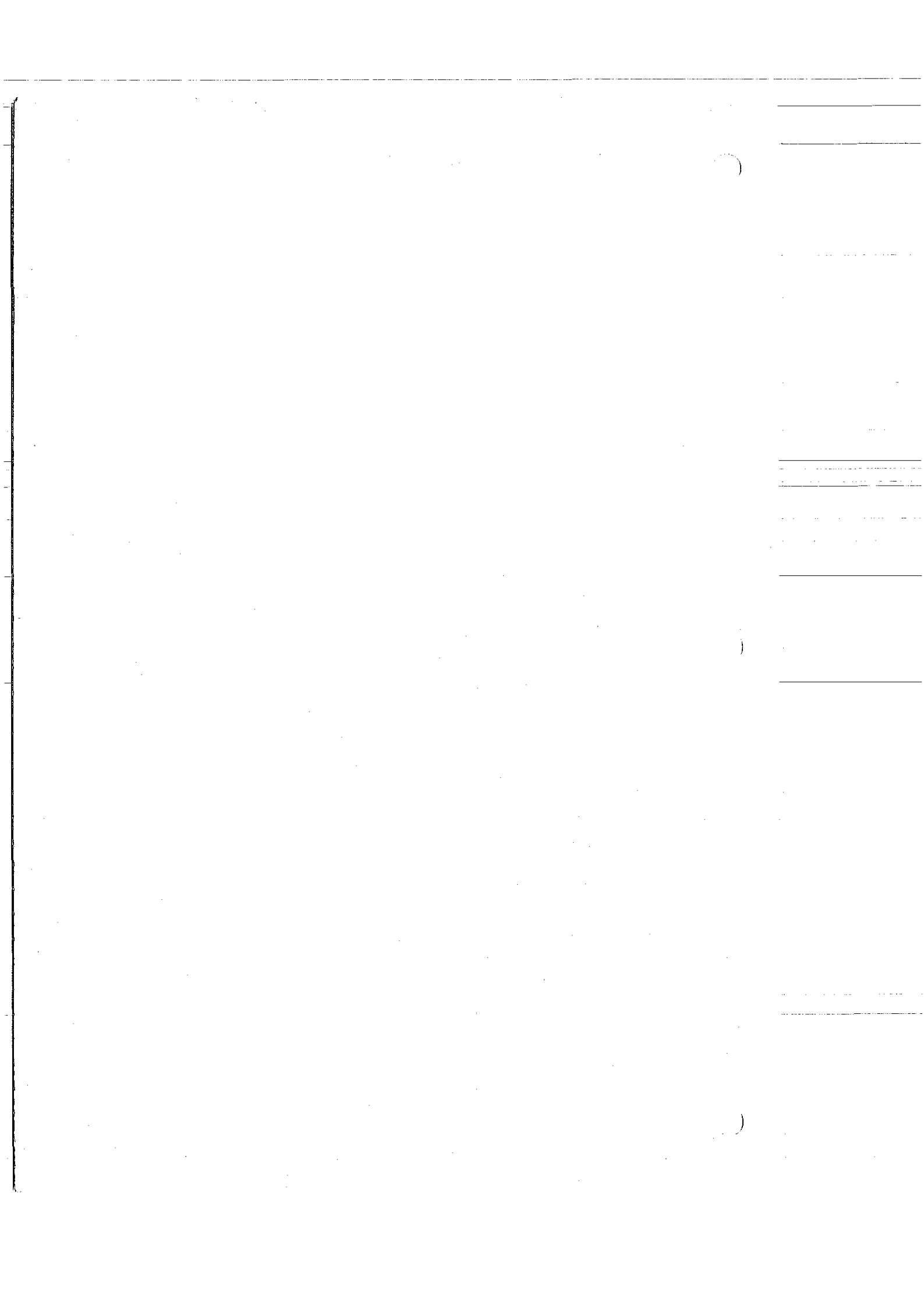
( \_\_\_\_\_ years of age, \_\_\_\_\_ hair, \_\_\_\_\_ eyes) is licensed to drive a motor boat within the declared port of \_\_\_\_\_ for one year from \_\_\_\_\_ 19 \_\_\_\_\_

This licence is not transferable and is issued subject to the *Harbours Board Act*, as in force from time to time, and may be suspended or cancelled by the Harbours Board for a contravention of, or a failure to comply with, that Act. If not suspended or cancelled it must be returned on the date of expiry to the Secretary.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

Secretary,  
Papua New Guinea Harbours Board.

(Signature of Licensee.)



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PAPUA NEW GUINEA.  
**Harbours Board Act.**

By-laws, Sec. 149(2).

Form 12.

APPLICATION FOR REGISTRATION OF VESSEL.

I, \_\_\_\_\_ of \_\_\_\_\_ apply to the Papua New Guinea Harbours Board for registration of the vessel known as \_\_\_\_\_

*Description :—*

Year and place of construction:  
Length overall:  
Breadth:  
Depth:  
Gross tonnage:  
Net tonnage:  
Material and type of construction:  
Rig:  
Description and power of engine:  
Maximum speed:  
Dated \_\_\_\_\_ 19 .

(Signature of Applicant.)

PAPUA NEW GUINEA.  
**Harbours Board Act.**

By-laws, Sec. 149(3).

Form 13.

CERTIFICATE OF REGISTRATION.

Receipt No. \_\_\_\_\_ Certificate No. \_\_\_\_\_  
The vessel \_\_\_\_\_ has been registered under the *Harbours Board Act* at the declared port of \_\_\_\_\_, for one year from \_\_\_\_\_ 19 .

*Description :—*

Year and place of construction:  
Length overall:  
Breadth:  
Depth:  
Gross tonnage:  
Net tonnage:  
Material and type of construction:  
Rig:  
Description and power of engine:  
Maximum speed:  
Certificate issued to \_\_\_\_\_ of \_\_\_\_\_  
Dated \_\_\_\_\_ 19 .

Secretary,  
Papua New Guinea Harbours Board.

This certificate is issued subject to the *Harbours Board Act*, and may be suspended or cancelled by the Harbours Board for a contravention of, or a failure to comply with, that Act.

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**Harbours Board**

PAPUA NEW GUINEA.

**Harbours Board Act.**

By-laws, Sec. 192(2).

Form 14.

APPLICATION FOR STEVEDORE'S LICENCE

I, \_\_\_\_\_, of \_\_\_\_\_, apply for a licence to carry on the business of a stevedore at the declared port of \_\_\_\_\_.

The following detailed proposals form part of this application:—

1. The full name and address of the applicant is \_\_\_\_\_.
2. The applicant has previously held a Stevedore's Licence at declared ports.
3. The applicant has/will conduct a training scheme the details of which are annexed to this application.
4. The applicant is aware of the provisions of Sections 194 — 199 of the By-laws and undertakes to comply with such provisions in every particular.
5. In the case of an applicant registered under the *National Investment and Development Act* the applicant's registration number is \_\_\_\_\_ and the applicant has undertaken to procure the sale to or the subscription by citizens of not less than \_\_\_\_\_ % of the paid up capital of the applicant's company or in the case of a partnership of an equivalent equity share of the applicant partnership.

The prescribed fee of K \_\_\_\_\_ is enclosed.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

(Signature of Applicant.)

CHAIRMAN.

MEMBER.

MEMBER.

(Replaced by No. 13 of 1983, s. 2.)

PAPUA NEW GUINEA.

**Harbours Board Act.**

By-laws, Sec. 192(3),

Form 15.

STEVEDORE'S LICENCE.

\_\_\_\_\_ of \_\_\_\_\_ is licensed to carry on the business of a stevedore in the declared port of \_\_\_\_\_ for 12 months from the date of this licence.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

Secretary,

Papua New Guinea Harbours Board.

**Harbours Board**

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**PAPUA NEW GUINEA.  
Harbours Board Act.**

By-laws, Sec. 216.

Form 16.

**WHARFAGE, BERTHAGE AND PORT DUES.**

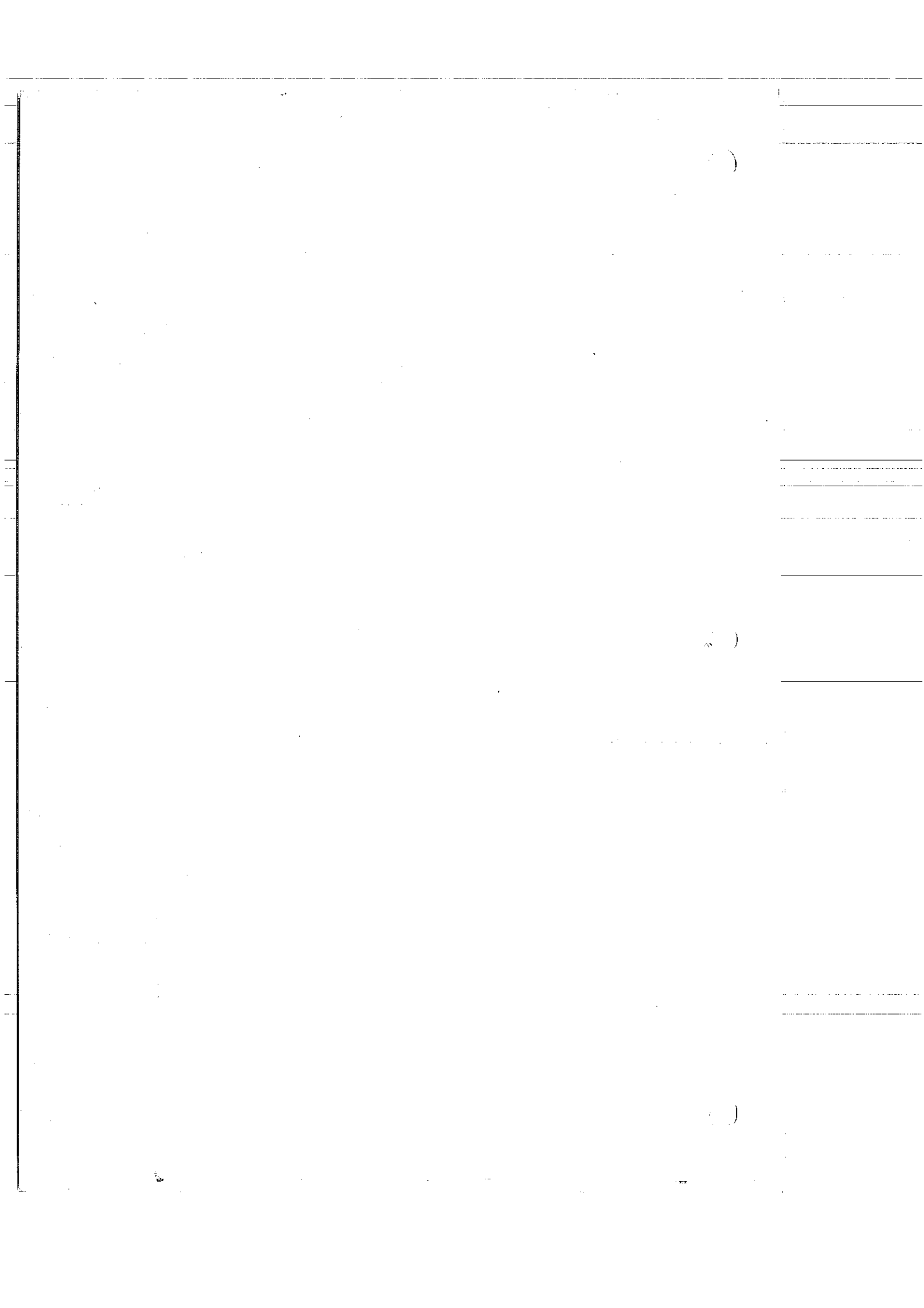
Ship's name: \_\_\_\_\_ Port of registry: \_\_\_\_\_  
Arrival date: \_\_\_\_\_ Owner: \_\_\_\_\_  
Agent: \_\_\_\_\_ Length: \_\_\_\_\_ metres  
Name of master: \_\_\_\_\_ Licensed stevedore: \_\_\_\_\_

Port dues: \_\_\_\_\_ Coastal/overseas\*  
Paid on Port Charges Invoice No. \_\_\_\_\_ Valid to \_\_\_\_\_ 19 \_\_\_\_\_

Cargo as classified in Schedule 2.	Overseas or coastal.	Inwards or outwards.	Cargo loaded or unloaded within a declared port.	Unit.	Rate per unit.	Number of units.

Cargo dues: \_\_\_\_\_ Tonnes \_\_\_\_\_ at K0.10 per tonne.  
(Signature of Owner/Agent\*)

Dated \_\_\_\_\_, 19 \_\_\_\_\_  
\*Strike out whichever is inapplicable.  
(Replaced by No. 3 of 1981, s. 9.)





*Harbours Board*

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FORM 17.—Summary of Wharfage/outwards.  
(Repealed by No. 24 of 1976, s. 11.)

## SCHEDULE 2.

By-laws, Sec. 209.

## WHARFAGE RATES, INWARD AND OUTWARD RATES.

Cargo.	Unit.	Overseas cargo (rate per unit).		Coastal cargo (rate per unit).	
		Inward K	Outward K	Inward K	Outward K
Horses, cattle, dogs, sheep, goats, pigs	each animal	1.00	1.00	0.40	0.40
Oils (in bulk, petroleum (in bulk), bunkers	tonne of 1 000 litres	0.44	0.35	0.35	0.35
Boats, iron tanks (empty)	metre length or cubic measurement whichever is the lesser	10.00	10.00	1.50	1.50
Charcoal, coal, coke, road metal, sand, soil, cement, returned empties (including container and pallets)	tonne weight	3.75	2.00	1.00	1.00
Copra, cocoa, coffee, bagged agricultural produce	tonne weight	3.75	2.00	0.90	0.90
Goods not enumerated above	tonne weight or 1m <sup>3</sup> which ever is greater	3.75	2.00	1.00	1.00

(Replaced by No. 3 of 1981, s. 9.)

## SCHEDULE 3.

By-laws, Sec. 215.

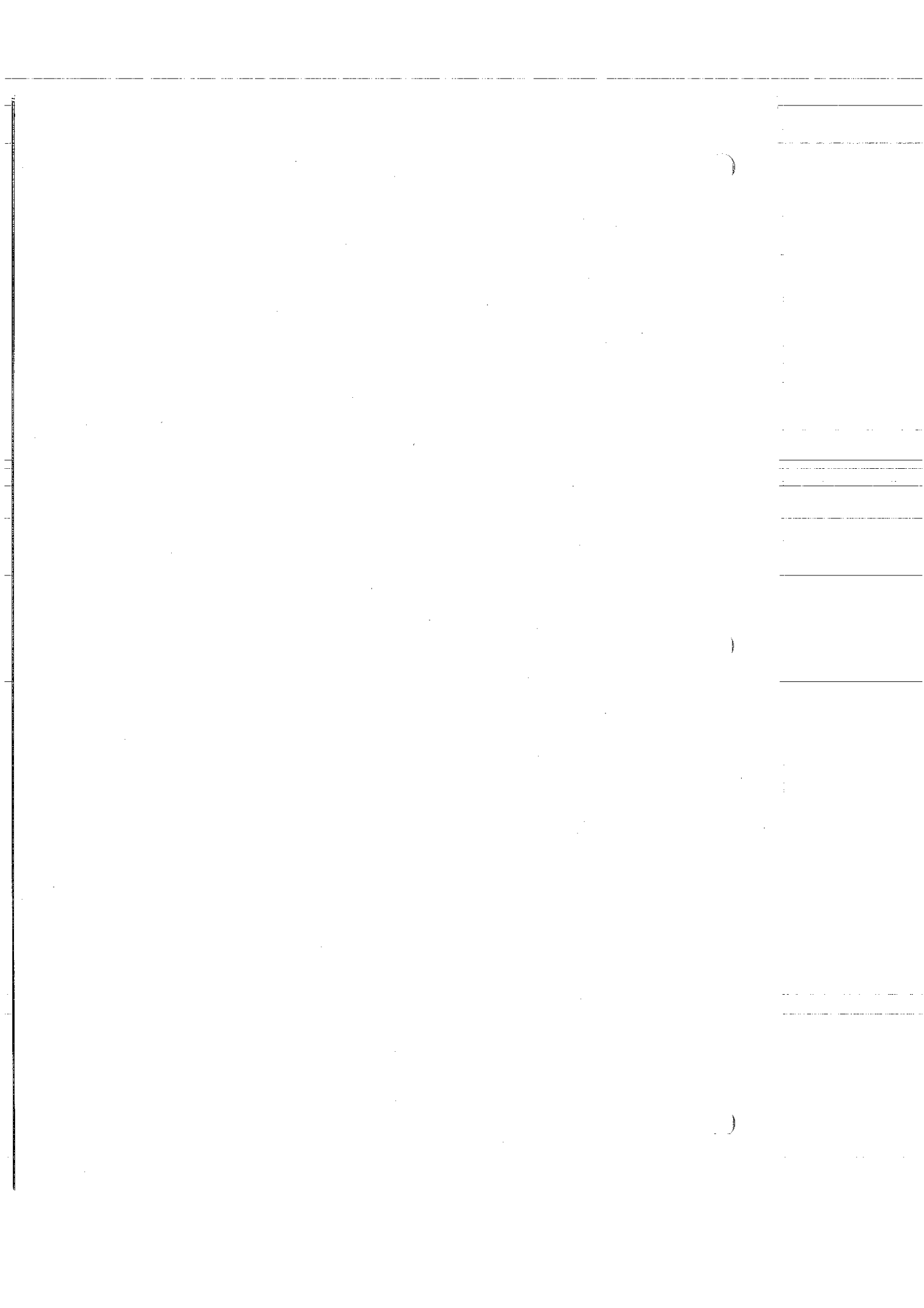
## MISCELLANEOUS CHARGES.

	K
1. Licence to carry on retail trade on a wharf	10.00 per annum
2. Licence to bring into and use machinery for hoisting and conveying goods on the Board's property	150.00 per annum
3. Licence to operate as stevedore at wharves under control of the Board per licence at each port as follows—	
Port Moresby, Lae, Madang, Rabaul	1 000.00 per annum
Kieta, Kimbe, Wewak	500.00 per annum
All other ports	100.00 per annum
4. Application for lease	10.00 per annum

*Harbours Board*

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- |  |                 |
|--|-----------------|
| 5. Permit to construct works below high water mark                                       | 50.00 per annum |
| 6. * * * *   |                 |
| 7. Licence for a commercial vehicle to enter a wharf area under the control of the Board | 20.00 per annum |



## K

8. Use of mooring sites per buoy or laid up at anchor as follows—	
(a) For pleasure craft—	
(i) 30m length and over	15.00 per annum
(ii) 20m and under 30m length	10.00 per annum
(iii) 10m and under 20m length	5.00 per annum
(iv) under 10m length	Nil
(b) For coastal commercial vessels	100.00 per annum
(c) For overseas vessels	1 000.00 per annum
9. Cleaning a wharf after departure of a vessel	100.00
10. Supply of fresh water to shipping	0.40 per 1 000 litres
11. Reservation for a Berth—	
(a) Cargo and Passenger Ships	200.00 on each occasion at Port Moresby, Lae, Rabaul, Madang and
	100.00 on each occasion at other ports
(b) Tankers	300.00 on each occasion
Each alteration to arrival times	40.00
12. * * * *	
13. Laying of pipelines and cables on bed of a harbour—	
(a) Department of Public Utilities or Government Bodies	100.00 per annum
(b) non Government Bodies	1.00 per m per annum
14. Personal pass to enter declared port	4.00 per annum
Replacement of personal pass	4.00
15. Office space rental, etc.	
Space per 0.09m <sup>2</sup>	4.00 per annum
Power outlet	40.00 per unit per annum
Air conditioner	600.00 per unit per annum
16. Open storage area rental per 0.09 m <sup>2</sup>	2.50 per annum
17. Cleaning of containers in port area	1.00 per unit
18. Mooring gang per vessel for each mooring and unmooring	20.00
19. Containers landed and reloaded on the same vessel without stuffing or unstuffing	10.00 per unit
20. Use of power point for mechanical equipment per hour or part of an hour	2.00
21. * * * *	
22. Hire of gangway per day or part of a day	20.00
23. Hire of Board's staff for overtime and special duties	Cost to Board plus 50%
24. Transport of cargo from transit shed to bonded warehouse or free store per tonne or part of a tonne	5.00
25. Licence to operate berthing tug	50.00 per annum
26. Licence to operate mooring boat	20.00 per annum
27. Fee for inspection under <i>Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws</i> Section 43.	20.00

(Replaced by No. 24 of 1976, s. 13, amended by No. 3 of 1981, s. 9.)



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

*Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws.*

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—

- "API Code 1102"
- "A.S. CA21"
- "A.S. CB20"
- "A.S. CB23"
- "approved"
- "approved chemist"
- "authorized officer"
- "away from"
- "B.S. 1435"
- "battened down"
- "cargo container"
- "Certificate of Test"
- "Class 1"
- "Class 2"
- "Class 5.1"
- "Class 5.2"
- "Class 7"
- "Classification Society"
- "the Code"
- "compartment"
- "competent authority"
- "container base"
- "container terminal"
- "correct technical name"
- "cylinder"
- "dangerous goods"
- "dry container"
- "dry dock"
- "fire"
- "fixed tank"
- "flashpoint"
- "gangway"
- "gas receptacle"
- "gas tanker"
- "handling"
- "hatchway"
- "hold"
- "in bulk"
- "inflammable liquid"
- "the Inter-Governmental Maritime Consultative Organization"

- "the International Code of Signals"
- "liquefied inflammable gas"
- "oil"
- "operational area"
- "owner"
- "package"
- "Packaging Group I"
- "Packaging Group II"
- "Packaging Group III"
- "permit"
- "person responsible for goods"
- "portable tank"
- "restricted area"
- "the Safety Convention"
- "separated by a complete compartment from"
- "separated completely from"
- "separated from"
- "tanker"
- "U.S.A.S. B31"
- "wharf"
- "wire gauze".

- 2. Application.
- 3. Marking, packing and stowing of dangerous goods.

PART II.—GENERAL REQUIREMENTS FOR VESSELS.

- 4. Permit to convey or handle dangerous goods.
- 5. Application for permit.
- 6. Conditions of permit.
- 7. Notification of damage.
- 8. Fire protection equipment.
- 9. Warning flags, lights and notice boards.
- 10. Persons in charge of wharf operations.
- 11. Provision of crew.
- 12. Vessels near vessels carrying dangerous goods.
- 13. Burning oil or combustible matter on board.
- 14. Cleaning of tanks.
- 15. Certificate of Test for tanks.
- 16. Precautions against injurious fumes and explosion in tanks.
- 17. Repairs to tanks which have contained dangerous goods.
- 18. Dry docking of vessels carrying dangerous goods.

PART III.—DANGEROUS GOODS OTHER THAN DANGEROUS GOODS  
IN BULK.

- 19. Application of Part III.
- 20. Handling at night.
- 21. Storage on wharves.
- 22. Precautions against fire on a vessel.
- 23. Smoking and means of ignition.
- 24. Handling of explosives.
- 25. Watchman.
- 26. Holds containing inflammable goods.
- 27. Inflammable goods in wooden vessels.



28. Oxidizing substances.
29. Separation of dangerous and toxic goods.

PART IV.—DANGEROUS GOODS IN CARGO CONTAINERS.

30. Identification of dangerous goods in containers.
31. Labels.
32. Approval of gas receptacles and portable tanks.
33. Limitation on quantities of dangerous goods.
34. Cargo containers at ordinary berths.
35. Fire protection at a container terminal or container base.
36. Substances prohibited at a container terminal.
37. Removal and unloading at a container terminal.
38. Retention of cargo containers at container terminal or container base.

PART V.—TANKERS AND VESSELS CONVEYING DANGEROUS GOODS IN BULK.

*Division 1.—General.*

39. Application of Part V.
40. Limitation on dangerous goods in bulk at wharves.
41. Approval for handling dangerous goods in fixed tanks.
42. Declaration as to dangerous goods in bulk.
43. Inspection fee.
44. Consent required to enter on wharves or vessels.
45. Wharf barricades.
46. Hours for handling.
47. Operation of pipelines.

*Division 2.—Oil and Inflammable Liquids and Gases in Bulk.*

48. Mooring of tankers.
49. Provision of steel hawsers.
50. Matches, smoking, etc.
51. Fire and lights on tankers and in the vicinity of pipelines.
52. Chipping, scraping and hammering.
53. Towing of vessels.
54. Mooring of small craft near tanks or pipelines.
55. Tanks for inflammable liquids.
56. Scuppers and deck openings.
57. Operation of pipeline.
58. Completion of pumping.

*Division 3.—Inflammable Gases in Bulk.*

59. Carriage of inflammable gases.
60. Supervision of pipelines.
61. Operation of pipelines.
62. Scuppers and deck openings.
63. Departure of vessels.

*Division 4.—Poisonous and Corrosive Liquids and Gases in Bulk.*

- 64. General Precautions.
- 65. Clearing of pipelines.
- 66. Operation of anhydrous ammonia pipelines.

**PART VI.—PIPELINES AND FLEXIBLE HOSE CONVEYING DANGEROUS GOODS.**

*Division 1.—General.*

- 67. Interpretation of Part VI—  
“inspector”.
- 68. Application of Part VI.
- 69. Liability of owners.
- 70. New pipelines.
- 71. Major repairs to pipelines.
- 72. Standards of pipelines.
- 73. Pipelines supported by wharves.
- 74. Pipelines to be above ground.
- 75. Protection of pipelines.
- 76. Pipelines laid underground.
- 77. Flexible hose.
- 78. Marking of pipelines, etc.
- 79. Inspection of pipelines.
- 80. Inspection of cathodic protection systems.
- 81. Inspection of valves and other appliances.
- 82. Renewal or repair of pipelines.

*Division 2.—Pipelines for Liquefied Inflammable Gases.*

- 83. Construction and maintenance.

*Division 3.—Pipelines for Anhydrous Ammonia.*

- 84. Construction and maintenance.

*Division 4.—Pipelines for Inflammable Liquid and Oil.*

- 85. Pipelines to be fitted with stop valves and non-return valves.
- 86. Rising spindle gate valves.
- 87. Bonding and earthing.
- 88. Insulating flanges.
- 89. Drip trays and drums.
- 90. Testing of pipelines.
- 91. Conditions relating to flexible hoses.
- 92. Testing of hoses.

*Division 5.—Pipelines for Corrosive Liquids.*

- 93. Construction and maintenance.

**SCHEDULES.**

**SCHEDULE 1.**

**FORM 1.—Application for Permit to Handle Dangerous Goods or Cargo Adjacent to Dangerous Goods.**

**FORM 2.—Dangerous Goods List.**

FORM 3.—Notification of Empty Tanks or Spaces having Previously Contained Dangerous Liquids or Gases in Bulk and not Certified Gas Free.

FORM 4.—Permit to Convey or Handle Dangerous Goods or Bulk Quantities of Oil.

FORM 5.—Form of Certificate of Test.

SCHEDULE 2.—Limitation of Class 5(a) Dangerous Goods Permitted to be on Board a Vessel at an Ordinary Berth.

SCHEDULE 3.—Limitation on Quantities of Dangerous Goods Permitted in Portable Tanks on Board a Vessel at an Ordinary Berth.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 240.

***Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws.***

MADE under the *Harbours Board Act*.

PART I.—PRELIMINARY.

1. Interpretation.

In these By-laws, unless the contrary intention appears—

“API Code 1102” means the current recommended pressures of pipe-line crossings under rail and road tracks published by the American Petroleum Institute;

“A.S. CA21” means the current Australian Standard CA21 published by the Standards Association of Australia;

“A.S. CB20” means the current Australian Standard CB20 published by the Standards Association of Australia;

“A.S. CB20” means the current Australian Standard CB23 published by the Standards Association of Australia;

“approved” means approved by the Board or by an officer of the Board;

“approved chemist” means a person who is an Associate of the Royal Australian Chemical Institute, or holds qualifications equivalent to those of an Associate, and who has special knowledge of hazardous substances, or any other person approved by the Board;

“authorized officer” means—

(a) the General Manager of the Harbours Board; or

(b) a Port Manager; or

(c) any other officer authorized by the Board for the purposes of these By-laws;

“away from”, in relation to goods stowed in a shed, means separated by a distance of not less than 4m;

“B.S. 1435” means the current British Standard B.S. 1435 published by the British Standards Institution;

“battened down” means and includes all methods of securely closing any hatchway to make the enclosed space gastight as far as practicable;

“cargo container” means a dry container, gas receptacle or portable tank, capable of being transferred from one medium of transport to another and includes such devices permanently attached to a vehicle;

“Certificate of Test” means a certificate in Form 5 given by an approved chemist in respect of a tank or other part of a vessel that has been carrying dangerous goods as cargo, that he has carried out tests for the presence of inflammable vapour or other dangerous goods and has found the space or spaces to be free from it or them;

- "Class 1" means the class of dangerous goods classified in the Code as Class 1;
- "Class 2" means the class of dangerous goods classified in the Code as Class 2;
- "Class 5.1" means the class of dangerous goods classified in the Code as Class 5.1;
- "Class 5.2" means the class of dangerous goods classified in the Code as Class 5.2;
- "Class 7" means the class of dangerous goods classified in the Code as Class 7;
- "Classification Society" means Lloyd's Register of Shipping or any other classification society recognized by Lloyd's Register of Shipping;
- "the Code" means the International Maritime Dangerous Goods Code relating to the carriage of dangerous goods by sea for the time being approved by the Maritime Safety Committee and published by the Inter-Governmental Maritime Consultative Organization;
- "compartment" means—
- (a) a lower hold; or
  - (b) a cargo space bounded by permanent bulkheads at each end and having decks with closed hatchways above and below; or
  - (c) an insulated chamber surrounded by steel bulkheads whether or not situated within a compartment referred to in Paragraph (a) or (b); or
  - (d) a deck house or mast house surrounded by steel bulkheads and effectively closed against the weather;
- "competent authority" in relation to a country means any national or international authority designated or otherwise recognized by the Board as such for any purpose in connexion with the sea carriage of dangerous goods;
- "container base" means an area separate from a container terminal, in which—
- (a) cargo containers may be packed or unpacked; and
  - (b) cargo containers are assembled before delivery to, or after receipt from, the container terminal;
- "container terminal" means a berth specially designated for the handling of cargo containers, in which cargo is handled mainly in cargo containers that are loaded onto or discharged from vessels specially designed or converted for the purpose;
- "correct technical name" means, in relation to any dangerous goods, the correct technical name assigned to those goods in the Code;
- "cylinder" means a receptacle specially constructed for the carriage of gas under pressure, the internal volume of which is capable of holding not less than 112 ml nor more than 680 kg of water;
- "dangerous goods" means all substances listed in the Code, unless exempted in writing by the Board and includes empty cargo containers or packages that have contained dangerous goods unless the cargo container or package has been effectively cleaned;
- "dry container" means a box larger than 1.1 m<sup>3</sup> used for transporting packages of cargo;
- "dry dock" includes a dry dock, graving dock or slip;
- "fire" means any kind of fire and means of ignition;

- "fixed tank" means a tank used for transporting liquids or gases that is permanently fixed to a vessel and includes a space built into the structure of a vessel;
- "flashpoint" means the flashpoint of an inflammable liquid as determined by the flashpoint test method set out in the Code;
- "gangway" means a thoroughfare between vessel and wharf;
- "gas receptacle" means a receptacle that—
- (a) is specially constructed for carriage of gas under pressure; and
  - (b) has an internal volume capable of holding more than 680 kg of water;
- "gas tanker" means a ship that—
- (a) is constructed or adapted for carrying gas in bulk; and
  - (b) is classified for this purpose by any Classification Society;
- "handling" in relation to dangerous goods or other cargo includes the loading, unloading, discharging, stacking, stowing or restowing of the dangerous goods or other cargo and any other operations incidental to or arising out of any such operations;
- "hatchway" means any hatchway or other opening into a hold not protected to prevent communication of fire;
- "hold" means a space contained between two permanent athwartship bulkheads;
- "in bulk", in relation to a fluid, means fluid—
- (a) kept or conveyed in receptacles or tanks of a capacity exceeding 0.4 m<sup>3</sup>; and
  - (b) intended to be transferred by pipeline or hose;
- "inflammable liquid" means any liquid having a flash point of not higher than 61°C;
- "the Inter-Governmental Maritime Consultative Organization" means the organization established under that name by the United Nations Organization;
- "the International Code of Signals" means the International Code of Signals adopted by the Inter-Governmental Maritime Consultative Organization;
- "liquefied inflammable gas" means an inflammable gas which has been liquefied by pressure or by cooling;
- "oil" means oil of any description having a flash point higher than 61°C;
- "operational area" includes—
- (a) a declared port or any vessel in the port; or
  - (b) a wharf, storage tank, or any property vested in or under the management or control of the Board;
- "owner" includes—
- (a) in relation to goods—
    - (i) the agent of the owner of the goods; and
    - (ii) any consignor, consignee, shipper or agent for the sale or custody, carriage, loading or unloading of the goods; and
    - (iii) the holder of any bill of lading or other document representing the goods; and
    - (iv) any person having or claiming any right, title or interest to or in the goods; and

(b) in relation to a vessel—

- (i) a charterer of the vessel; and
- (ii) the agent of the owner or charterer of the vessel; and
- (iii) the master of the vessel; and
- (iv) any person who, jointly or severally, whether at law or in equity, is entitled to any share or interest in the vessel,

and an agent of any of those persons;

“package” includes every means by which any goods may be cased, covered, enclosed, contained or packed, but does not include a cargo container;

“Packaging Group I” means the packaging group of dangerous goods specified in the Code as Packaging Group I, for the purpose of identifying the degree of danger associated with those goods;

“Packaging Group II” means the packaging group of dangerous goods specified in the Code as Packaging Group II, for the purpose of identifying the degree of danger associated with those goods;

“Packaging Group III” means the packaging group of dangerous goods specified in the Code as Packaging Group III, for the purpose of identifying the degree of danger associated with those goods; and

“permit” means a permit to convey or handle dangerous goods issued under Part II;

“person responsible for goods” means—

(a) the owner of the vessel, in relation to—

- (i) all goods on board the vessel; and
- (ii) all goods received at a wharf by him for shipment; and
- (iii) goods unshipped from the vessel onto a wharf until delivery has been taken by the owner of the goods; and
- (iv) dangerous goods in a pipeline or hose on the vessel side of the flange on board the vessel to which the shore pipeline or hose is connected for the purpose of transfer of those dangerous goods; and

(b) the owner of the goods, in relation to—

- (i) all goods delivered to a wharf until they have been received for shipment by the owner of the vessel; and
- (ii) all goods unshipped from a vessel after they have been received at a wharf by the owner of the goods; and
- (iii) dangerous goods in the pipeline or hose on the shore side of the flange on board the vessel to which the shore pipeline or hose is connected for the purpose of transfer of those dangerous goods; and
- (iv) any leakage that occurs at the flange on board the vessel to which the shore pipeline or hose is connected;

“portable tank” means a demountable tank with an internal volume in excess of 1.1 m<sup>3</sup> used for the transport of liquids, and includes tanks on vehicles;

“the Red Book” (*Repealed.*)



"restricted area" means that area required by an authorized officer to be enclosed by a barricade in accordance with Section 45;

"the Safety Convention" means the 1960 International Convention on Safety of Life at Sea;

"separated by a complete compartment from" in relation to goods stowed in a shed, means separated by a distance of not less than 30 m;

"separated completely from", in relation to goods stowed in a shed, means separated by a distance of not less than 30 m;

"separated from", in relation to goods stowed in a shed, means separated by a distance of not less than 12 m;

"tanker" means a vessel constructed or adapted for the carriage in bulk of substances in fluid form;

"U.S.A.S. B31" means the current United States of America Standard U.S.A.S. B31 published by the United States of America Standards Institute;

"wharf" includes—

(a) any wharf, quay, jetty, pier, landing place or stage, platform, slip, basin, siding, dock, wall or other place at which goods can be landed, loaded or unloaded; and

(b) all buildings and other erections on the wharf and the appurtenances of the wharf and its approaches;

"wire gauze" means a gauze made of copper, brass, stainless steel, or monel metal wire of not less than 0.36 mm diameter (28 Birmingham Wire Gauge) and having not less than 11 meshes to the centimetre.

(Amended by No. 26 of 1981, s. 1.)

## 2. Application.

Subject to Section 18, these By-laws do not apply to, or in relation to, dangerous goods forming part of the equipment or stores required for the navigation, safety or maintenance of a vessel.

## 3. Marking, packing and stowing of dangerous goods.

Dangerous goods shall be marked, packed and stowed in accordance with the requirements of the competent authority in the country of origin, unless otherwise permitted by an authorized officer.

## PART II.—GENERAL REQUIREMENTS FOR VESSELS.

### 4. Permit to convey or handle dangerous goods.

(1) Before—

(a) dangerous goods are loaded aboard or unloaded from a vessel or handled in any operational area; or

(b) any vessel carrying dangerous goods, whether as through cargo or not, berths at a wharf,

the owner of the vessel shall obtain a written permit to convey or handle dangerous goods from an authorized officer.

(2) Notwithstanding Subsection (1) a vessel which is—

- (a) a local ship as defined in the *Shipping Act*; and
- (b) carrying dangerous goods in conformity with the requirements of the *Navigation Act 1889*, of the former Territory of Papua (Adopted), or of the *Coastal Shipping, Ports and Harbours Regulations 1938*, of the former Territory of New Guinea (Adopted); and
- (c) is under 200 gross registered tons; and
- (d) is not intending to berth at a wharf under the jurisdiction of the Board,

does not require a permit.

#### 5. Application for a permit.

An application for a permit referred to in Section 4 shall be made by the owner of the vessel and shall—

- (a) be in Form 1; and
- (b) contain full and accurate particulars in Form 2 of the dangerous goods to be handled or conveyed in the operational area and shall include the correct technical name, the flash point and a statement of the quantities of each substance; and
- (c) be delivered to an authorized officer on a normal working day at least 24 hours before the proposed operation and at least before noon if the day on which the application is required is a Friday or a day before a public holiday; and
- (d) give the proper identification of any cargo container, including any dry container or gas receptacle or any portable tank; and
- (e) in the case of a vessel having empty tanks or spaces which previously contained in bulk inflammable or injurious liquid or gas, unless the tanks or spaces are certified gas-free—furnish full information in Form 3 on the location, nature and quantity of the inflammable or injurious liquid or gas previously carried.

#### 6. Conditions of permit.

(1) On receipt of an application, an authorized officer may issue a permit in Form 4 to the owner of the vessel and the permit shall be subject to—

- (a) the requirements of these By-laws; and
- (b) any other requirements or conditions specified in writing by the authorized officer; and
- (c) requirements prescribed in any other law.

(2) In respect of traffic inside a port, an authorized officer may issue a permit for a specified period.

(3) An authorized officer may at any time cancel a permit by giving written notice to the owner of the vessel to whom the permit was granted.

#### 7. Notification of damage.

(1) The person responsible for dangerous goods shall notify an authorized officer as soon as possible of any damage or deterioration of any package or cargo container containing the dangerous goods for which that person is responsible.

## (2) Where—

- (a) there is doubt as to the nature of a substance on a wharf or on a vessel and that substance is suspected of being dangerous goods; or
- (b) there is damage to or deterioration of a package or cargo container containing dangerous goods,

an authorized officer may, at the expense of the person responsible for the goods, consult an approved chemist to assist him in deciding on the action to be taken in respect of those goods.

(3) If required to do so by an authorized officer, the person responsible for the dangerous goods shall promptly remove any spilled dangerous goods and any damaged or deteriorated package or cargo container containing dangerous goods.

**8. Fire protection equipment.**

The owner of any vessel on which dangerous goods are conveyed or handled shall provide, and maintain in efficient condition ready for use, sufficient fire-extinguishers and any other fire protection equipment to the satisfaction of an authorized officer.

**9. Warning flags, lights and notice boards.**

The owner of a vessel which has on board dangerous goods, or which has had inflammable liquid or liquefied inflammable gas in tanks not since certified gas-free, on entering and while in the port, in addition to any navigation flags or lights required by any other law, shall—

- (a) display by day the International Code of Signals Flag "B"—
  - (i) if the vessel operates solely within a port of metal—of not less than 46 cm<sup>2</sup>; or
  - (ii) in any other case—of not less than 91 cm<sup>2</sup>; and
- (b) display by night an all round red light using an approved safety lamp, at the masthead or where it can best be seen, but not less than 6 m above the deck; and
- (c) display in conspicuous positions on the vessel and, when the vessel is tied up at any wharf, at the foot of all gangways, notice boards with the words "DANGER—NO SMOKING—NO NAKED LIGHTS" in red letters, not less than 15 cm high, on a white background, and by night the notice boards shall be illuminated by a white light which is an approved safety lamp.

**10. Persons in charge of wharf operations.**

(1) The owner of the vessel shall ensure that a competent person is in charge of the handling of dangerous goods on a wharf, and that a competent person is present at all times while dangerous goods are being handled.

(2) An authorized officer may require any person referred to in Subsection (1) who, in his opinion is unsatisfactory or unsuitable in any way, to be replaced promptly, and the handling of the dangerous goods shall cease until the replacement is effected to the satisfaction of an authorized officer.

**11. Provision of crew.**

The owner of a vessel shall provide for—

- (a) a responsible officer of the vessel to be on duty day and night to give effect to these By-laws; and
- (b) a competent member of the engine room staff to be available to operate fire pumps or other fire extinguishing apparatus; and
- (c) a sufficient number of crew members to assist adequately that officer and that engineer; and
- (d) in the case of tankers referred to in Part V., a sufficient staff of officers and men at all times to ensure the efficient carrying on of the work or, if so required, to remove the vessel.

**12. Vessels near vessels carrying dangerous goods.**

If any vessel is anchored, moored or berthed within 30 m of a vessel displaying Flag "B" or a red light in accordance with Section 9, the owner shall comply with such provisions of these By-laws relating to vessels conveying or handling dangerous goods as an authorized officer deems necessary.

**13. Burning oil or combustible matter on board.**

The owner of a vessel shall not permit the heating, boiling or burning of any pitch, tar, resin, inflammable liquid, oil, refuse, rubbish or other combustible matter, in or on the vessel unless the heating, boiling or burning of the substance has been permitted in such place and in such manner as may be approved in writing by an authorized officer.

**14. Cleaning of tanks.**

Where tanks that have previously contained dangerous goods are to be cleaned, prior to testing for the purpose of issuing a Certificate of Test—

- (a) cleaning shall not be commenced without the permission of an authorized officer; and
- (b) all tools used for the cleaning shall be of wood or of such other construction as may be approved by an authorized officer; and
- (c) all residual dangerous goods or any sludge or deposit in the tank shall be removed; and
- (d) any person entering the tank shall be provided with approved breathing apparatus consisting of a helmet or face-piece, fitted with connexions by means of which he can breathe uncontaminated air; and
- (e) the tank shall be thoroughly steamed by means of steam-jets or cleaned by any other method approved by the Board, for such period as will ensure the vaporization of all volatile dangerous goods; and
- (f) after the tank has been steamed or otherwise cleaned in accordance with Paragraph (e)—
  - (i) the cover of each manhole and of other openings in the tank shall be removed and the tank shall be thoroughly ventilated by mechanical or such other sufficient means as may be determined by the person in charge of the cleaning so as to ensure the removal of all vapour; and
  - (ii) if any deposit remains in the tank, the interior surfaces shall be washed or scraped down with a wooden or other approved tool; and

- (g) the person in charge of the cleaning shall ensure that a person who is employed in the cleaning of the tank—
  - (i) does not smoke in the tank; or
  - (ii) in the case of tanks which have contained inflammable liquids or gases—carry or take into the tank any matches or other articles that produce or are capable of producing any fire or spark.

**15. Certificate of Test for tanks.**

(1) Until a Certificate of Test in Form 5 has been issued to the owner of the vessel by an approved chemist, the tanks on the vessel shall be deemed to contain dangerous goods.

(2) Every Certificate of Test, or a copy of it, shall be posted in a conspicuous place adjacent to the tank or space tested.

**16. Precautions against injurious fumes and explosion in tanks.**

Until any tank which has contained dangerous goods has been cleaned and a Certificate of Test showing safe conditions has been obtained, a person shall not—

- (a) enter the tank, other than for the purpose of testing the atmosphere or for cleaning the tank; and
- (b) where the tank has contained inflammable liquids or inflammable gases—bring near to or take into the tank a naked light, fire or lamp, other than an approved electric lamp, or any apparatus for producing or capable of producing a light or spark.

**17. Repairs to tanks which have contained dangerous goods.**

(1) Repair work shall not be commenced on or in any tank which has contained dangerous goods until—

- (a) the approval of an authorized officer has been obtained; and
- (b) a Certificate of Test has been obtained which discloses that the tank tested is, as far as can be ascertained, free from explosive, inflammable or injurious fumes; and
- (c) the Certificate of Test has been endorsed by the person who made the tests to the effect that, provided any precautions specified in the endorsement are observed, the repairs contemplated can be commenced or continued without danger to life or to the vessel.

(2) If, during the course of the repair work, any pipe or joint in the tank is broken or there is any other risk of any dangerous goods, liquid or vapour entering the tank, the owner of the vessel shall cause work in the tank to be stopped until he has obtained a further Certificate of Test disclosing that the tank is free from explosive, inflammable or injurious fumes.

(3) A fresh Certificate of Test indicating that the tank is free from explosive, inflammable or injurious fumes shall be obtained daily before any work is commenced in the tank, and shall apply for such time as the approved chemist may specify.

**18. Dry docking of vessels carrying dangerous goods.**

Notwithstanding Section 2, a vessel which has dangerous goods on board as cargo or as fuel shall not be permitted to enter a dry dock unless the permission of an authorized officer has been obtained to do so and the permission may be granted subject to conditions.

PART III.—DANGEROUS GOODS OTHER THAN DANGEROUS GOODS IN BULK.

**19. Application of Part III.**

This Part does not apply to the handling of dangerous goods in bulk.

**20. Handling at night.**

(1) Dangerous goods shall not be handled between the hours of sunset and sunrise, unless an authorized officer has given permission and endorsed the permit accordingly.

(2) General cargo shall not be handled between the hours of sunset and sunrise on any vessel on which there are dangerous goods unless an application for this purpose has been made to an authorized officer and the permit has been endorsed with approval to handle general cargo at night subject to any conditions specified.

**21. Storage on wharves.**

(1) Dangerous goods of Packaging Group I, Class 1 and Class 7 shall not be stored on any wharf.

(2) Dangerous goods of Packaging Group II, Packaging Group III and Class 2 shall not be stored on a wharf unless the approval of an authorized officer has been obtained.

(3) Whenever dangerous goods are on any wharf contrary to these By-laws, an authorized officer may order the person responsible for the goods to remove them promptly.

(4) In the event of failure to comply with Subsection (3) an authorized officer may remove the dangerous goods and may recover from the person responsible for the goods costs incurred in their removal.

*(Amended by No. 26 of 1981, s. 2.)*

**22. Precautions against fire on a vessel.**

Before inflammable goods are handled on a vessel, the owner of the vessel shall ensure that all matches and other means of ignition are collected from members of the crew and from other persons who are on the vessel.

**23. Smoking and means of ignition.**

A person shall not—

- (a) bring any matches or other means of making a fire; or
- (b) use any tool or equipment capable of creating a spark or flames; or
- (c) smoke,

aboard a vessel or on a wharf where dangerous goods are being handled, except that persons may smoke or carry out maintenance in places approved for that purpose by an authorized officer.

**24. Handling of explosives.**

All explosives shall be handled in accordance with these By-laws, with the exception of explosives handled under the supervision of the Defence Force.

**25. Watchman.**

The owner of a vessel with inflammable goods on board shall cause a watchman to be stationed at each gangway leading to the vessel—

- (a) to prevent smoking by any person; and

- (b) to prevent access to the vessel by unauthorized persons; and
- (c) to warn all persons that inflammable goods are being handled on the vessel.

**26. Holds containing inflammable goods.**

(1) All holds containing inflammable liquids or inflammable gases shall be thoroughly ventilated before and during the time the inflammable liquids or gases are being unloaded.

(2) All holds from which inflammable liquids or inflammable gases have been unloaded shall be thoroughly ventilated.

(3) In the case of spillage of inflammable liquids, the bilges shall be carefully cleaned by removing liquids by hand pumps or suitable wooden bailers and by swabbing, and shall be kept suitably ventilated.

(4) Fire or unauthorized lights shall not be permitted at or near holds containing or which have contained inflammable goods until a Certificate of Test and approval of an authorized officer have been obtained.

(5) All inflammable goods loaded on the vessel shall be properly and securely stowed to the satisfaction of an authorized officer.

(6) Proper and efficient ventilation for the place of stowage of inflammable liquids and inflammable gases shall be provided and when required—

- (a) inlet ventilators passing through the deck and terminating just below the deck; and
- (b) outlet ventilators extending to within 15 cm of the bottom of the hold from above the upper deck,

shall be fixed and all ventilators shall be covered with wire gauze.

(7) Holds, after inflammable goods have been stowed in them, shall be securely battened down.

(8) Sufficient hatch coverings and other coverings, as may be required by an authorized officer, shall be provided.

(9) All holds which contain or have recently contained inflammable liquids or inflammable gases shall be closed gas-tight as far as practicable unless goods are being handled in the holds, or the holds are being cleaned or ventilated.

**27. Inflammable goods in wooden vessels.**

Inflammable goods shall not be carried in a wooden vessel except that a limited quantity may be carried on the weather deck provided that the goods are stowed at a safe distance from the galley, crew's quarters and openings leading into machinery or boiler spaces, as approved by an authorized officer.

**28. Oxidizing substances.**

(1) Except with the permission of an authorized officer, no quantity of oxidizing substances Class 5(a) or Class 5(b) shall be placed on any wharf greater than can be handled in a period of one hour with the means of transport available.

(2) Except as provided in Subsections (3) and (4), the total quantity of oxidizing substances Class 5(a) permitted on board a vessel or handled at an ordinary berth shall not exceed the weights specified in Schedule 2, and the total quantity of oxidizing substances Class 5(b) permitted on board a vessel or handled at an ordinary berth shall be as specified by an authorized officer.

(3) Notwithstanding Subsection (2), a quantity not exceeding 2 000 000 kg of ammonium nitrate containing not more than 0.2% combustible matter (including organic matter calculated as carbon) may be handled and conveyed on a vessel at an isolated berth specially designated by an authorized officer and the ammonium nitrate shall be stowed in the vessel in accordance with—

- (a) the requirements specified in the Red Book for the stowing and packing of ammonium nitrate; and
- (b) such special conditions (if any) as are specified by an authorized officer.

(4) Notwithstanding Subsections (2) and (3) a quantity not exceeding 150 000 kg of ammonium nitrate containing not more than 0.2% combustible matter (including organic matter calculated as carbon) and packed in bags may be conveyed in a vessel as through cargo at an ordinary berth in accordance with the following conditions :—

- (a) the hold in which the ammonium nitrate is stowed remains closed so long as the vessel is in port; and
- (b) any special conditions that may be specified by an authorized officer are observed.

#### 29. Separation of dangerous and toxic goods.

(1) All dangerous goods which are designated in the Red Book as being of a toxic nature shall be separated from foodstuffs and empty containers intended for foodstuffs.

(2) Dangerous goods of one classification which are permitted to be stored in areas under the jurisdiction of the Board shall be separated from dangerous goods of any other classification.

#### PART IV.—DANGEROUS GOODS IN CARGO CONTAINERS.

#### 30. Identification of dangerous goods in containers.

Cargo containers in which dangerous goods are carried shall be identified by appropriate reference in the application for a permit, and all goods carried in cargo containers shall be notified in the manner specified in Section 5.

#### 31. Labels.

(1) Cargo containers carrying dangerous goods shall be marked with two sets of the appropriate standard dangerous goods labels as illustrated in the Code, one set of the labels to be affixed on each side of the container. (*Amended by No. 26 of 1981, s. 3.*)

(2) Each set of labels shall comprise one label representing the principal hazard of the substance or substances carried in the cargo container, and, if appropriate, an additional label for each secondary hazard.

(3) Each individual dangerous goods package stowed within the container shall bear a set of the appropriate labels, except where all of the packages would bear the same set of labels.

#### 32. Approval of gas receptacles and portable tanks.

Unless otherwise permitted by an authorized officer, a vessel shall not be permitted to berth at a wharf whilst carrying dangerous goods in gas receptacles or portable tanks unless—

- (a) the receptacle or tank has been approved for carriage in vessels by the competent authority in the country or state of origin, if the country or state



is a member government of the Inter-Governmental Maritime Consultative Organization; and

- (b) the application for a permit has been endorsed accordingly by the owner; and
- (c) permission of an authorized officer for the handling of such receptacles or tanks has been received.

**33. Limitation on quantities of dangerous goods.**

The person responsible for dangerous goods in cargo containers shall not permit those dangerous goods to be on board a vessel or on a wharf in quantities in excess of the amounts specified in Schedules 2 and 3.

**34. Cargo containers at ordinary berths.**

Where cargo containers containing dangerous goods are being handled at an ordinary berth—

- (a) a person, other than persons engaged in handling the containers, shall not approach within 15 m of them; and
- (b) cargo shall not be worked over or within 15 m of the containers, unless the special permission of an authorized officer has been first obtained; and
- (c) unless the contrary intention appears—they shall be handled in accordance with the requirements related to their contents as specified in Part III.

**35. Fire protection at a container terminal or container base.**

The owner, occupier or lessee of a container terminal or container base shall provide fire protection and emergency equipment and arrange personnel training for the protection of the terminal or base to the satisfaction of the Board, having regard to the nature of the dangerous goods being or likely to be handled.

**36. Substances prohibited at a container terminal.**

Dangerous goods of Packaging Group I, Class 1 and Class 7 shall not be handled at a container terminal.

*(Amended by No. 26 of 1981, s. 4.)*

**37. Removal and unloading at a container terminal.**

Where cargo containers holding—

- (a) dangerous goods specified in the Code as permitted on cargo vessels as “deck stowage only”; or
- (b) ammonium nitrate and all chlorates; or
- (c) organic peroxides, Class 5.2,

are handled at a container terminal, the cargo containers shall be removed from the terminal area promptly on unloading or shall be loaded on board the vessel promptly after arrival at the terminal.

*(Amended by No. 26 of 1981, s. 5.)*

**38. Retention of cargo containers at container terminal or container base.**

(1) Notwithstanding Section 37, cargo containers holding dangerous goods—

- (a) intended for transshipment; or

(b) discharged from or to be loaded onto vessels during weekends or public holidays; or

(c) to be packed or unpacked at a container base,

may be held in a section of a container terminal or container base specially set aside for this purpose, provided that the permission of an authorized officer has been given in writing and subject to such terms and conditions as may be specified.

(2) Where cargo containers holding dangerous goods are kept at a container terminal or container base in accordance with Subsection (1), the containers shall be segregated in the stacks at the terminal or base in a similar manner to that required on the container vessel.

#### PART V.—TANKERS AND VESSELS CONVEYING DANGEROUS GOODS IN BULK.

##### *Division 1.—General.*

#### 39. Application of Part V.

This Part applies to the handling of dangerous goods carried in tankers in bulk, in deep tanks or tanks fitted to a vessel, and to any vessels taking on oil bunkers.

#### 40. Limitation on dangerous goods in bulk at wharves.

Dangerous goods in bulk shall be handled at a wharf only as approved by an authorized officer.

#### 41. Approval for handling dangerous goods in fixed tanks.

Dangerous goods shall not be carried in any fixed tank on a vessel at a berth unless—

(a) the vessel possesses a notation from a Classification Society or a valid certificate of survey issued by the government of the country of registry of the vessel or by an authority on behalf of that government as being a vessel suitable for the carriage of the particular substance, provided that the government concerned is a signatory to the Safety Convention; and

(b) the application for permit has been endorsed accordingly by the owner of the vessel.

#### 42. Declaration as to dangerous goods in bulk.

The owner of a vessel having dangerous goods in bulk on board shall sign a declaration before berthing that to the best of his knowledge and belief the vessel is free from hull, tank and container leakages, and the declaration shall be delivered to an authorized officer before the vessel berths.

#### 43. Inspection fee.

An inspection fee as prescribed in Part IX of the *Harbours Board (General) By-Laws*, shall be paid, when required, to the Board in respect of any vessel on which dangerous goods in bulk exceeding 500 000 kg are conveyed or handled.

#### 44. Consent required to enter on wharves or vessels.

(1) A person other than—

(a) a member of the crew; or

(b) a person engaged in handling operations of the vessel; or

(c) a person authorized by an authorized officer,

shall not enter on a wharf at which a vessel carrying dangerous goods in bulk is berthed, unless he first obtains the written consent of an authorized officer in the case of a wharf owned by the Board or of the owner of the wharf in any other case.

(2) A person other than—

- (a) a member of the crew; or
- (b) a person engaged in handling operations of the vessel; or
- (c) a person authorized by an authorized officer,

shall not go aboard a vessel carrying inflammable liquids or gases in bulk, unless he first obtains the written consent of the owner of the vessel.

**45. Wharf barricades.**

Dangerous goods in bulk shall not be handled, at a wharf until—

- (a) a barricade sufficient to prevent access by any unauthorized person to the restricted area and the connexions of pipeline hoses has been erected to the satisfaction of an authorized officer; and
- (b) a watchman is stationed at each opening of the barricade—
  - (i) to prevent the entrance of any unauthorized person or vehicle; and
  - (ii) to take any precautions which are appropriate for the goods being handled.

**46. Hours for handling.**

(1) Dangerous goods in bulk shall not be handled at a wharf between the hours of sunset and sunrise unless an authorized officer has given permission and endorsed the permit accordingly, and such permission is subject to Subsection (3).

(2) Unless otherwise authorized in writing by an authorized officer, and subject to Subsection (3)—

- (a) pipelines, hoses, valves and other applicances shall be coupled up, and pumping shall be commenced, during the hours of daylight up to one hour before sunset; and
- (b) those pipelines, hoses, valves and other appliances shall not be uncoupled or otherwise interfered with except during the hours of daylight; and
- (c) adequate lighting of an approved type shall be provided to the satisfaction of an authorized officer.

(3) Any exemption granted under Subsection (1) or (2) shall be subject to the operations exempted being carried out in the presence, and under the supervision, of a representative of the Board, except that, in the handling of an ignitable liquid with a flashpoint above 61°C or a non-inflammable liquid, written permission may, at the discretion of an authorized officer, be considered adequate.

**47. Operation of pipelines.**

(1) The permission of an authorized officer shall be obtained on each occasion in respect of each particular vessel before pumping operations commence and any additions to conditions stipulated shall be observed.

(2) During pumping operations, pipelines shall be regularly patrolled throughout their full length so that any leakage may be detected, and in the case of pipelines carrying heated or cooled products, the patrol shall include inspection or observation of devices designed to

warn against too high or too low a temperature being reached or against excessive thermal expansion or contraction of the pipeline occurring which may lead to pipeline fracture.

(3) Substances which are heated above or cooled below ambient temperature shall not be pumped through any pipeline or flexible hose not designed and constructed for use at the temperature required in accordance with Subsection (2).

(4) During the whole period of pumping operations, the terminal valves on the wharf and the control valves on the vessel shall be attended by competent persons who shall close the valves if it appears that there are circumstances likely to cause danger.

(5) Any circumstances likely to cause danger shall be promptly reported to an authorized officer and a written report shall be furnished to the Port Manager within 24 hours.

(6) If an authorized officer considers it necessary, operations shall be discontinued.

*Division 2.—Oil and Inflammable Liquids and Gases in Bulk.*

**48. Mooring of tankers.**

(1) Wire mooring ropes shall not be used in the mooring of tankers conveying oil or inflammable liquids or gases, provided that, subject to the consent of an authorized officer, this subsection need not apply to wire ropes which are —

(a) attached to automatic tensioning winches and led overboard through leads fitted with suitable sheaves or rollers; and

(b) fitted at the outboard end with rope tails of vegetable or synthetic fibre.

(2) While a tanker is berthed, a suitable axe for cutting the mooring lines in case of need shall be provided by the vessel and kept readily available on the wharf.

**49. Provision of steel hawsers.**

On the berthing of a vessel carrying oil or inflammable liquids or gases in bulk, steel wire hawsers of sufficient strength to enable the vessel to be hauled away from the wharf shall be placed over the fore and aft ends of the vessel, and the hawsers shall remain during the whole of the time the vessel is alongside the wharf and shall be tended and adjusted to meet changes in the draft of the vessel.

**50. Matches, smoking, etc.**

(1) Where oil or inflammable liquids or gases in bulk are being handled, the watchman at the barricade erected in accordance with Section 45 shall take charge of matches and all other means of making a fire or light from all persons entering the barricade.

(2) A person shall not smoke in or on any vessel during the handling of oil or inflammable liquids or gases, except in a location approved by an authorized officer.

(3) A person shall not smoke within 30 m of any pipeline (other than a buried pipeline) or any tank containing oil or inflammable liquids or gases, whether on a vessel or on any property of the Board, or in a restricted area except in a location approved by an authorized officer.

**51. Fire and lights on tankers and in the vicinity of pipelines.**

A person shall not, except with the permission of an authorized officer—

(a) use any electrical equipment including lights, telephones, heaters or stoves, within 30 m of any tank pipeline connexion or hose containing inflammable liquid or gas, whether on a vessel or on any property under the jurisdiction of

the Board, except that approved electric lamps, approved electric lights and electrical equipment designed, constructed and maintained so as to be incapable of igniting inflammable vapour may be used; or

- (b) bring any internal combustion engine, including any motor vehicle driven by an internal combustion engine into a restricted area or within 30 m of any tank or pipeline connexion or hose containing inflammable liquid or gas whether on a vessel or on any property of the Board; or
- (c) bring, cause or use any fire, naked flame or spark or use any tool or equipment capable of creating any fire, naked flame or spark, including the use of oxy-acetylene or electric cutting or welding apparatus into a restricted area or within 30 m of any tank or pipeline connexion or hose containing inflammable liquid or gas whether on a vessel or on any property of the Board; or
- (d) use boiler fires for the purpose of supplying power for handling cargo and for heating galley appliances on or in the vicinity of any vessel carrying inflammable liquids or gases unless an authorized officer is satisfied that the construction of the vessel and the situation of the fires are such that there is no hazard.

#### 52. Chipping, scraping and hammering.

(1) Except with the written permission of an authorized officer the owner of a vessel shall not cause or permit any chipping, scraping or hammering of iron or steel on the vessel while—

- (a) a tank which contains or which has recently contain any inflammable liquid or gas is open; or
- (b) there is any inflammable liquid or gas on deck; or
- (c) any of that liquid or gas is being loaded or unloaded.

(2) The owner of a vessel shall not cause or permit any iron or steel hammer or other instrument that produces or is capable of producing a spark to be used for the purpose of opening or closing a hatch, tank lid, or pumping line containing inflammable liquid or gas.

#### 53. Towing of vessels.

(1) A vessel (other than a self-propelled vessel) carrying oil or inflammable liquids or gases in bulk shall not be navigated except in tow of, or when attended by, an efficient tug and not more than two such vessels shall be towed together at any one time.

(2) A vessel carrying oil or inflammable liquids or gases in bulk shall not be towed alongside a tug without the consent of an authorized officer.

#### 54. Mooring of small craft near tanks or pipelines.

Tugs, launches, barges, boats or other small craft shall not moor alongside or be in the vicinity of any vessel or pipeline containing inflammable liquids or gases when pumping operations are being carried out, except with the permission of an authorized officer.

#### 55. Tanks for inflammable liquids.

Where tanks or compartments are used for conveying inflammable liquids—

- (a) the tank shall be efficiently screened from any engine on the vessel by a fire-resisting shield placed not less than 15 cm from the tank and carried up above the tank and down below it, and the exhaust of the engine shall be

wholly in front of this shield if the engine is in front of the tank, or wholly behind this shield if the engine is behind the tank; and

- (b) all pressure and vacuum relief valves shall be effectively protected by wire gauze; and
- (c) effective earthing shall be provided to prevent accumulation of static electricity; and
- (d) the bottom end of each fill pipe shall be carried down to near the bottom of the tank to form a liquid seal; and
- (e) all fill pipes and dip pipes and other openings of a tank shall be fitted with screwcaps, bolted covers or other means of closing gas-tight at all times when those fill pipes or dip pipes are not in use for filling or dipping, and there shall be no opening of any kind in the walls of any fill pipe capable of communicating with the gases or vapours in the tank, and where perforations are made in the dip pipe, all such openings shall be covered with wire gauze; and
- (f) vent pipes on all tanks shall be properly protected at the outlets by wire gauze and those outlets shall not be less than 3.5 m above deck and shall be made weatherproof; and
- (g) no tank shall be filled with inflammable liquid to more than 95% of its capacity and a mark indicating the level at which 96% of its capacity will be so occupied shall be permanently fixed in the tank so as to be readily visible.

#### 56. Scuppers and deck openings.

All scuppers and overside deck openings on vessels carrying or handling oil or inflammable liquids in bulk shall be effectively plugged before pumping commences, whether for loading or unloading of the vessel or for transferring between tanks.

#### 57. Operation of pipeline.

(1) Unless otherwise permitted by an authorized officer the velocity of the liquid in the pipelines shall not be greater than 1 m per second—

- (a) at the commencement of pumping and after each change of grade of liquid at which water clearance is employed, for a period of 30 minutes or for sufficient time to clear the pipe twice, whichever is the longer; and
- (b) when pumping into empty tanks, until the fill pipe is covered or until the roof of a floating roof tank is afloat,

and where the bore of the pipeline varies, the limiting rate shall be applied to the section having the smallest bore.

(2) Flexible hose including hose used for oil shall—

- (a) be handled and operated in accordance with B.S. 1435; and
- (b) not be worked at a pressure exceeding 80% of the marked factory test pressure; and
- (c) be supported and protected against kinking and chafing by means approved by an authorized officer.

(3) Where a non-return valve is by-passed in accordance with Section 85, the rising spindle valve shall be kept closed and locked except when the pipeline is to be cleared of its contents or back loading is taking place or operations are such as to require insertion of a product separation device.

(4) When pumping operations cease temporarily, valves on the vessel and on the shore pipeline shall be closed.

(5) Pipeline connexions shall be electrically bonded before flexible hoses are connected and the bonding shall not be broken before flexible hoses are disconnected.

**58. Completion of pumping.**

(1) On the completion of pumping, pipelines shall be thoroughly freed from inflammable liquid with water and shall be kept full of water unless otherwise approved by an authorized officer, and the hose shall be disconnected from the pipeline.

(2) Notwithstanding Subsection (1), an authorized officer may grant permission to leave inflammable liquid in underwater pipelines subject to any conditions that may be imposed.

(3) Except with the approval of an authorized officer, oil pipelines shall be cleared of oil from the point of loading or discharge to the non-return valve (if any) at the shore end of the wharf.

*Division 3.—Inflammable Gases in Bulk.*

**59. Carriage of inflammable gases.**

Inflammable gases in bulk shall not be carried in any vessel in a port except in a gas tanker or in a vessel which has been approved for the purpose by an authorized officer.

**60. Supervision of pipelines.**

All pipelines and all transfer pipes or hoses of vessels shall be kept under constant supervision while rigged for transfer operations of inflammable gases in bulk.

**61. Operation of pipelines.**

(1) During pumping of inflammable gases, pipelines shall be regularly patrolled throughout their full length so that any leakage may be detected and in the case of pipelines carrying heated or cooled products, that patrolling shall include inspection or observation of devices designed to warn against too high or too low a temperature being reached or against excessive thermal expansion or contraction of the pipeline occurring which may lead to pipeline fracture.

(2) All ships' tanks and pipelines containing inflammable gases shall be maintained under a positive pressure and air shall be prevented at all times from entering those tanks or pipelines.

(3) Valves of tanks containing inflammable gases in bulk shall be closed immediately when pumping ceases and every transfer pipeline on the vessel and on shore shall be disconnected and blanked off.

(4) If any fault needing repair occurs in the pipeline or connexions during the handling of inflammable gas, or if continuous transfer is interrupted in any way, all pumping or transfer operations shall be stopped until adequate safety measures have been taken.

**62. Scuppers and deck openings.**

All wharf drain holes and pipes, ships' scuppers and pipes and other vents which may permit liquefied gases to escape to the water during an accident shall be opened before starting to handle inflammable gases, and shall be kept open for the whole period of operations.

**63. Departure of vessels.**

Every vessel carrying inflammable gases in bulk shall leave port without undue delay after loading or discharging, except that the vessel may remain for the purpose of taking on board bunkers, stores or ballast, or for such other purposes as may be specifically approved on each occasion by an authorized officer.

*Division 4.—Poisonous and Corrosive Liquids and Gases in Bulk.***64. General Precautions.**

During the loading and unloading of any poisonous or corrosive liquids or gases in bulk—

- (a) while the tanker is tied up at any wharf, a notice board shall be placed at the foot of the gangway with the words "KEEP AWAY—POISONS (or CORROSIVES, as the case may be) BEING HANDLED" in red letters not less than 15 cm high on a white background; and
- (b) at night the notice board shall be illuminated by a white light, which is an approved safety lamp; and
- (c) if any spillage occurs, an authorized officer shall be informed, all persons in the affected area shall be warned and the spilled substance shall be removed or treated so as to obviate any danger; and
- (d) all special precautions relating to the particular commodity being handled shall be observed whether prescribed by law or not; and
- (e) not less than three sets of protective clothing approved by an authorized officer shall be kept remote from the pumping area, but readily accessible in an emergency; and
- (f) a safety shower or tub, which may be portable, shall be kept remote from the pumping area but readily accessible in an emergency when any handling operation is being carried out.

**65. Clearing of pipelines.**

On termination of transfer of any poisonous or corrosive liquids or gases, the section of the pipeline from the shore to the end of the wharf shall be cleared unless prior permission of an authorized officer has been obtained.

**66. Operation of anhydrous ammonia pipelines.**

In addition to the general provisions of Sections 64 and 65, the following special provisions apply to the operation of pipelines used for the transfer of anhydrous ammonia :—

- (a) pipelines shall be operated generally in accordance with the relevant sections of A.S. CB23; and
- (b) not less than three sets of self-contained breathing apparatus of compressed air or oxygen type approved by an authorized officer and not less than three protective suits approved by an authorized officer shall be kept remote from the pumping area but readily accessible in an emergency; and
- (c) all operating personnel shall carry approved cannister type respirators; and
- (d) release of gas, when necessary for operation of the pipeline, shall be into water to minimize atmospheric contamination; and



- (e) when the concentration of ammonia exceeds 100 parts per 1 000 000 at a distance greater than 3 m from the vessel or connexions, an authorized officer shall direct that the handling cease until the concentration is satisfactorily reduced.

**PART VI.—PIPELINES AND FLEXIBLE HOSE CONVEYING DANGEROUS GOODS.**

*Division 1.—General.*

**67. Interpretation of Part VI.**

In this Part, "inspector" means any person or class of persons whom the Board considers qualified to carry out the required tests and inspections, and includes inspectors authorized by the Secretary, Department of Labour and Industry, to perform those tests and inspections.

**68. Application of Part VI.**

This Part applies to the use of pipelines and flexible hoses used for the handling of dangerous goods, whether between any vessel and a shore installation or on any property under the jurisdiction of the Board.

**69. Liability of owners.**

Unless the contrary intention appears, the owner of the pipelines, valves, hoses or other appliances shall be responsible for compliance with this Part.

**70. New pipelines.**

Proposals for the installation of new pipelines shall be submitted to the Board, together with all relevant details, and approval must be obtained before installation commences.

**71. Major repairs to pipelines.**

Where an existing pipeline is to be relaid or renewed or any major repairs are to be effected, including any repairs or alterations involving the use of electric welding apparatus or oxygen and acetylene welding or cutting apparatus, the pipeline shall be classified as a new pipeline for the purposes of this Part.

**72. Standards of pipelines.**

The construction and testing of every pipeline shall be in accordance with the requirements of U.S.A.S. B31 or of any other Code approved by the Board.

**73. Pipelines supported by wharves.**

(1) Where a pipeline is supported by a wharf, adequate provision shall be made for expansion, movement and anchorage.

(2) Access openings with covers shall be provided for any valves and outlets in pipelines placed below the deck of a wharf, unless otherwise agreed by the Board.

(3) The seaward end of the pipeline and hose connected to it shall be made liquid tight by fitting with blank flanges secured and fastened with at least four bolts, or with screwed caps.

**74. Pipelines to be above ground.**

Pipelines not situated on wharves shall be laid above ground wherever possible and shall be properly supported at a height of not less than 15 cm above the ground, but shall not rest directly on wood.

**75. Protection of pipelines.**

Pipelines shall receive adequate protection against corrosion or other injury, and where required by the Board, an approved cathodic protection system shall be provided.

**76. Pipelines laid underground.**

(1) Pipelines laid under rail tracks, roads, streets or where subjects to heavy loading shall be installed in accordance with API Code 1102 or in accordance with other methods of sleeving or culverting approved by the Board.

(2) Pipelines, other than pipelines referred to in Subsection (1), which are laid underground, the surface of which is subject to vehicular traffic, shall have at least 60 cm of cover over the pipeline, and proper access pits, with covers, shall be provided for valves.

**77. Flexible hose.**

Flexible hose shall be approved by the Board.

**78. Marking of pipelines, etc.**

Pipelines, hoses and control valves shall be marked as required by the Board.

**79. Inspection of pipelines.**

(1) Pipelines and fittings shall be inspected each time before use in loading or discharge and shall be tested to a pressure 25% in excess of maximum operating pressure not less than every three months by an inspector, and the owner shall keep a record of the tests and make that record available to the Board.

(2) A submarine pipeline shall be inspected not less than once each year by an inspector over its complete underwater length to ensure—

- (a) that the pipeline has not been displaced by wave or current action or by being dragged during ships use; and
- (b) that damage by rocks or any excessive corrosion is not occurring; and
- (c) that a buried pipeline has not been uncovered; and
- (d) that current or tidal action has not undermined the pipeline so as to leave any section unsupported.

(3) The owner of an underground pipeline shall cause the pipeline to be tested and inspected by an inspector as required by the Board, and the inspections shall be made—

- (a) in the case of the initial inspection—not later than 10 years from the date of installation; and
- (b) in every other case—not less than once every year.

(4) The owner of a pipeline shall, immediately after an inspection has been made in accordance with this section, forward to the Port Manager a certificate signed by the inspector stating—

- (a) whether or not the pipeline is in good order and condition; and
- (b) whether the inspection was made on visual examination, pressure test or thickness measurements.

**80. Inspection of cathodic protection systems.**

Pipelines to which approved cathodic protection is fitted may at the discretion of the Board remain covered, provided that the system is checked throughout the length of the pipeline not less than once every year and the checks indicate that the system is still effective and has been effectively maintained throughout the lifetime of the pipeline.

**81. Inspection of valves and other appliances.**

Valves and other appliances used for pumping operations shall be inspected to ensure certainty of operation on each occasion before pumping commences.

**82. Renewal or repair of pipelines.**

Where a Port Manager is of the opinion that it is in the interests of public safety to do so, he may, by written notice given to the owner of a pipeline require the owner to re-lay, renew or repair the pipeline.

*Division 2.—Pipelines for Liquefied Inflammable Gases.***83. Construction and maintenance.**

Where pipelines are used for the transmission of liquefied inflammable gases, whether to or from any vessel or on any property under the jurisdiction of the Board—

- (a) pipelines and fittings shall be constructed and maintained in accordance with the relevant sections of A.S. CB20; and
- (b) pipelines shall be tested by an inspector as specified in Appendix E of A.S. CB20, before being used for the first time and afterwards not less than every three months; and
- (c) hoses shall be maintained and tested as specified in Section 7.7 of A.S. CB20; and
- (d) pipelines shall be electrically bonded and earthed as required by the Board; and
- (e) means shall be provided at points well removed from the pipelines to close down pumps in an emergency.

*Division 3.—Pipelines for Anhydrous Ammonia.***84. Construction and maintenance.**

(1) Pipelines and fittings used for the transmission of anhydrous ammonia, whether to or from any vessel or on any property under the jurisdiction of the Board, shall be constructed and maintained in accordance with the relevant sections with A.S. CB20.

(2) Pipelines used for the transmission of anhydrous ammonia shall be identified in accordance with A.S. CA21.

*Division 4.—Pipelines for Inflammable Liquid and Oil***85. Pipelines to be fitted with stop valves and non-return valves.**

(1) Subject to Subsections (2) and (3), pipelines used for inflammable liquids and oil which are on wharves shall be fitted with an approved non-return valve and an approved stop valve at the outer or seaward end, and where required by an authorized officer, an

approved non-return valve shall be placed in the pipeline at the shore end of the wharf or of a submarine pipeline.

(2) Subject to Subsection (3) and to the written approval of an authorized officer, a non-return valve may be by-passed by an approved branch line controlled by a rising spindle gate valve where a "Go-Devil" or product separation device operation on back loading is practised.

(3) A non-return valve need not be fitted to a pipeline used exclusively for bunkering but a stop valve approved by an authorized officer shall be fitted at the shore end of the pipeline.

#### **86. Rising spindle gate valves.**

Approved rising spindle gate valves shall be used at all pipeline control points on pipelines used for transmission of inflammable liquids.

#### **87. Bonding and earthing.**

Pipelines used for inflammable liquids shall be suitably bonded and earthed in a manner approved by an authorized officer, and a suitably designed cathodic protection system may be accepted as meeting this requirement.

#### **88. Insulating flanges.**

An approved insulating flange may be inserted on the shore side of the stop valve adjacent to the hose connexion to a pipeline used for the transmission of inflammable liquid or oil, to insulate the pipeline completely from any connected hose.

#### **89. Drip trays and drums.**

Pipelines used in connexion with the pumping of inflammable liquids and oil to or from a vessel shall be provided with drip trays or drums, approved by an authorized officer, under the seaward end of the pipeline.

#### **90. Testing of pipelines.**

Pipelines used for inflammable liquids or oil shall be tested by an inspector not less than once every year to ensure that they are suitably bonded and earthed.

#### **91. Conditions relating to flexible hoses.**

Flexible hoses used for inflammable liquids or oil shall—

- (a) have a factory test pressure as specified by B.S. 1435, of at least 10.5 kg per cm<sup>2</sup>; and
- (b) have the number of the hose, the factory test pressure and the ownership of the hose legibly and permanently marked on a metal plate incorporated in and forming part of the hose or in such other manner as may be approved by an authorized officer; and
- (c) be so fitted as to ensure complete electrical continuity over the entire length of the hose, by the use of 44/012 copper wire mechanically connected to the metal fitting at each end of the hose, or by any other method approved by an authorized officer.

92. Testing of hoses.

(1) Flexible hoses used for inflammable liquids or oil shall be tested in accordance with B.S. 1435, and the results of the test shall be available for inspection by an authorized officer.

(2) Hoses shall be retired from service when the elongation exceeds the figure specified in Clause A3.a. and A3.b. of the Appendix to B.S. 1435.

(3) A report on the tests signed by an inspector shall be provided to an authorized officer in January and July of each year.

(4) At the conclusion of each test, the hose shall be tested for electrical continuity by an inspector and the result shall be recorded.

Division 5.—Pipelines for Corrosive Liquids.

93. Construction and maintenance.

Pipelines used for the transmission of corrosive liquids whether to or from any vessel or on any property under the jurisdiction of the Board, shall be identified in accordance with A.S. CA21.

SCHEDULE 1.

PAPUA NEW GUINEA.

Harbours Board Act.

By-laws, Sec. 5(a).

Form 1.

APPLICATION FOR PERMIT TO HANDLE DANGEROUS GOODS OR CARGO ADJACENT TO DANGEROUS GOODS.

Name of vessel:

Agent or owners:

Master:

Port and berth, or proposed port and berth:

Application is made for a permit to—

\*(a) load

\*(b) unload

\*(c) handle

\*(d) handle non-dangerous goods in an under-deck space in which is stowed, or on or over a part of a deck on which is stowed,

the dangerous goods as in the attached list on at about a.m./p.m.

I certify that :—

\*(a) to the best of my knowledge and belief there are no damaged or deteriorated containers or packages containing dangerous goods amongst the dangerous goods described in the attached list.

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\**(b)* the following are particulars relating to damaged or deteriorated containers or packages containing dangerous goods that have come to my knowledge :—

\**(c)* the gas receptacles/portable tanks\* identified as \_\_\_\_\_ have been approved by *(name of competent authority)* in accordance with Notice of Approval dated \_\_\_\_\_, 19\_\_\_\_, for the conveyance of the dangerous goods carried in them.

\**(d)* the fixed tank identified as *(name or position)* has been approved by *(name of competent authority)* in accordance with the Certificate of Approval dated \_\_\_\_\_, 19\_\_\_\_, for the conveyance of the dangerous goods carried in it.

*(Signature of Master, Owner or Agent.)*

Dated \_\_\_\_\_ 19\_\_\_\_.

\*Strike out if inapplicable.

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**PAPUA NEW GUINEA.  
Harbours Board Act.**

By-laws, Sec. 5(b).

Form 2.

**DANGEROUS GOODS LIST.**

Vessel:

Date:

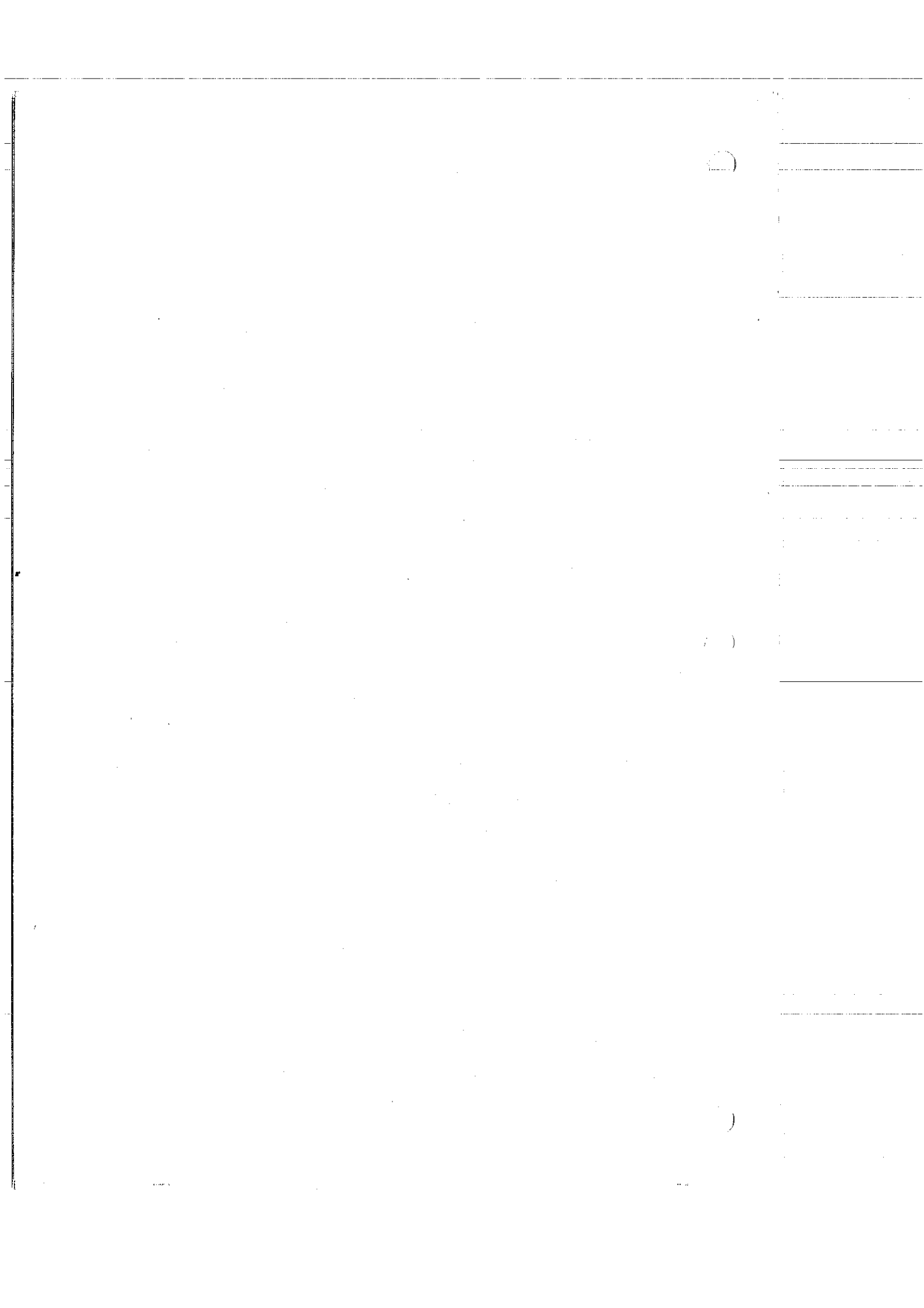
OFFICIAL USE ONLY.	Identifi- cation marks.	Number and description of packages (if con- tainer, mark "C", and state identification symbol).	Net weight or content.	Correct tech- nical name of goods.	Flash- point (state °C)	IMCO class- ification (state name of class).	Stow- age or proposed stowage.	Consignors (if exports). Consignees (if imports).

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(Signature of Master, Owner or Agent.)

Dated \_\_\_\_\_, 19 \_\_\_\_

Prepared for inclusion as at 1/1/1982.





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PAPUA NEW GUINEA.  
Harbours Board Act.

By-laws, Sec. 5(e).

Form 3.

NOTIFICATION OF EMPTY TANKS OR SPACES HAVING PREVIOUSLY CONTAINED DANGEROUS LIQUIDS OR GASES IN BULK AND NOT CERTIFIED GAS FREE.

Name of vessel:

Location of berth (if known):

Owner of agent of vessel:

Estimated date of berthing:

PARTICULARS OF DANGEROUS LIQUIDS OR GASES PREVIOUSLY CARRIED.

Location of each tank or space where liquids or gases previously carried.	Trade name of liquids or gases.	Correct technical name of liquids or gases.	Flash-point (state °F or °C)	Nature of dangerous liquids or gases (state-inflamimable, poisonous, corrosive).	Capacity of each tank or space.	Date tank or space emptied.	Remarks or additional information.

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Dated \_\_\_\_\_, 19 \_\_\_\_

(Signature of Master, Owner or Agent.)

Prepared for inclusion as at 1/1/1982.

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**Harbours Board**

**PAPUA NEW GUINEA.  
Harbours Board Act.**

By-laws, Sec. 6.

Form 4.

**PERMIT TO CONVEY OR HANDLE DANGEROUS GOODS OR BULK QUANTITIES OF OIL.**

Name of vessel:

Date:

Agent or owner:

Port and berth:

Permission is granted to the owner of the above vessel to—

- \*(a) load
- \*(b) unload
- \*(c) convey

the dangerous goods in the attached list at the port and berth abovenamed, in relation to the above vessel, subject to compliance with the *Harbours Board (Inflammable Liquid and Dangerous Goods) By-Laws* and to any additional conditions specified below:

*Conditions*

(Signature of Authorized Officer.)

This permit expires at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 19 \_\_\_\_\_

\*Strike out whichever is in applicable.

**PAPUA NEW GUINEA.  
Harbours Board Act.**

By-laws, Sec. 15.

Form 5.

**FORM OF CERTIFICATE OF TEST.**

To the Port Manager,

I certify that on \_\_\_\_\_, 19 \_\_\_\_\_, I collected and tested samples of air from the holds, spaces and tanks shown in the following Schedule, of the vessel \_\_\_\_\_ berthed at \_\_\_\_\_

**SCHEDULE**

1. No. of samples collected.	2. From where collected.	3. Results of tests for fumes gases and vapours.	4. Results of tests for substances.
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The results of the analytical tests made by me for the presence of explosive or inflammable or injurious fumes, gases, and vapours are shown in Column 3, and for the presence of substances capable of forming an explosive or inflammable gas during the course of the proposed alterations and/or repairs to the abovenamed vessel, are as shown in Column 4.

In my opinion the proposed alterations and/or repairs may be commenced—

- \*(a) without danger to life or property, including the abovenamed or any other vessel;
- \*(b) without danger to life or property, including the abovenamed or any other vessel, subject to the following terms and conditions :—

- \*\*1.
- 2.
- 3.
- 4.

(Signature.)  
(Qualifications.)

Dated \_\_\_\_\_, 19 \_\_\_\_\_

\*Strike out words which are unnecessary.

\*\*State terms and conditions suggested in detail.

## SCHEDULE 2.

By-laws, Sec. 21, 33.

## LIMITATION OF CLASS 5(a) DANGEROUS GOODS PERMITTED TO BE ON BOARD A VESSEL AT AN ORDINARY BERTH.

No.	Substance.	Maximum.
1.	Nitrates of barium lead, potassium, sodium, strontium	Not limited
2.	Ammonium perchlorate	10 000 kg
3.	Ammonium nitrate containing not more than 0.2% by weight of combustible material (including organic matter calculated as carbon)—	
	(a) in sound steel drums	150 000 kg
	(b) in bags within cargo containers	150 000 kg
	(c) in other than sound steel drums or cargo containers	10 000 kg
4.	Ammonium nitrate containing more than 0.2% by weight of combustible material (including organic material calculated as carbon)—other than authorized explosives	Nil
5.	Other substances of Class 5(a)	200 000 kg
6.	Total quantity of all substances Class 5(a) excluding nitrates under Item 1	200 000 kg

**NOTE:** The conditions for handling, and the maximum permitted quantities of ammonium nitrate/chalk fertilizer mixtures shall be the same as for ammonium nitrate without admixtures when the ammonium nitrate exceeds 80% by weight (exceeds 28% nitrogen content). Mixtures containing not less than 60% nor more than 80% ammonium nitrate (not less than 21% nor more than 28% nitrogen content) are not limited in quantity, but in all other respects must be handled as oxidizing substances Class 5(a). Mixtures containing less than 60% ammonium nitrate are not classed as dangerous goods.

## SCHEDULE 3.

By-laws, Sec. 33.

## LIMITATION ON QUANTITIES OF DANGEROUS GOODS PERMITTED IN PORTABLE TANKS ON BOARD A VESSEL AT AN ORDINARY BERTH.

Substances.	Maximum Quantity.	
	In each tank.	On board a vessel.
Tetraethyl lead and tetramethyl lead	4 500 l	Subject to the approval of an authorized officer.
Aluminium alkyls, butyl lithium and similar materials	1 360 kg	
Other dangerous goods	18 000 l	



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SUBSIDIARY LEGISLATION.

1. Act, Section 2—Declared ports.

Port of—

Aitape, as described in *Papua New Guinea Government Gazette* No. 3 of 10 January 1974, p. 4.

Alorau, as described in *National Gazette* No. 10 of 16 October 1975, p. 27.

Kavieng, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, pp. 276-7.

Kieta, as described in *Papua New Guinea Government Gazette* No. 25 of 14 October 1971, p. 439.

Kimbe, as described in *Papua New Guinea Government Gazette* No. 4 of 15 July 1971, p. 74.

Lae, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, p. 275.

Lorengau, as described in *Papua New Guinea Government Gazette* No. 58 of 5 July 1973, p. 14.

Madang, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, p. 276.

Oro Bay, as described in *Papua New Guinea Government Gazette* No. 9 of 1 February 1973, p. 24.

Port Moresby, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, p. 275.

Rabaul, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, pp. 275-6.

Samarai, as described in *Territory of Papua and New Guinea Government Gazette* No. 19 of 20 April 1967, p. 277, as amended by notice dated 29 December 1967 and published in *Territory of Papua and New Guinea Government Gazette* No. 2 of 4 January 1968, p. 7.

Vanimo, as described in *Papua New Guinea Government Gazette* No. 46 of 4 July 1974, p. 12.

Wewak, as described in *Papua New Guinea Government Gazette* No. 4 of 15 July 1971, p. 74.

2. Act, Section 24—Imposition of cargo levy.

K0.07 per tonne or part of a tonne.

3. General By-laws, Section 157(2)—Exemption from Section 157(1) (speed of vessels passing harbour works, etc.).

Any vessel in an area in respect of which maximum speed limits for that vessel or for a class of vessels of which it is a member have been imposed by a local rule made under Section 36 of the Act, while the vessel complies with any local rules that are applicable to it.

4. General By-laws, Section 193—Exemption from Section 192 (licensing of stevedores).

- (a) All vessels loading or discharging cargo at wharves under private ownership.
- (b) All vessels loading or discharging cargo at—
  - (i) the port of Aitape; or
  - (ii) the small ships wharf and Salasia Wharf at the port of Lorengau; or
  - (iii) wharves operated by the Board at Vanimo.
- (c) Coastal vessels (as defined in Section 203 of the By-laws) loading and discharging cargo at any of the following wharves operated by the Board—
  - (i) Madang Small Ships Wharf; and
  - (ii) Madang Stone Quay; and
  - (iii) Oro Bay Small Ships Wharf; and
  - (iv) Port Moresby APC Wharf; and
  - (v) Rabaul Small Ships Wharf; and
  - (vi) Samarai Small Ships Wharf; and
  - (vii) Wewak Small Ships Wharf.
- (d) Coastal vessels of 150 tons gross registered tonnage or less loading or discharging cargo at—
  - (i) the Nabu Wharf, port of Lorengau; or
  - (ii) any of the following overseas wharves operated by the Board :—
    - Kavieng
    - Kieta
    - Kimbe
    - Oro Bay
    - Samarai
    - Wewak.

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APPENDIX 1.

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SOURCE OF THE HARBOURS BOARD ACT.

Previous Legislation.

*Harbours Board Act*

as amended by—

*Harbours Board (Amendment) Act* 1983 (No. 46 of 1983).

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APPENDIX 2.

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SOURCE OF THE HARBOURS BOARD (GENERAL) BY-LAWS.

Previous Legislation.

Harbours Board (General) By-law

as amended by—

*Harbours Board (General) (Amendment) By-law* 1983 (Statutory Instrument No. 13 of 1983).

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APPENDIX 3.

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SOURCE OF THE HARBOURS BOARD (INFLAMMABLE LIQUID AND DANGEROUS GOODS) BY-LAWS.

Part A.—Previous Legislation.

Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws (Statutory Instrument No. 10 of 1976)

as amended by—

*Harbours Board (Inflammable Liquid and Dangerous Goods) (Amendment) By-laws* 1981 (Statutory Instrument No. 26 of 1981).

**Harbours Board****Part B.—Cross References.**

Section, etc., in Revised Edition.	Previous References <sup>1</sup> .	Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1	49	52
2	2	50	53, 54
3	3	51	55
4	4	52	56
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43	46	91	95
44	47	92	96
45	48	93	97
46	49	Schedule 1	Schedule 3
47	50	Schedule 2	Schedule 1
48	51	Schedule 3	Schedule 2

<sup>1</sup>Unless otherwise indicated, references are to the By-laws set out in Part A.