

NORTHERN TERRITORY OF AUSTRALIA

HARBOUR CRAFT BY-LAWS

As in force at 29 May 1985

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 29 May 1985

HARBOUR CRAFT BY-LAWS

By-laws under the *Darwin Port Corporation Act*

Part I Preliminary

1.01 Citation

These By-laws may be cited as the *Harbour Craft By-laws*.

1.02 Commencement

These By-laws shall come into operation on a date to be fixed by the Port Authority by notice in the *Gazette*.

Part II Definitions

2.01 Definitions

In these By-laws unless inconsistent with the context or subject matter:

approved means approved by the Port Superintendent or a person authorized by the Port Superintendent.

authorized means authorized in accordance with these By-laws.

boat has the same meaning as vessel.

by-law means By-law under the *Ports Ordinance*.

drive yourself motor boat means a motor boat let for hire or reward and in charge of the hirer thereof.

fairway means all those waters comprising the area enclosed by a line drawn from a point 072 degrees true direction, at a distance of 5.18 nautical miles from Charles Point Lighthouse to West Point Buoy, thence to Abbott Patches Buoy, thence to Junction Buoy, thence to the centre of Walker Shoal, thence in a 147 degrees true direction for 2,340 metres, thence in a 100 degrees true direction

for 760 metres, thence in a 335 degrees true direction to the southern point of South Shell Island, thence in a 315 degrees true direction for 3,525 metres, thence in a 286 degrees true direction for 1,250 metres, thence in a 027 degrees true direction for 800 metres, thence due west to the high water mark, thence south, south-west and north-west along the high water mark to a point due south of the Leichhardt Memorial, thence to Bennett Shoal Buoy, thence in a 320 degrees true direction to the limits of the Port of Darwin and thence to the point of commencement.

harbour craft has the same meaning as vessel.

inspector means a person authorized by the Port Superintendent for the purpose of inspecting small craft.

length in relation to a boat means the distance measured from the fore part of the stem to the after part of the stern post, or transom, in a direct line over the keel.

long blast means a blast of from 4 to 6 seconds' duration.

motor boat means a boat which is propelled or intended to be propelled by machinery whether or not such machinery is the principal source of propulsion.

Northern Territory waters means the waters within the limits of any declared port in the Northern Territory.

Ordinance means the *Ports Ordinance*.

operator means a person physically in control of a small craft.

owner means owner or owners, person or persons in charge of or person or persons having control of a small craft.

police officer means a Police Officer of the Northern Territory Police Force.

port in respect of a vessel means the left side of the vessel looking forward.

portable fire extinguisher means a fire extinguisher complying with by-law 6.05.

power driven vessel means any vessel propelled by machinery.

prescribed means prescribed by these By-laws.

sailing vessel means any vessel under sail only.

short blast means a blast of about one second's duration.

ski observer means the person in a water ski boat who is responsible for watching the skier at all times and relaying the signals of the water skier to the driver.

skin diver means any person engaged in swimming under water with or without diving aids.

small craft means any type of boat or other water craft of less than 65 feet in length, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

speed boat means a motor boat capable of operating at a speed in excess of 10 nautical miles per hour.

starboard in respect of a vessel means the right side of a vessel looking forward.

surveyor means the Port Superintendent or a person authorized by the Port Superintendent to carry out the duties of a surveyor.

under way in relation to any vessel means when she is not at anchor, made fast to the shore, or aground.

visible when applied to lights means visible on a dark night with a clear atmosphere.

water ski means any water ski, surf board, aquaplane or planing device including power skis and skicopters.

water ski boat or **ski boat** means a motor boat that from time to time is engaged in towing a water skier and includes a power ski.

whistle means whistle, horn or siren.

Part III By-laws concerning lights

3.01 General by-laws

General by-laws – No person shall operate a boat between the hours of sunset and sunrise without having burning thereon such lights as are appropriate, under this Part, to boats of that class or type.

3.02 Lights for motor boats under way

Lights for motor boats under way:

- (a) Motor boats when under way between the hours of sunset and sunrise shall carry:
 - (i) a bright white light in the forepart of the boat on the centreline and as near the stem as is practicable and carried above the coloured side lights prescribed by subparagraphs (iii) and (iv) of this By-law, so constructed as to show an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead through an angle of $112\frac{1}{2}$ degrees towards the stern on either side of the vessel;
 - (ii) a bright white light aft so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light from right aft through an angle of $67\frac{1}{2}$ degrees towards the bow on either side of the vessel and carried as near as practicable on the same level as the coloured side lights prescribed by paragraphs (iii) and (iv) of this By-law;
 - (iii) on the starboard side a green light so constructed as to show an unbroken light from right ahead through an angle of $112\frac{1}{2}$ degrees towards the stern on the starboard side; and
 - (iv) on the port side a red light so constructed as to show an unbroken light from right ahead through an angle of $112\frac{1}{2}$ degrees towards the stern on the port side.
- (b) Side lights required by subparagraphs (iii) and (iv) shall be fitted with inboard screens of sufficient height and length as to prevent either light from being seen across the opposite bow of the motor boat and such screen shall be painted the colour of the light on the side on which it is placed.
- (c) It is a sufficient compliance with subparagraphs (i) and (ii) of paragraph (a) if the motor boat is fitted with one white light so constructed as to be visible through 360 degrees and situated on the centre line of the motor boat and above the coloured side lights referred to in subparagraphs (iii) and (iv) of paragraph (a).
- (d) If a motor boat is less than 8 metres in length it is a sufficient compliance with subparagraphs (iii) and (iv) of paragraph (a) if the motor boat carried a combined lantern in the forepart so constructed as to show green and red lights on the starboard

and the port side respectively through the angle specified in those subparagraphs.

- (e) The green and red lights referred to in this By-law shall be sufficiently bright to be seen at a distance of one mile.

3.03 Lights for sailing boats under way

Lights for sailing boats under way:

- (a) A sailing boat shall carry when under way, green and red lights which conform to the standards fixed for motor boats over 8 metres in length by By-law 3.02.
- (b) If a sailing boat is less than 8 metres in length it is sufficient compliance with this By-law if it carries a combined lantern conforming with the provisions of paragraph (d) of By-law 3.02.
- (c) If a sailing boat being under way does not carry the stern light required to be carried by motor boats by By-law 3.02 it shall, on and during the approach to or of another vessel show a bright white light where it can be seen by the approaching vessel or by the vessel which the sailing boat is approaching.

3.04 Definition

Bright white light – For the purposes of By-laws 3.02 and 3.03(c) a ***bright white light*** means a white light visible at a distance of 2 miles; and

3.05 Side or stern lights unable to be fixed

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

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

3.06 Lights for boats under 5 metres

Lights for boats under 5 metres in length not being motor boats or sailing boats:

- (a) All boats, being under 5 metres in length and not being motor boats or sailing boats are exempt from the provisions of this Part.
- (b) An inspector may on grounds which seem to him to be reasonable exempt a boat from the provisions of this Part.
- (c) A boat which is exempt or exempted from the provisions of this Part shall not between sunset and sunrise be under way unless:
 - (i) there is on board an electric torch or lantern; and
 - (ii) the electric torch or lantern is exhibited on the approach of or to another vessel in time to give sufficient warning of the approach or of the position of the boat as the case may be.

3.07 Lights for boats at anchor

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

3.08 Search lights

Search lights – A person shall not direct the rays of a search light or other light on a vessel under way in such a manner as to interfere with the vision of the person navigating or steering the other vessel.

Part IV By-laws relating to steering and sailing**4.01 Motor boats to avoid sailing vessels**

Motor boats – Avoid sailing vessels – The operator of a motor boat shall yield the right-of-way to any sailing vessel, or boat propelled by oars or paddles.

4.02 Motor boats meeting head on

Motor boats – Meeting head on – Where 2 power driven vessels are on opposite or nearly opposite courses such that there is danger of a collision between them and one of the vessels is a

motor boat or both of the vessels are motor boats each vessel which is a motor boat shall alter course to starboard so that each may pass on the port side of the other.

4.03 Motor boats converging

Motor boats – crossing – Where 2 power driven vessels are on converging courses which are such that there is a danger of collision and one of the vessels is a motor boat or both of the vessels are motor boats each vessel, being a motor boat, which has the other vessel on her own starboard side shall yield right of way to the other.

4.04 Motor boats relative to seaplanes

Motor boats relative to seaplanes – The operator of a motor boat shall keep his boat out of the way of seaplanes landing or taking off.

4.05 Small craft in channels

Small craft – Channels – In any channel or river the operator of a small craft shall as far as practicable keep to that side of the mid channel or fairway which lies to the starboard side of the vessel, but under all circumstances shall keep clear of large vessels navigating in main shipping channels.

4.06 Sailing boats converging

Sailing vessels converging:

- (a) Where the courses of 2 sailing vessels are converging in circumstances in which they are likely to collide, the following rules shall be observed:
 - (i) when each has the wind on a different side, the vessel which has the wind on the port side shall yield right-of-way to the other; and
 - (ii) when both have the wind on the same side, the vessel which is to windward shall yield the right-of-way to the vessel which is to leeward.
- (b) For the purpose of this by-law ***the windward side*** means the side of the vessel towards which a wind is blowing at the time.

4.07 Overtaking vessels

All overtaking vessels:

- (a) When overtaking any other vessel proceeding in the same direction or substantially the same direction, a boat shall pass the overtaken vessel at a safe distance;
- (b) A boat shall be deemed to be overtaking if she is coming up with another vessel from such a direction that at night the operator would be unable to see either of the other vessel's side lights;
- (c) A boat being overtaken shall not alter course or speed until the overtaking vessel is finally past and clear;
- (d) Notwithstanding anything contained in this Part, a motor boat overtaking or approaching another motor boat which is towing a person on water skis or similar device shall not approach within 30 metres of the water skier from any direction.

4.08 Vessels to avoid crossing ahead

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

4.09 Joint emergency action

Joint emergency action:

- (a) Where by these by-laws a vessel is required to take specified action the other vessel shall keep her course and speed;
- (b) Where from any cause a vessel required by paragraph (a) to keep her course and speed gets to a position such that collision cannot be avoided by the action of the vessel required to take action she shall also take such action as in the circumstances is best in order to avoid collision.

4.10 Manoeuvring in poor visibility

Manoeuvring in fog, mist or heavy rain squalls – In all conditions of poor visibility the operator of a motor boat hearing the fog signal of another vessel ahead, shall reduce speed to bare steerage way then navigate with caution until danger of collision is over.

4.11 Fishing vessels

Fishing vessels – All vessels not engaged in fishing shall keep out of the way of vessels fishing with nets or lines or trawls.

Part V By-laws – Moorings and signals**5.01 Fog signals**

Fog Signals – In any condition of poor visibility, if any sound signals are given, the following signals only shall be made:

- (a) A motor boat when under way and moving through the water; A long blast on the whistle or horn at intervals of not more than 2 minutes;
- (b) A motor boat when under way but stopped and not moving through the water; 2 long blasts with an interval of about 1 second between them at intervals of not more than 2 minutes.
- (c) A sailing boat when under way, at intervals of not more than 1 minute:
 - (i) when on the starboard tack; One blast of the horn;
 - (ii) when on the port tack; 2 blasts in succession; and
 - (iii) when with the wind abaft the beam; 3 blasts in succession.

5.02 Distress signals

Distress signals – No person, unless in dire distress, shall use or display any of the following distress signals:

- (a) A gun or other explosive signal fired at intervals of about 1 minute;
- (b) a continuous sounding of any fog signal apparatus;
- (c) rockets or shells throwing red stars fired one at a time at short intervals;
- (d) a signal made by radiotelegraphy or any other signalling method consisting of the group ... --- ... (SOS) in Morse Code;
- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";

- (f) the international code signal of distress indicated by N.C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel (as from a bucket in which is burning paper, rags, tar or oil); or
- (i) a rocket parachute flare showing a red light.

5.03 Misuse of sound signals

Sound signals – Misuse – No person on a boat shall sound, authorize or permit the sounding of a whistle, horn or other signalling device unnecessarily.

Part VI Suppression of fires in vessels

6.01 Fuelling

Fuelling:

- (a) While a person other than a member of the crew is on board, a vessel shall not be fuelled at a wharf.
- (b) While a vessel is being fuelled with volatile fuel:
 - (i) A person shall not smoke on board; and
 - (ii) The person in charge of the vessel shall not permit a person to smoke on board.
- (c) Where a vessel has a portable fuel tank, the tank shall be removed from the vessel in order to be refilled.
- (d) Spare containers of fuel in a vessel shall be kept in a well ventilated place that is clear of cooking, lighting or heating appliances, batteries and exhausts.
- (e) All inboard volatile fuel-operated or started engines of a vessel shall have adequately ventilated engine spaces and bilges.
- (f) Where an inboard-engine vessel uses a volatile fuel, the engine-space and bilges shall be checked for fumes, seepage and leakage before engines are started and again after refuelling.
- (g) After refuelling of a vessel is completed, any spillage shall be removed before any mechanical, electrical or gas-operated appliances or auxiliaries are operated.

- (h) During a period of refuelling of a vessel:
 - (i) all cooking, lighting, radio and auxiliaries shall be stopped;
 - (ii) all batteries shall be isolated; and
 - (iii) a fire-extinguisher shall be at hand and ready for use.
- (i) All fuel tanks in a vessel shall be fitted with an approved stop cock.

6.02 Shielding from heat

Shielding from Heat – Woodwork and other inflammable material in close proximity to hot pipes or other sources of heat shall be efficiently shielded.

All engine exhaust pipes shall be lagged with an asbestos material or efficiently cooled by water and shall lead well clear of fuel tanks and any inflammable material and so that the exhaust fumes emerge outside the hull.

6.03 Gas

Gases:

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

6.04 Naked flame

Naked flame – Except with the approval of the Port Superintendent appliances involving a naked flame shall not be installed or carried in any compartment containing motors or fuel tanks.

6.05 Fire extinguishers

Fire Extinguishers:

All fire extinguishers shall be of the following types and not less than specified sizes:

- (a) Dry Chemical Powder, size .9 kilograms, suitable for general types of fires.
- (b) Chlorobromomethane (C.B.M.), size .8 kilograms, suitable for general types of fires.
- (c) Bromochlorodifluoromethane (B.C.F.), size .9 kilograms, suitable for general types of fires.
- (d) Anti-splash foam, size 4.5 litres, suitable for liquid surface fires.
- (e) Carbon dioxide gas, size 2.2 kilograms, which has greater penetrative powers for use on fires in subdivided spaces.

Part VII Minimum safety equipment to be carried by vessels**7.08 Water skiers**

Water skiers – Any person engaged in water skiing or similar activity shall wear an approved lifejacket or an approved buoyant aid such as vest or belt at all times when so engaged, unless exemption in writing has been obtained.

Part IX Speed boats, water ski boats and power skis**9.01 Permits**

Permit for watersports – A person shall not, except in accordance with a permit so to do from the Port Superintendent, organise a motor boat race or a competition in or an exhibition of any form of aquatic sports.

9.02 Onus on owner

A person shall not except insofar as he is acting with the authority or approval of a person who has obtained a permit under clause 9.01 of this By-law, conduct, promote, engage in, or permit or suffer his boat to be used for or in connection with a motor boat race or a competition in or an exhibition of any form of aquatic

sport.

9.03 Driver to have control

Driver to have control of vessel – The driver of a speed boat or water ski boat while it is under way shall be seated behind the wheel in such a manner that he has instant and proper control over the vessel's course and speed.

9.05 Automatic engine cut out

The engine of a power ski shall be fitted with an automatic engine cut out designed to put the motor in a neutral position when the hand is removed from the throttle.

9.06 Buoyancy

Buoyancy – A speed boat, water ski boat or power ski shall have sufficient reserve buoyance to float the combined weight of the boat and the maximum number of persons that the boat is authorized to carry.

9.07 Ski observer required

Passengers and crew of water ski boat – Subject to this Part the driver of a water ski boat shall not tow a water skier, the owner of a water ski boat shall not permit the boat to be used for the purpose of towing a water skier, and a water skier shall not permit himself to be towed unless there is in the boat with the driver a ski observer.

9.08 Driver to obey navigation requirements

Navigation of water ski boats:

The driver of a water ski boat shall:

- (a) when towing a water skier, give full attention to the navigation of the boat and the water ahead;
- (b) on approaching a beach or an area of beach, not being within an area in which water skiing is prohibited, under these by-laws:
 - (i) set down at the left-hand end of that beach or area of beach (as seen from the boat) any water skiers to be set down; and
 - (ii) pick up at the right-hand end of that beach or area of beach (as seen from the boat) any water skiers to be picked up; and

- (c) on passing within 90 metres of a beach or area of beach from which water skiers may operate, cause the boat to travel in a clockwise direction.

9.09 Duty of ski observer

Ski observer – The ski observer of a water ski boat shall watch the water skier at all times, and shall relay the signals of the water skier to the driver.

9.10 Carriage of judges

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

9.11 Ski-copter

Ski-copter – Except when engaging in a competition in or an exhibition of an aquatic sport, approved by the Port Superintendent, a ski-copter shall not approach the water's edge at a distance less than 500 metres.

Part X Drive yourself motor boats

10.01 Stability

Stability – A drive yourself motor boat:

- (a) Shall be of such form and proportions as are approved by the Harbourmaster and shall be stable and have a clear side amidships out of the water when on an even keel of not less than 25 cm when it has its full complement of persons aboard.
- (b) Shall have rowlock chocks fitted with rowlock plates or pipe.
- (c) Shall have its bow decked for a length of 50 cm, such measurement to be taken from the aft side of the stem piece.

10.02 Number of persons to be carried

Marking of number of persons boat is registered to carry – The maximum number of persons authorized to be carried in a drive yourself motor boat shall be clearly and permanently marked in a prominent and accessible place in the vessel where it may be read by all persons in the boat.

10.03 Painting of boat fitted with inboard motor

Inboard motor – engine casing and seats to be painted yellow – The top of the engine casing and the seats of a drive yourself motor boat, which is fitted with an inboard motor, shall be kept painted a bright yellow.

10.04 Painting of boat fitted with outboard motor

Outboard Motor – interior of boat to be painted yellow – The entire interior of a drive yourself motor boat which is fitted with an outboard motor, shall be kept painted bright yellow.

10.05 Register to be kept

Owner to keep register – The owner of a drive yourself motor boat shall before hiring out the boat record in a permanent register book:

- (a) The registration number of the boat;
- (b) the name and address of the hirer;
- (c) the number of persons declared by the hirer as the number of persons intended to be carried in the boat; and
- (d) the serial number of any licence to drive a speed boat or a water ski boat that is held by the hirer,

and shall, on the demand of an authorized person, produce the book to that person.

10.06 Boat not fitted with motor when hired

If a drive yourself motor boat is not fitted with a motor at the time when it is hired the owner shall record in the register book the type and power of the engine declared by the hirer to be intended to be used.

10.07 Owner to check buoyancy and safety equipment

The owner of a drive yourself motor boat shall regularly check the buoyancy and safety equipment of the boat and:

- (i) in the case of the buoyancy, ensure that it is satisfactory; and
- (ii) in the case of the safety equipment, ensure that it is in good order and condition.

10.08 Safety equipment required to be carried

Safety equipment to be carried in a drive yourself motor boat shall be in accordance with the requirements of the Port Superintendent on application, under Part XII, for registration of the Boat but, under no circumstances, shall those requirements be less than those, under Part VII, with respect to a vessel of a similar type and size that is not a Drive Yourself Motor Boat.

10.09 Hirer to produce licence

The owner of a drive yourself motor boat shall not allow a person to hire the Boat unless he has first produced to the owner any licence that the person requires under these By-laws to drive the Boat.

Part XI Vessels engaged in commercial activities**11.01 Licences**

A person shall not engage a vessel in a commercial activity unless a licence for the purpose has been granted under this Part.

11.02 Conditions for licence

The Port Superintendent may grant to the owner of a vessel a licence to engage the vessel in a commercial activity and may renew such a licence, subject, in either case, to the following conditions:

- (a) an application for the purpose is made in writing in accordance with a form approved for the purpose of this paragraph;
- (b) within the period of one month immediately preceding the date of the application the vessel has been surveyed by a surveyor:
 - (i) with respect to safety equipment and seaworthiness; and
 - (ii) if the application is to carry passengers, with respect to engines, shafts, pumps and steering appliances,and a receipt for the fee for the survey accompanies the application;
- (ba) the vessel does not carry more passengers than the number approved by the Port Superintendent for that vessel and endorsed by him on that licence;

- (c) a fee of 10 dollars is paid together with an additional fee of one dollar for each passenger which the vessel is licensed under paragraph (ba) to carry but this additional fee shall not exceed 50 dollars;
- (d) if the vessel:
 - (i) exceeds 15 metres in length; or
 - (ii) is licensed to carry at least 75 passengers,the vessel carries 2 persons qualified in accordance with by-law 11.08 one of whom is familiar with the operation and maintenance of the engines of the vessel; and
- (e) at all times such navigational and safety equipment as is approved for the purpose of this paragraph is carried on the vessel, is maintained in good order and condition and is made available for inspection as required by the Port Superintendent.

11.03 Application for licences

Where a vessel is required to be licensed under this Part, the owner of the vessel shall:

- (a) make application, accompanied by a fee of 10 dollars, to the Port Superintendent for a survey of the vessel for the purposes of paragraph (b) of by-law 11.02; and
- (b) unless, within the period of one month immediately preceding the date of an application under by-law 11.02, the hull of the vessel has been surveyed by a surveyor and his certificate of survey accompanies the application, make the vessel available for inspection out of the water by or on behalf of the Port Superintendent for the purpose of licensing.

11.04 Form of licence

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

11.05 Period of licence

Period of licence – A licence granted under this Part expires after a period of one year from the date of the grant or renewal unless it is renewed for a further period of one year.

11.06 Licence number to be on vessel

Licensed number to be painted on vessel – The owner of a vessel licensed under By-law 11.05 shall:

- (a) cause to be painted and kept painted in legible letters in a conspicuous place inside the hull:
 - (i) the licence number of the vessel, preceded by the words "Licence No. "; and
 - (ii) the words "Licensed to carry persons", together with a number, inserted after the word "carry", being the number of persons the vessel is licensed to carry; or
- (b) with the approval of the Port Superintendent carry the Licence in a glass covered frame screwed to the boat in a conspicuous place on the inside of the hull.

11.07 Cancellation of licence

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

11.08 Boatman's certificate

Boatman's certificate – A person shall not operate or be in charge of a vessel registered under this Part unless he is the holder of a Boatman's Certificate or other qualification approved for the purpose of this by-law.

11.09 Issue of boatman's certificate

Issue of boatman's certificate – The Port Superintendent may, if he is satisfied that a person is competent to operate vessels licensed under this Part, upon payment of a fee of 10 dollars, issue to the person a Boatman's Certificate which shall be in accordance with the form in the Sixth Schedule.

11.10 Cancellation of certificate

A certificate issued under By-law 11.09 may be cancelled by the Port Superintendent if he is satisfied that the person in respect of whom it was issued is not a fit and proper person to hold such a certificate.

11.11 Definition

Definition of *passenger* – For the purpose of this Part, *passenger* means a person on board who is not a bona fide member of the crew.

11.12 Compliance with conditions of licence

Complying with conditions – A person shall not fail, neglect or refuse to comply with a condition of a licence granted under by-law 11.02.

Part XIII Miscellaneous**13.01 Master or owner responsible**

Safety of a vessel at risk of master or owner – The Port Authority shall not by reason of any provision of or requirement under these By-laws, be deemed to have taken charge of a vessel.

13.02 Liability

Payment of expenses additional to penalty – The prosecution or punishment of a person for a breach of these By-laws does not take away or restrict any liability of the person otherwise imposed on him by law.

13.03 Penalty for breach of By-laws

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

13.04 Fine not to exceed \$100

Penalty for contravention of By-laws – A person who contravenes or fails to comply with any provision of any part of these By-laws is guilty of an offence punishable on conviction by a fine not exceeding 100 dollars.

13.05 Offences

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

13.06 Penalty

Where no penalty is fixed by these By-laws for an offence against a By-law the penalty shall be a fine not exceeding 100 dollars.

13.07 Service of notices

Service of notice – Except where otherwise provided in these By-laws, a notice or other document required or permitted by these By-laws to be given or served upon a person may be given or served:

- (a) by handing it to or tendering it to that person;
- (b) by posting it to that person at his last known or usual place of abode or business;
- (c) by leaving it with some person apparently over the age of 16 years at the last known or usual place of abode or business of that person;
- (d) by leaving it with some person on and apparently engaged on the vessel; or
- (e) by affixing it to the mast of the vessel.

13.08 Accidents to be reported

Accidents – Report to Port Superintendent – Whenever any vessel has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or efficiency, either in her hull or any part of her machinery, the owner shall immediately report in writing to the Port Superintendent or the Surveyor at the nearest port, such accident or damage.

13.09 Reckless navigation an offence

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

13.10 Authorized persons may board vessel

Authorized persons to be allowed on vessels – Any inspector or Surveyor authorized by the Port Superintendent may at any time enter on any vessel and inspect as to its seaworthiness or its equipment and may at any time order any vessel to the shore if it is:

- (a) being navigated in waters deemed by him to be unsafe;
- (b) suspected by him to be unseaworthy;
- (c) suspected by him to be overloaded; or
- (d) suspected by him that the operator of that vessel has committed, or is about to commit, an offence.

13.11 Hindering of authorized person

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

13.12 Port superintendent may delegate powers

Delegation – The Port Superintendent may, by instrument in writing, delegate, either generally or otherwise as provided in the instrument of delegation, all or any of his powers and functions under these By-laws (except this power of delegation) so that the delegated powers and functions may be exercised and performed by the delegate in accordance with the instrument of delegation.

A delegation under this By-law is revocable at will and does not prevent the exercise of a power or the performance of a function by the Port Superintendent.

13.13 Skindivers

Skindivers – Skindivers operating from a diving tender shall ensure that their area of operation is conspicuously flagged or patrolled. The International Code Flag "A" denoting that skindivers are operating in the area shall be flown from a conspicuous position on the diving tender during diving operations.

Unattended skindivers may, in lieu of the above requirement, tow a float from which is clearly exhibited the International Code Flag "A" of dimension not less than 50 cm x 50 cm. When exhibiting this signal from a float the skindiver shall not operate in areas usually used by ocean-going vessels.

13.14 Exemption from registration

Exemption from the requirements of registration:

- (a) The Port Superintendent may, at his discretion and for a period not exceeding 3 months, exempt from the requirements of registration under these By-laws any vessel owned by a person whose usual residential address is outside the Northern Territory if such owner holds a current registration certificate issued by the State where he resides and the registration requirements under that certificate are being complied with.
- (b) The Port Superintendent may exempt from the requirement of registration under these By-laws a motor boat while it is undergoing for benefit of a prospective buyer trials or demonstrations provided that the owner of the boat:
 - (i) has applied in writing to the Port Superintendent for the exemption, giving the dates, times and areas of the proposed trials or demonstrations; and
 - (ii) complies with such conditions as to the carriage of safety equipment on the boat and its hours of operation as the Port Superintendent requires.

13.15 Exemption from licensing of drivers

Exemption from the requirements of licensing of drivers – The Port Superintendent may, at his discretion and for a period not exceeding 3 months, exempt from the requirements of licensing of drivers under these By-laws a person whose usual residential address is outside the Northern Territory but who holds a current driver's licence issued in another State provided the requirements of such a licence are, in the opinion of the Port Superintendent, comparable to the requirements of these By-laws.

13.16 Vessels to be fitted with silencers

Fitting of silencer – A person shall not use a power-driven vessel or power ski unless it is fitted with an efficient silencer of a type approved by the Harbour Master for the purpose of this by-law.

13.17 Excessive smoke or vapour

Excessive smoke or vapour – Except in an emergency, a person shall not cause or permit a power-driven vessel to emit smoke or vapour to an extent that causes unreasonable air pollution or is a nuisance to the public.

Part XIV Restrictions

14.01 Restricted areas

Restricted areas – No vessel shall be navigated:

- (a) at a speed exceeding 5 nautical miles per hour within 30 metres of any person bathing;
- (b) at a speed exceeding 5 nautical miles per hour within 250 metres of the water's edge at the time at any beach between the following specified points –
 - (i) Nightcliff Beach, BETWEEN a point on the foreshore at low water mark on the prolongation of the common boundary of Nightcliff Town Lots 3 and 4 AND a point on the prolongation of the western boundary of Nightcliff Town Lot 208;
 - (ii) Fannie Bay, BETWEEN Dudley Point AND a line drawn to seaward on a 288°(T) bearing from a point at the intersection of the prolongation of the south side of Gregory Street and the high water mark;
 - (iii) Mindil Beach, BETWEEN a line drawn to seaward on a bearing of 288°(T) from a point 215 metres on a bearing of 180°(T) from the north western corner of Mindil Beach Reserve AND Myilly Point;
- (c) at a speed exceeding 5 nautical miles per hour through or in any mooring area or within 30 metres of any moored vessel;
- (d) at a speed exceeding 5 nautical miles per hour within 90 metres of any jetty or wharf;
- (e) at such a rate of speed that the wash from the vessel shall endanger the safety of a person, boat or structure;
- (f) at a speed exceeding 5 nautical miles per hour in the waters of the wharves and Frances Bay areas bounded by a line commencing at the High Water Line, due east from the north-east corner of Darwin Town Block No. 4245, due east to the longitude of 130° 51' 10" E, thence due south to the parallel of latitude of 12° 28' 42" south, thence due west to longitude of 130° 50' 05" E, thence due north to the High Water Line.

14.02 Notice prohibiting use of specific waters

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

A person shall not contravene the provisions of a notice published in accordance with the provisions of paragraph 14.01.

14.03 Anchoring

Anchoring restrictions:

- (a) Except in an emergency but subject to paragraph (b), a person shall not:
 - (i) anchor a vessel in a channel or the fairway; or
 - (ii) anchor a vessel within 20 metres of a launching ramp except as part of the launching or recovery operation of the vessel;
 - (iii) anchor a vessel within 90 metres of a water ski jump.
- (b) A person shall not anchor a vessel in a position to obstruct the passage of another vessel.

14.04 Mooring to navigation marks

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

First schedule

Ports Ordinance

Licence No.:

LICENCE TO ENGAGE IN A COMMERCIAL ACTIVITY

For navigation

Name of vessel:

Owner:

Address:

Phone No.:

Business:

Type of craft:

Dimensions: Length

Breadth:

Depth:

Tonnage: Gross

Nett Reg.

No. of W.T.

Bulkheads:

Year Built:

Loaded
draft:

Loaded Freeboard:

Rig:

Colour:

Cargo carried not to
exceed:

Engines: No.

Type:

Fuel:

No. Cylinders:

H.P.:

Capacities: Fuel:

Water:

Passengers carried
not to exceed:

Crew:

EQUIPMENT
CARRIED:

Anchors and Chain:

Lifebuoys:

Lifebelts:

Liferafts or
buoyant
apparatus:

Boats:

Fire
Extinguishers:

Fire pumps and other
equipment:

Bilge Pumping
arrangements:

Distress rockets or flares:

Compasses:

Charts:

Signalling Lamp:

Medical Kit:

Radio Equipment:

Mooring Lines:

Additional equipment carried see overleaf.

Lead Lines:

Line throwing and breaches buoy apparatus:

Barometer:

Signal Flags:

Fog Horn:

Navigation Lights:

Tarpaulins:

Domestic Heating:

The above vessel of which particulars are set out above is licensed to engage in a commercial activity while it complies with the above-mentioned conditions.

Date of expiry:

Dated this day of , 19 .

Port Superintendent

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

Second schedule

Ports Ordinance

APPLICATION FOR REGISTRATION OF A MOTOR BOAT

To the Harbourmaster, Darwin.

I, (full name) of (Residential address) being a person over the age of 16 years, hereby apply for registration of the motor boat described hereunder.

DESCRIPTION OF MOTOR BOAT

	Maker's name		Make of engine
	Colour		Type of engine
Length Overall	ft.	ins.	(e.g. petrol or diesel)
Breadth	ft.	ins.	Inboard or Outboard
Estimated maximum speed			Engine No.
Construction of hull		Horsepower	
	(e.g. metal, wood, composite, &c.)	Number of cylinders	
Type		Internal diameter of cylinders	
	(e.g. runabout, launch, &c.)		Dated at the day of , 19 .

Signature of applicant

Third schedule

Certificate No.:

Ports Ordinance

CERTIFICATE OF REGISTRATION OF MOTOR BOAT
DESCRIPTION OF MOTOR BOAT

Registered No. Amount Paid Date of Expiry

Name and address of
registered owner

Type Length Horsepower

Date

Harbourmaster

Fourth schedule

Ports Ordinance

NOTICE OF DISPOSAL OF REGISTERED MOTOR BOAT

To the Harbourmaster, Darwin.

I, _____ (full name) of _____ (Residential address) _____ being the owner in whose name motor boat registered number _____ is now registered hereby notify that I have disposed of this motor boat to _____ (name of person purchasing or acquiring) _____ (address of such person).

Signature of Owner

Dated at _____ the _____ day of _____, 19 ____ .

Fifth schedule

Ports Ordinance

NOTICE OF ACQUISITION OF REGISTERED MOTOR BOAT

To the Harbourmaster, Darwin.

I, _____ (full name) of _____ (Residential address) _____ having
acquired motor boat registered number _____
from _____
and being a person over the age of 16 years, hereby request that the
registration of the said motor boat be transferred to my name for the
unexpired period for which it is registered.

Dated at _____ the _____ day of _____, 19 ____ .

Signature of Applicant

Sixth schedule

Ports Ordinance

Certificate No.:

BOATMAN'S CERTIFICATE

This is to certify that (full name) of (Residential address) is a competent boatman for the purpose of By-Law 11.09 of the *Harbour Craft By-Laws*.

Dated at the day of , 19 .

Harbourmaster

Seventh schedule

Ports Ordinance

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

I, _____ (full name) of _____ (Residential address) being a person over the age of 16 years, hereby apply for a licence to drive a speed boat/water ski boat for a period of (one, 2 or 3) years.

Signature of Applicant,

Date

Eighth schedule

Ports Ordinance

LICENCE TO DRIVE A SPEED BOAT OR WATER SKI BOAT

Licence No.	Amount Paid	Date of Expiry
Name and address of Licence Holder.		
Date		Harbourmaster

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Small Craft By-laws (SL No. 15, 1967)***

Notified	21 June 1967
Commenced	1 June 1968 (Gaz No. 13, 20 March 1968, p 80)

Amendment of the Small Craft By-laws (SL No. 17, 1968)

Notified	20 November 1968
Commenced	1 January 1969 (r 1)

Amendment of the Small Craft By-laws (SL No. 1, 1969)

Notified	26 February 1969
Commenced	26 February 1969

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Amendments of the Small Craft By-laws (SL No. 29, 1974)

Notified	24 October 1974
Commenced	24 October 1974

Amendments of the Small Craft By-laws (SL No. 30, 1974)

Notified	24 October 1974
Commenced	1 May 1975 (Gaz No. 15, 18 April 1975, p 158)

Amendments of the Harbour Craft By-laws (SL No. 13, 1977)

Notified	29 July 1977
Commenced	29 July 1977

Amendment of the Harbour Craft By-laws (SL No. 2, 1985)

Notified	9 January 1985
Commenced	9 January 1985

Amendment of the Harbour Craft By-laws (SL No. 12, 1985)

Notified	26 June 1985
Commenced	26 June 1985

3 NOTE

The amendment effected by *Amendment of the Small Craft By-laws* (SL No. 17, 1968) cannot be made as the Part and paragraph it purports to amend do not exist.

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by section 11 of the *Ordinances Revision Ordinance* 1973 (as amended) to the following provisions: By-laws 2.01, 3.02, 3.03, 3.04, 4.02, 4.03, 4.06, 4.07, 4.09, 5.01, 7.02, 7.03, 7.05, 7.06, 7.07, 8.01, 8.02, 9.02, 11.06, 11.10, 12.04, 13.04, 13.07, 14.01, 14.02, First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules.

5 LIST OF AMENDMENTS

bl 1.01	amd No. 30, 1974, bl 3
bl 1.02	amd No. 29, 1974, bl 1; No. 30, 1974, bl 4
bl 2.01	amd No. 30, 1974, bl 5 and 43
bl 3.02	amd No. 30, 1974, bl 43
bl 3.03	amd No. 30, 1974, bl 6 and 43
bl 3.06	amd No. 30, 1974, bl 43
bl 4.07	amd No. 30, 1974, bl 43
pt VI hdg	amd No. 30, 1974, bl 7
bl 6.01	sub No. 30, 1974, bl 8
bl 6.05	sub No. 30, 1974, bl 9
pt VII hdg	amd No. 30, 1974, bl 10
bl 7.01	amd No. 30, 1974, bl 11
	rep No. 12, 1985, bl 2
bl 7.02	amd No. 30, 1974, bl 43
	rep No. 12, 1985, bl 2
bl 7.03	amd No. 30, 1974, bl 12 and 43
	rep No. 12, 1985, bl 2

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bl 7.04	amd No. 30, 1974, bl 13 and 43 rep No. 12, 1985, bl 2
bl 7.05	amd No. 30, 1974, bl 14 and 43 rep No. 12, 1985, bl 2
bl 7.06	amd No. 30, 1974, bl 15 and 43 rep No. 12, 1985, bl 2
bl 7.07	amd No. 30, 1974, bl 43 rep No. 12, 1985, bl 2
bl 7.08	amd No. 30, 1974, bl 16
bl 7.09 – 7.10	rep No. 12, 1985, bl 2
bl 7.11	amd No. 30, 1974, bl 17 rep No. 12, 1985, bl 2
bl 7.12	rep No. 12, 1985, bl 2
bl 7.13	amd No. 30, 1974, bl 18 rep No. 12, 1985, bl 2
bl 7.14	amd No. 30, 1974, bl 19 rep No. 12, 1985, bl 2
pt VIII hdg	rep No. 12, 1985, bl 2
bl 8.01	amd No. 30, 1974, bl 20 rep No. 12, 1985, bl 2
bl 8.02	amd No. 30, 1974, bl 43; No. 13, 1977 rep No. 12, 1985, bl 2
bl 9.04	rep No. 29, 1974
bl 9.08	sub No. 30, 1974, bl 21
bl 9.11	amd No. 30, 1974, bl 43
bl 9.12 – 9.15	rep No. 2, 1985
bl 9.16 – 9.17	sub No. 30, 1974, bl 22 rep No. 2, 1985
bl 9.18	ins No. 29, 1974, bl 3 rep No. 2, 1985
bl 10.01	amd No. 30, 1974, bl 43
bl 10.05	amd No. 30, 1974, bl 23
bl 10.07 – 10.09	ins No. 30, 1974, bl 24
pt XI hdg	sub No. 30, 1974, bl 25
bl 11.01	sub No. 30, 1974, bl 26
bl 11.02	sub No. 30, 1974, bl 26 amd No. 13, 1977
bl 11.03	sub No. 30, 1974, bl 26
bl 11.08	amd No. 30, 1974, bl 27
bl 11.09	amd No. 30, 1974, bl 28
bl 11.11	ins No. 30, 1974, bl 29
bl 11.12	ins No. 13, 1977
pt XII hdg	rep No. 2, 1985
bl 12.01	rep No. 2, 1985
bl 12.02	amd No. 30, 1974, bl 30 rep No. 2, 1985
bl 12.03	amd No. 30, 1974, bl 43 rep No. 2, 1985
bl 12.04	amd No. 29, 1974, bl 4; No. 30, 1974, bl 31 rep No. 2, 1985
bl 12.05	rep No. 2, 1985
bl 12.06	rep No. 2, 1985
bl 12.07	ins No. 30, 1974, bl 32 rep No. 2, 1985
bl 13.04	amd No. 30, 1974, bl 33

ENDNOTES

bl 13.06	amd No. 30, 1974, bl 33
bl 13.13	sub No. 1, 1969, bl 2 amd No. 30, 1974, bl 43
bl 13.14	amd No. 30, 1974, bl 34
bl 13.16 – 13.17	ins No. 30, 1974, bl 35
bl 14.01	amd No. 30, 1974, bl 36 and 43
bl 14.03	sub No. 30, 1974, bl 37
First Schedule	amd No. 30, 1974, bl 38
Second Schedule – Fourth Schedule	amd No. 30, 1974, bl 39
Fifth Schedule	amd No. 30, 1974, bl 40
Seventh Schedule	amd No. 30, 1974, bl 41
Eighth Schedule	amd No. 30, 1974, bl 42