

# NORTHERN TERRITORY OF AUSTRALIA

## PORT BY-LAWS

As in force at 7 August 2002

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## **Schedule 1**

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 7 August 2002

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## PORT BY-LAWS

### By-laws under the *Darwin Port Corporation Act*

#### Chapter I Preliminary

##### 1 Citation

These By-laws may be cited as the *Port By-laws*.

##### 2 Chapters

These By-laws are divided into Chapters as follows:

Chapter I	–	Preliminary (By-laws 1 – 3)
Chapter II	–	General (By-laws 4 – 19A)
Chapter III	–	Pollution, &c., of a Declared Port (By-laws 20 – 22B)
Chapter IV	–	Explosives and Inflammable Liquids (By-laws 23 – 26)
Chapter V	–	Pilotage (By-laws 27 – 49)
Chapter VI	–	Charges and Fees (By-laws 50 – 55)
Chapter VII	–	Sorting, Stacking, Storage and Delivery of Cargo (By-laws 56 – 77)
Chapter VIII	–	Obstruction in Ports (By-laws 78 – 79)
Chapter IX	–	Miscellaneous (By-laws 80 – 87)

##### 3 Interpretation

(1) In these By-laws, unless the contrary intention appears:

***authorised person*** means:

(a) the Harbourmaster;

- (b) an officer or employee of the Port Corporation; or
- (c) a member of the Police Force.

**cargo**, means goods, load or freight carried from one port to another, and includes baggage, other than the first cubic metre of accompanied baggage.

**container** means a sack, bag, box, case, carton, crate, drum, hide, package or thing used to contain cargo.

**day** means a period of 24 hours commencing at midnight.

**delivery office** means the delivery office, or the place used as a delivery office, on a wharf on to which goods are discharged.

**handle**, in relation to cargo, includes all operations in or on a vessel or wharf in connection with the loading, unloading, stowing or restowing of cargo.

**flammable liquid** means a liquid which has a true flash point of less than 61 degrees Celsius.

**intoxicating liquor** has the meaning of liquor in the *Liquor Act* as amended.

**lighter** means a ship, boat or other craft used for loading or unloading a vessel or carrying cargo within a port but not used in navigation.

**master** means a person, other than a pilot, in charge or command of a vessel, lighter or small craft.

**outside vessel** means a vessel passing through or trading in and beyond the Northern Territory of Australia.

**owner**, in relation to goods, includes an owner, consignor, consignee or agent having the control or disposition of the goods.

**owner**, in relation to a vessel, lighter or small craft includes an owner, part owner, or charterer and an agent of an owner, part owner or charterer.

**small craft** has the same meaning as in section 210(2) of the *Marine Act*.

**ton by volume**, in relation to cargo or goods, means a ton of 40 cubic feet by measurement.

**ton by weight**, in relation to cargo or goods, means a ton of 2,240 pounds avoirdupois by weight.

**wharf** includes:

- (a) premises that are:
  - (i) adjacent to the Port;
  - (ii) under the control of a Harbourmaster;
  - (iii) used in connection with the business of the port; and
  - (iv) a barge, landing steps, ramp or other place or area used for loading or unloading in the Port.

**tonne**, in relation to cargo or goods, means tonne by weight or tonne by volume, whichever measurement yields the greater tonnage.

**tonne by volume**, in relation to cargo or goods, means a volume of 1 cubic metre.

**tonne by weight**, in relation to cargo or goods, means a tonne of 1,000 kilogrammes by weight.

**vehicle** means any mobile mechanical or non-mechanical contrivance supported on wheels or tracks or designed as a form of transport for persons or goods, and includes earth-moving and road building machinery whether drawn or propelled.

- (2) In these By-laws, any reference to a Schedule shall be read as a reference to a Schedule to these By-laws, and any reference to a form shall be read as a reference to a form contained in the Schedule.
- (3) For the purpose of calculating tonnes by volume of any cargo or goods, or cargo or goods as packed, that is or are not rectangular in shape, the volume of the cargo or goods shall be taken to be the space that it or they would occupy if the cargo or goods, or the cargo or goods as so packed, were, having regard to the shape, packed in the smallest possible rectangular container.

## **Chapter II      General**

### **4            Smoking and sleeping on wharves, &c.**

- (1) Where a Harbourmaster is satisfied that to reduce the risk of fire or explosion, smoking should be prohibited within an area on or under a wharf, he may by notice prohibit smoking in that area.
- (2) A notice under clause (1):
  - (a) shall indicate the area;
  - (b) shall state that smoking is prohibited in the area; and
  - (c) shall be displayed in or near the area, within which smoking is prohibited.
- (3) A person shall not smoke or expose a naked flame in an area indicated by a notice under clause (2).
- (4) A person shall not sleep on or under a wharf except in an area approved in writing by the Harbourmaster.
- (5) A person engaged in handling cargo in or on a vessel or wharf shall not carry or have in his possession any matches or any material or appliance for producing ignition other than safety matches or a small cigarette lighter of a kind ordinarily carried by persons who smoke.

### **4A          Boarding of vessels by authorised persons**

- (1) An authorised person may board a vessel and inspect it as to its seaworthiness.
- (2) An authorised person may order a vessel to the shore if the authorised person:
  - (a) considers the vessel is being navigated in unsafe waters;
  - (b) suspects the vessel is unseaworthy;
  - (c) suspects the vessel is overloaded; or
  - (d) suspects the operator of the vessel has committed, or is about to commit, an offence.
- (3) A person must obey an order under clause (2).



**4B      Wilful obstruction**

A person must not, without reasonable excuse, obstruct or hinder an authorised person in the exercise of his or her powers under the Act or these By-laws.

**4C      Illegal entry**

Except with the permission of the Harbourmaster, a person other than an officer or servant of the Port Corporation shall not go in or on a wharf that is used for the berthing of vessels.

**4D      Improper behaviour**

A person:

- (a) who is under the influence of intoxicating liquor, shall not be in, or on, a wharf or in a shed or other premises of the Port Corporation;
- (b) shall not use abusive or obscene language; or
- (c) shall not otherwise behave in a manner calculated, or likely, to cause a disturbance or other breach of the peace or otherwise to interfere with the comfort of other persons using a wharf or such a shed or other premises.

**4E      Consumption of intoxicating liquor**

Except with the prior permission of the Harbourmaster, a person shall not consume intoxicating liquor in the Port, on land vested in the control of the Port Corporation.

**4F      Importation of intoxicating liquor**

Except with the prior permission of the Harbourmaster, a person shall not bring intoxicating liquor into a place on land vested in the control of the Port Corporation, in the Port, except in the course of:

- (a) the handling of the liquor as cargo of a vessel;
- (b) taking the liquor, otherwise than as cargo, onto a vessel; or
- (c) taking the liquor, otherwise than as cargo, from a vessel to a place outside the Port.

**4G      Loitering, &c.**

A person shall not:

- (a) without giving a satisfactory account of himself when requested to do so, loiter in or on a wharf;
- (b) lounge or sleep on or among cargo or in or on a wharf;
- (c) play a game in or on a wharf or at an approach to a wharf the property in which is vested in the Port Corporation; or
- (d) without lawful authority address an assemblage of persons in or on a wharf or at such an approach.

**4H      Soliciting for business**

A person shall not:

- (a) in or on a vessel or wharf within the Port; or
- (b) in a street or road under the control of the Port Corporation,

solicit customers for business, including the carriage of persons or goods by a vessel or small craft.

**4J      Hawking**

Except with the prior written permission of the Harbourmaster, a person shall not:

- (a) sell, offer or expose for sale any goods (including books, newspapers, magazines or other periodicals); or
- (b) otherwise carry on a retail trade,

in or on a wharf or other property under the control of the Port Corporation to which the public has access.

**4K      Auctions**

Except with the prior written permission of the Harbourmaster, a person shall not hold a sale by auction in or on a wharf or other property under the control of the Port Corporation.

**4L      Removal of person**

Where the Harbourmaster has reasonable cause to believe a person is contravening or has contravened by-law 4A, 4B, 4C, 4D, 4G, 4H or 4J or by-law 4K, the Harbourmaster may, using only such force as is reasonably necessary, cause the person to be removed from the place or area in question.

**5      Anchoring near wharf**

The master or other person in charge of a vessel, lighter or small craft shall not anchor the vessel, lighter or small craft or permit or suffer the vessel, lighter or small craft to be anchored:

- (a) within 3 cables of an outside vessel berthed at a wharf; or
- (b) near or at the approach to a wharf in such a manner as to impede the entry to or the exit from the wharf.

Penalty:      \$100.

**5A      Notice prohibiting use of specific waters**

- (1) The Harbourmaster may by notice in a newspaper circulating in the Port prohibit the use of specified waters in the Port for any purpose either generally during particular periods or during particular hours in any day.
- (2) A person must not contravene or fail to comply with a notice published under clause (1).

Penalty:      20 penalty units.

**5B      Anchoring**

- (1) Except in an emergency, a person must not anchor a vessel in:
  - (a) a channel;
  - (b) within the area enclosed by a line from 12°26.24'S, 130°45.85'E (close by West Point) to 12°26.35'S, 130°49.90'E (Bullocky Point) along the foreshore to 12°27.50'S, 130°49.06'E (Elliot Point) thence to 12°26.98'S, 130°45.92'E (close by Oak Point) and then along the foreshore to the commencement at West Point as set out in the chart forming Schedule 1A, being an extract from the Royal Australian Naval Hydrographic Service Chart Aus 26; or
  - (c) within the area enclosed by a line drawn from 12°27.57'S, 130°49.10'E (adjacent the Darwin Naval Base) to 12°28.00'S,

130°48.37'E (close by Abbott Patches Buoy, No. 9) to 12°28.20'S, 130°48.55'E (WSW of Abbot Patches Buoy, No. 9) to 12°27.65'S, 130°49.19'E (adjacent the Darwin Naval Base) as set out in the chart forming Schedule 1A, being an extract from the Royal Australian Naval Hydrographic Service Chart Aus 26 (refer 5B, 16).

Penalty:      20 penalty units.

- (2) Except with the permission of the Harbourmaster, a person must not anchor a vessel in the fairway so as to constitute a hazard to shipping.

Penalty:      20 penalty units.

- (3) In subregulation (2):

***fairway*** means all those waters comprising the area enclosed by a line drawn from a point 029°(T), at a distance of 4.96 nautical miles from Charles Point Lighthouse to West Point Buoy (No. 7), thence to Abbott Patches Buoy (No. 9), thence in a 152°(T) direction for 6.30 nautical miles, thence due east to the southern point of Channel Island, thence to Middle Arm Beacon, thence to Junction Buoy (No. 11), thence to No. 12 Buoy, thence in a 133°(T) direction for 2.50 nautical miles, thence in a 103°(T) direction for 1.00 nautical mile, thence to Shed Point, thence to Hudson Creek Beacon [Q(6)G.10s], thence following the high water mark of the western side of Hudson Creek to a point due west of the Tiwi Barge Ramp, thence due west to said ramp, thence following the high water mark of the eastern side of Hudson Creek to a position 315°(T) at a distance of 0.22 nautical from the Hudson Creek Beacon [Q(6)G.10s], thence to the southern point of Catalina Island, thence to the Catalina Boat Ramp, thence following the high water mark about East Arm Port to the north west extremity, thence to south-west extremity of the small craft mooring area (Frances Bay), thence in a 025°(T) direction for 0.54 nautical miles, thence in a 334°(T) direction for 0.44 nautical miles, thence in a 281°(T) direction to the northern abutment of the lock entrance to the Frances Bay Marina, thence following the high water mark south, south-west and north-west to a point due south of the Anzac Memorial, thence to the Darwin Naval Base north Breakwater, thence to the Darwin Naval Base south Breakwater, thence following the high water mark to Emery Point, thence to Channel Rock Buoy (No. 6), thence in a 325°(T) direction to the limits of the Port of Darwin and thence following these limits to the point of commencement.

**6            Closed waters**

- (1) The Harbourmaster by notice published in the *Gazette* or in a newspaper circulating in the Port may close, for a period specified in the notice, part of the waters of the declared port to all persons, vessels, lighters and small craft.
- (2) Where a notice is published under clause (1), the waters described in the notice are, for the period specified in the notice, closed waters.
- (3) A person who is in closed waters is guilty of an offence.  
Penalty:        100 dollars.
- (4) A person who is in control of a vessel, lighter or small craft which is in closed waters is guilty of an offence.  
Penalty:        100 dollars.
- (5) The Harbourmaster, or a person authorized by him, may direct a person apparently in control of a vessel, lighter or small craft which is in closed waters to remove the vessel, lighter or small craft from those closed waters.
- (6) Where a direction has been given under clause (5) and the person to whom the direction is given fails to comply with the direction, the person giving the direction may remove or cause to be removed the vessel, lighter or small craft to a place outside the closed waters.

**7            Notice of departure**

The master of a vessel about to depart from the Port:

- (a) shall, not less than 6 hours before the time of the intended departure of the vessel, give notice to the Harbourmaster of the time of the intended departure; and
- (b) shall not, without the permission of the Harbourmaster, cause, permit or suffer the vessel to depart before the time specified in a notice given under paragraph (a).

**7A          Conduct of vessels in port**

- (1) Except with the written permission of the Harbourmaster, a vessel shall not be careened or hauled on shore for inspection or repair in the Port.

- (2) Where permission is given under clause (1), the owner of the vessel shall pay to the Port Corporation an amount at the rate of \$20 per month for the use of the shore.
- (3) A vessel shall not be left abandoned in the Port.
- (4) Where a vessel in the Port is, in the opinion of the Harbourmaster, an obstruction or impediment to:
  - (a) the navigation of the declared port; or
  - (b) the lawful use of a wharf or mooring or a structure on the shore of the Port,the Harbourmaster may, in his discretion, remove or order the removal of the vessel.

## **8      Allocation of berths**

- (1) The Harbourmaster may allocate to a vessel a berth at a wharf under the control of the Port Corporation.
- (2) Where 2 or more masters of vessels desire their vessels to occupy at the same time a particular berth at a wharf under the control of the Port Corporation, the Harbourmaster shall finally decide as to the allocation of the berth.
- (3) Where, in accordance with this by-law, a vessel is allocated a berth, the master of the vessel shall, unless the Harbourmaster otherwise directs, cause the vessel to occupy the berth as soon as possible.
- (4) Where a berth is not occupied as provided by clause (3), the Harbourmaster may allocate the berth to another vessel.
- (5) Notwithstanding the preceding provisions of this by-law, the Harbourmaster may revoke an allocation under this by-law.
- (6) Upon a revocation under clause (5), the master of the vessel shall cause the vessel to depart from the berth as soon as possible.
- (7) A vessel moored to a portion of a wharf or to another vessel berthed at a wharf shall, for all purposes, be deemed to be berthed at that wharf.
- (8) The master, or failing him, the owner, of a vessel that is berthed at a wharf under the control of the Port Corporation shall give notice to the Harbourmaster of any intention to undertake any kind of repair of the vessel or its engines while the vessel is so berthed.

- (9) The repair of a vessel or its engines while the vessel is so berthed shall not be commenced except with the prior written permission of the Harbourmaster.
- (10) Except when repairs are being undertaken with the permission required by clause (9), the master of a vessel shall keep his vessel in a stable condition with the engines available for the safe movement at all times of the vessel.
- (11) Where a master of a vessel within the Port fails to remove the vessel in accordance with a direction given pursuant to section 26 of the Act, the master is, in addition to any liability to a penalty for the failure, liable to pay to the Port Corporation any expenses incurred by it as result of the failure.

## **9      Placing of buoy to be notified**

- (1) The Harbourmaster shall, by notice in the *Gazette*, notify the dimensions and position of any buoy placed, moored or anchored in a port as aids to navigation or for purposes which may cause an obstruction to navigation.
- (2) A notification under clause (1) shall be given within a reasonable time after the buoy is placed, moored or anchored.
- (3) The master or owner of a vessel, lighter or small craft shall not, without the permission of the Harbourmaster, secure the vessel, lighter or small craft to a buoy under the control of the Port Corporation.

## **10      Gangway at anchor**

The owner and the master of a vessel lying at anchor in the Port shall ensure that:

- (a) if the size of the vessel makes a gangway necessary, the vessel is provided with a suitable and efficient gangway fitted with man ropes; and
- (b) from sunset to sunrise the gangway is properly lighted by:
  - (i) an electric light over the gangway; or
  - (ii) 2 or more oil lamps suspended one or more at each end of the gangway.

## **11            Gangway at wharf**

The owner and the master of a vessel lying alongside a wharf shall ensure that:

- (a) the vessel is provided immediately after it is berthed with a suitable and efficient gangway to the wharf;
- (b) the gangway is fitted with:
  - (i) stanchions at least 3 feet high;
  - (ii) man ropes on each side;
  - (iii) cross battens to prevent slipping; and
  - (iv) a suitable net of sufficient size suspended beneath it in such a manner as to catch any person or thing falling from the gangway; and
- (c) the sides of an accommodation ladder or gangway shall be of sufficient height and fitted with screens or netting to prevent persons falling over or between the stanchions or side ropes.

## **12            Liability**

The owner of a vessel is liable severally with the master of the vessel for a breach of either of the last 2 preceding by-laws.

## **13            Vehicular traffic in the Port**

- (1) Inscriptions on traffic signs erected or displayed under section 27C of the Act have the following significance:
  - (a) a traffic sign in an area in the Port bearing the inscription "Reserved Parking Area" shall signify that the area is, during the period, if any, specified on the traffic sign, reserved for the parking of vehicles included in the class of vehicles specified on the traffic sign;
  - (b) a traffic sign in an area in the Port bearing the inscription "General Parking Area" shall signify that the area may, during the period, if any, specified on the traffic sign, be used for the parking of any vehicles;
  - (c) a traffic sign in an area in the Port bearing the inscription "Limited Parking" with an inscription indicating that the stopping of vehicles is prohibited:
    - (i) during specified times; or



- (ii) for longer than a specified period,

shall signify that within the area a vehicle shall not be allowed to remain stationary during those times or for longer than that period, as the case may be, unless the vehicle is an exempted vehicle; and

- (d) a traffic sign or traffic signs in a specified area in the Port bearing figures and the words "Speed Limit" shall signify that within that area a vehicle shall not exceed a speed of a number of miles per hour equal to the number represented by the figures on the sign.

(2) In clause (1), **exempted vehicle** means a vehicle that:

- (i) is being used for the purpose of loading or unloading goods; or
- (ii) is being used for the purpose of wharf construction or maintenance; or
- (iii) is exempted by certificate in writing given to the owner of the vehicle by the Harbourmaster and that exemption is in force.

### **13A      Leaving vehicle**

A person who is the owner, or who is in charge, of a vehicle shall not:

- (a) leave the vehicle; or
- (b) allow the vehicle to remain standing and unattended,

in the Port otherwise than in an area to which a traffic sign referred to in paragraph (a), (b) or (c) of clause (1) of by-law 13 relates.

### **13B      Routes for vehicular traffic**

The Harbourmaster may allot routes in the Port.

### **13C      Obligations of drivers of vehicles**

A person driving, or in charge of, a vehicle in or on a wharf:

- (a) shall not allow the vehicle to obstruct vehicles or pedestrian traffic;
- (b) shall, as required by the Harbourmaster, move the vehicle:
  - (i) to a specified position in or on the wharf; or

- (ii) away from the wharf; and
- (c) shall cause the vehicle to travel along routes allotted under by-law 13B.

**13D      Railway rolling stock**

A person driving, or in charge of, any railway rolling stock under on or in a wharf shall, as required by the Harbourmaster, move that stock to a specified position in or on the wharf or away from the wharf.

**15      Interference with lights, &c.**

A person shall not:

- (a) interfere with; or
- (b) unless authorized to do so by the Harbourmaster, switch on or off,

a light placed on a wharf for illuminating the wharf, lighting a building on the wharf or navigational purposes.

**16      Interference with buildings, &c.**

A person shall not interfere with:

- (a) a building, fixture, lifesaving device or fire extinguisher on a wharf; or
- (b) a buoy, beacon, punt, barge or other thing under the control of the Port Corporation in the Port or on a wharf.

**16A      Interference with water supply**

Except with the prior permission of the Harbourmaster, a person shall not:

- (a) take water from a source of water supply; or
- (b) interfere with a water hose, water hose connection or source of water supply,

in the Port.

**17      Permission to place buoys, &c.**

- (1) A person may make application for permission to place a mooring, buoy, dolphin, jetty, landing or other device in the Port.

- (2) The application shall:
  - (a) be in writing;
  - (b) be addressed to the Harbourmaster;
  - (c) state the purpose of the device; and
  - (d) be accompanied by a plan of the proposed device, showing its position and dimensions.
- (3) The Harbourmaster may, in his discretion, grant or refuse permission or grant permission subject to such modifications or conditions as he sees fit and specifies.
- (4) A person shall not place a mooring buoy, dolphin, jetty, landing or other device in the Port unless the Harbourmaster has granted permission in writing to do so and has not withdrawn that permission.

**18      Vessels not to hinder use of wharf**

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

**18A      Persons on board moored vessels**

Where the Harbourmaster directs that not less than a specified number of persons belonging to a vessel shall be on board the vessel while it is moored, anchored or lying within the Port, the master of the vessel shall ensure that the direction is complied with.

**18B      Ship repairs on wharves**

Except where the lease of the wharf, or the Harbourmaster in writing, allows, a person shall not, in the Port:

- (a) make, repair, dress or scrape spars or masts or do other kinds of carpentry on a wharf;
- (b) do the work of a smith, boilermaking, welding or rigging work in or on a wharf or a structure there; or
- (c) hang or put up sails, masts, spars or other things on a beam or joint of a wharf or structure there.

**19                    Vessels to be kept clear of flying boats**

The master of a vessel, lighter or small craft shall ensure that the vessel, lighter or small craft:

- (a) is kept clear of any flying boat or seaplane which is alighting or taking off; and
- (b) does not approach:
  - (i) at night, the lighted runway; or
  - (ii) by day, the runway marked by a control launch,until the aircraft is clear of the runway.

**19A                  Obstruction by vessels not exceeding 25 metres in length overall**

The master or other person in charge of a vessel not exceeding 25 metres in length overall that is in the Port must keep clear of, and must not obstruct the movement within the Port of:

- (a) a vessel exceeding 25 metres in length overall that is under the control of a pilot or a person holding a Pilotage Exemption Certificate for the vessel; or
- (b) a tug assisting at the berthing, unberthing or towing of a vessel referred to in paragraph (a).

**Chapter III            Pollution, &c., of a declared port**

**20                    Garbage, &c., not to be deposited**

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

**20A                  Removal of garbage, &c.**

- (1) The master and owner of a vessel in the Port shall ensure that at the time of the unmooring of the vessel or by such later time as the Harbourmaster in his discretion allows, on the direction of the Harbourmaster, either generally or in a particular case:
  - (a) all portable appliances and materials used in the servicing of the vessel and all rubbish have been removed from all areas used for that servicing; and
  - (b) those areas are clean.

- (2) When the master or owner does not comply with the requirements of clause (1), the Port Corporation may remove the appliances, material or rubbish, as the case may be, and clean the area.
- (3) Where the Port Corporation incurs expense in so removing appliances, materials or rubbish, or in so cleaning an area, the master and the owner are each liable for that expense.
- (4) For the purposes of this by-law, ***the servicing of the vessel*** includes the loading or unloading of cargo, stores, gear or fuel or another activity in connection with the vessel in the port.

**21            Inflammable liquid etc. not to be discharged**

- (1) The master of a vessel, lighter or small craft shall not permit or suffer inflammable liquid to be pumped out of or otherwise discharged from the vessel, lighter or small craft into the waters of the Port.
- (2) The owner or person in charge of a tank shall not permit or suffer oil, inflammable liquid or refuse to be discharged or flow from the tank into the waters of the Port.

**22            Ashes not to be discharged**

The master of a vessel, lighter or small craft shall not permit or suffer ashes to be discharged from the vessel, lighter or small craft while the vessel, lighter or small craft is lying alongside a wharf or is within 200 metres of a wharf.

**22A          Excessive smoke or vapour**

The master or other person in charge of a vessel shall not permit smoke or vapour to be emitted from the vessel to an extent that causes danger, nuisance or annoyance to the public or unreasonable air or water pollution.

**22B          Excessive noise**

The master or other person in charge of a vessel shall not permit noise to be emitted from the vessel to an extent that is excessive having regard to the type of vessel.

## **Chapter IV Explosives and inflammable liquids**

### **23 Loading and unloading**

- (1) Subject to clause (2), the master of a vessel, lighter or small craft shall not permit or suffer explosives or inflammable liquids to be loaded on or in or unloaded from the vessel, lighter or small craft except:
  - (a) between sunrise and sunset;
  - (b) with the permission of the Harbourmaster; and
  - (c) under such conditions as the Harbourmaster specifies.
- (2) The master of a vessel transporting inflammable liquids in bulk may, with the permission of the Harbourmaster, and subject to any conditions specified by the Harbourmaster, permit inflammable liquids from the cargo to be unloaded from the vessel between sunset and sunrise by means of a pipeline to a receptacle approved by the Harbourmaster.
- (3) The owner of inflammable liquids unloaded on a wharf shall:
  - (a) without delay, stow them in a shed or place approved by the Harbourmaster; and
  - (b) remove them from that shed or place before sunset on the day they are unloaded.

### **24 Protection from fire**

- (1) Where explosives or inflammable liquids are being handled on a wharf or on or in a vessel, lighter or small craft, a person shall not:
  - (a) bring a fire or naked flame within 30 metres of where those explosives or inflammable liquids are being handled;
  - (b) within 30 metres of where these explosives or inflammable liquids are being handled, smoke, ignite a match or otherwise create a fire or flame; or
  - (c) be on the wharf or on or in the vessel, lighter or small craft without the permission of the Harbourmaster, unless he is engaged in:
    - (i) the working, loading or unloading of the vessel, lighter or small craft;

- (ii) the transporting of goods on the wharf or on or in the vessel, lighter or small craft; or
  - (iii) the performance of public duties which make it necessary or desirable for him to be on the wharf or on or in the vessel, lighter or small craft at that time.
- (2) Where explosives or inflammable liquids are stowed in or on a vessel, lighter or small craft, a person shall not:
  - (a) bring a fire or naked flame into a hold or on to a deck of that vessel, lighter or small craft; or
  - (b) while he is in a hold or on a deck of that vessel, lighter or small craft, smoke, ignite a match or otherwise create a fire or flame.
- (3) Where a person is in charge of the loading or unloading of a vessel, lighter or small craft or in control of a person engaged in the loading or unloading of a vessel, lighter or small craft, he shall not permit or suffer a person under his control to commit a breach of this by-law.

**25 Possession of matches, &c.**

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

**26 Lighting of hold of enclosed deck**

The master of a vessel, lighter or small craft in or on which explosives or inflammable liquids are stowed or are being handled may permit a hold or enclosed deck of the vessel, lighter or small craft to be illuminated by flood electric lighting suspended over that hold or enclosed deck in a manner approved by the Harbourmaster but shall not permit any other artificial light to be used in that hold or on that enclosed deck of the vessel, lighter or small craft.

## **Chapter V Pilotage**

**27 Interpretation**

In this Chapter, unless the contrary intention appears:

***Certificate*** means a Pilotage Exemption Certificate granted under this Chapter.

***length*** means length overall.

**passage** means one entry into or departure from the Port.

**the Port** means the Port of Darwin.

**voyage** means one entry into and departure from the Port.

## **28 Requirement of pilotage**

Except in the case of an emergency, a person shall not, unless he:

- (a) holds a Certificate in respect of that vessel; or
- (b) is directed by the Harbourmaster to move the vessel without the services of a pilot,

move a vessel exceeding 25 metres in length in the Port south of the Channel Rock Buoy (located approximately latitude 12° 25.1' south and longitude 130° 46.9' east) without the services of a pilot.

## **29 Radio notice of arrival to be given**

The master of a vessel exceeding 25 metres in length intending to enter the Port shall, not later than 24 hours before his estimated time of arrival at the Channel Rock Buoy, radio to the Harbourmaster:

- (a) notice of that estimated time of arrival; and
- (b) whether he will require the services of a pilot.

## **30 Confirmation of radio notice**

- (1) Where notice has been given under by-law 29 of the estimated time of arrival of a vessel at Channel Rock Buoy, the master of the vessel shall, not more than 2½ hours nor less than 1½ hours before the arrival of the vessel, give notice confirming or amending the estimated time of arrival.
- (2) Notice confirming or amending the estimated time of arrival shall be given:
  - (a) where it is given during normal working hours:
    - (i) to the Harbourmaster; or
    - (ii) on Channel 16/10 of the Very High Frequency Band, to the authority known as Harbour Control; or
  - (b) where it is given outside normal working hours – by radio to the Harbourmaster.



- (3) Where the services of a pilot have been requested or are required for a vessel to move in that part of the Port specified in by-law 28 and the vessel does not arrive at the Channel Rock Buoy:
- (a) at the confirmed or amended time of arrival of the vessel notified under this by-law; or
  - (b) if such a notification has not been given, at the estimated time of arrival notified in pursuance of by-law 29,

the master and owner of the vessel are jointly and severally liable to pay to the Port Corporation a charge of \$100 for every half hour, or part of a half hour, after the first, that a pilot waits for the vessel at the pilot boarding ground.

- (4) Where a vessel for which the services of a pilot have been requested or otherwise are required arrives at the Channel Rock Buoy after the pilot has left the pilot boarding ground to return to shore after having waited at the pilot boarding ground:
- (a) for more than half an hour after the confirmed or amended time of arrival of the vessel notified under this by-law; or
  - (b) if such a notification has not been given, for more than half an hour after the estimated time of arrival of the vessel notified in pursuance of by-law 29,

the master and owner of the vessel are jointly and severally liable to pay to the Port Corporation, in addition to any charge payable under clause (3), a charge equal to the expense of the pilot going to, and returning from, the pilot boarding ground, plus 10% of that expense.

### **31 Signal for pilot to be displayed**

The master of a vessel which requires pilotage shall use or display the usual signals for a pilot whilst approaching and within 10 miles of the Port.

### **32 Master to assist pilot**

The master of a vessel which requires pilotage or which has made use of pilotage shall, by any practicable means consistent with the safety of the vessel, facilitate the pilot's boarding or leaving and in particular shall:

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

- (b) provide on the lee side, and adequately lit at night, a pilot ladder fitted with spreaders, and on either side of the ladder a man rope made fast to the vessel independent of the ladder;
- (c) in ships of high structure in which gangway doors are fitted, open one such door and rig the pilot ladder thereat; and
- (d) arrange for all scuppers, sanitary and other refuse outlets in the vicinity of the pilot ladder to be closed,

and such pilot ladder, man ropes, gangways and access shall be constructed, fitted and rigged in accordance with the Inter-governmental Maritime Consultative Organization Regulations 1979 as amended from time to time.

### **33 Application for pilot**

- (1) The master of a vessel which requires the services of a pilot outwards or for a removal within the Port shall make application to the Harbourmaster not less than 6 hours before the pilot is required.
- (2) An application made under this by-law may be withdrawn without charge at any time prior to 4 hours before the appointed time.
- (3) Notwithstanding clause (2), during normal port working hours, an application made under this by-law may be withdrawn without charge at any time prior to one hour before the appointed time.
- (4) Where an application made under this by-law is not withdrawn prior to 4 hours before the appointed time or, during normal port working hours, prior to one hour before the appointed time, and the pilot's services are not required at the appointed time, and he is not retained until his services are required, a charge of \$100 shall be made.
- (5) If the vessel is not ready to leave the berth at the appointed time, but the pilot is retained until it is so ready:
  - (a) for the first half hour of such retention, no charge shall be made; and
  - (b) for every subsequent half hour or part thereof, a charge of \$50 shall be made.

### **34 Granting of pilotage exemption certificates**

The Port Corporation must, on application by that person, grant a Pilotage Exemption Certificate to the master of an Australian registered vessel, or a foreign registered vessel manned and managed within Australia and trading or operating between

Australian ports or places, who:

- (a) has, within 2 years immediately preceding the date of application,:
  - (i) completed not less than 4 voyages through the pilotage area within the Port in command of a vessel of not less than the length of the vessel in respect of which the application is made; or
  - (ii) completed not less than:
    - (A) 3 voyages through the pilotage area within the Port as first mate (on duty on the bridge throughout the entire voyage) of a vessel of not less than the length of the vessel in respect of which the application is made; and
    - (B) 2 voyages through the pilotage area within the Port in command of a vessel of not less than the length of the vessel in respect of which the application is made;
- (b) where the application is made for a certificate of exemption to be valid during the hours of darkness – has completed one entry to and departure from the Port of the voyages referred to in paragraph (a) in command during the hours of darkness;
- (c) produces to the Port Corporation a certificate from a medical practitioner qualified to practise in a State or Territory of Australia certifying that he has examined the applicant to a standard not less than that set by the Department of Transport of the Commonwealth to be applied to seagoing personnel of the age of the applicant, and has found him to be, in the opinion of the medical practitioner, physically and mentally fit to carry out pilotage duties;
- (d) has passed an examination conducted by the Harbourmaster of the Port, or another person authorized by the Port Corporation to conduct such an examination, which satisfies the Harbourmaster or that person, as the case may be, that the applicant is competent to navigate a vessel of not less than the length of the vessel in respect of which the Certificate is sought, through the pilotage area of the Port;
- (e) has demonstrated an ability to read a Snellen chart during a normal Snellen test and:
  - (i) where the applicant's vision is normally unaided – read the letters on the fifth line using both eyes; or

- (ii) where the applicant's vision is normally aided – read the letters on the sixth line whilst his vision is so aided and the letters on the fourth line whilst his vision is unaided; and
- (f) has passed the Ishihara or equivalent test for colour vision conducted not earlier than at the time of undergoing the medical examination referred to in paragraph (c).

### **35 Applicant with assisted vision**

Where the vision of an applicant for a Certificate is normally aided by glasses or other means he shall, at the time of applying for the Certificate, give to the Port Corporation a certificate from an ophthalmologist indicating that the applicant is not currently suffering from a progressive eye disease and that the corrected vision to his better eye is not more than 6/6 on the Snellen test.

### **36 Fee for pilotage exemption certificate**

An application for a Certificate shall be accompanied by a fee of:

- (a) where the application is in respect of vessels of less than 45 metres overall length – \$440.00; and
- (b) where the application is in respect of vessels of 45 metres or more overall length – \$990.00.

### **36A Form and period of certificate**

- (1) Subject to this by-law, where the Port Corporation is satisfied that an applicant is a fit person to hold a Certificate, it must grant the Certificate.
- (1A) A Certificate:
  - (a) is to be in accordance with Form 1 in Schedule 1;
  - (b) remains in force for the period (not longer than 2 years) as specified by the Port Corporation; and
  - (c) is subject to the conditions that the Port Corporation thinks fit.
- (2) A Certificate shall not be valid:
  - (a) in respect of a vessel of greater length than 120 metres; or
  - (b) in respect of a vessel carrying more than 500 tonnes of hazardous cargo or any amount (or type) of gas or hydrocarbons in bulk.

- (3) There shall be endorsed on a Certificate issued to a person who normally wears glasses or whose vision is assisted in some other way the fact that he wears glasses or his vision is normally assisted and while that person is using the Certificate he shall wear those glasses or that other device for assisting his vision.

**36B Examination of applicant**

- (1) A person may apply to the Port Corporation to be examined for the purposes of by-law 34(d) or 36D(2).
- (2) An application referred to in clause (1) shall be accompanied by a fee of \$40.
- (3) A person who fails an examination referred to in clause (1) shall not apply to be re-examined until he has completed one more voyage as master or mate of a vessel of at least the length of the one in respect of which the Certificate is sought.

**36C Fee for renewal of pilotage exemption certificate**

- (1) A Certificate may be renewed by the Port Corporation on the application of the holder.
- (2) An application for the renewal of a Certificate shall be lodged with the Port Corporation not later than one month after the expiration of the date shown on the Certificate as the date on which it ceases to have effect and shall be accompanied by:
  - (a) the information required by by-law 34(c), (e) and (f) as if the application for a renewal were an application for the grant of a new Certificate;
  - (b) proof to the satisfaction of the Port Corporation of the date of last use of the Certificate; and
  - (c) a fee of \$205.00.
- (3) After considering an application for renewal lodged under this by-law the Port Corporation may, if it thinks fit, renew the Certificate for a further period not exceeding 2 years and subject to such conditions varying or replacing those to which the original Certificate was subject as it thinks fit.
- (4) A Certificate is not to be renewed if an application for its renewal is not lodged within the time specified in clause (2) and a person wanting to renew a Certificate after the time has expired must apply for a Certificate in accordance with by-law 34.

**36D Cancellation of pilotage exemption certificate**

A Certificate is cancelled, by force of this by-law, at the expiration of 2 years if the person to whom it is granted does not complete 12 passages through the pilotage area within the Port within that period.

**36DA Special pilotage requirements**

- (1) If the Harbourmaster decides there is a special risk or danger arising from a vessel entering, plying, or moving in, or leaving, a pilotage area, the Port Corporation may require the master of the vessel to take a licensed pilot on board the vessel.
- (2) The Harbourmaster, in making a decision under clause (1), must take the following into consideration:
  - (a) the condition of the vessel and its equipment;
  - (b) the nature and condition of cargo carried on the vessel;
  - (c) the existence of a nuclear power source on the vessel;
  - (d) the circumstances of and conditions within the pilotage area;
  - (e) the experience of the master of the vessel in navigating vessels in the pilotage area within the Port.
- (3) The master of a vessel must not contravene or fail to comply with a requirement made of him or her under this by-law.

Penalty: 100 penalty units.

**36E Development work in Port**

The Port Corporation may, at any time where it considers that development work in the Port so warrants that action, suspend a Certificate for the period during which that development is taking place or impose such conditions on the use of that Certificate as it thinks fit.

**36F Pilotage rates exemption fee**

- (1) Where a vessel in respect of which a Certificate has been issued to a master trades in accordance with a published schedule to the Port under the command of that master or another master holding a Certificate, the owner of the vessel shall pay, in advance, an annual Pilotage Rates Exemption Fee calculated in accordance with this by-law.

- (2) The fee referred to in clause (1) shall be payable on the vessel's first arrival at the Port after 1 July of each year, and the exemption shall remain valid until 30 June next following that date.
- (3) The annual fee in dollars payable under this by-law shall be calculated by multiplying the length of the vessel expressed in metres minus 25 by \$30.00, and adding \$450.00.

**37 Inoperative Certificates**

- (1) A Pilotage Exemption Certificate shall not be operative for the passage inwards from Quarantine Anchorage to berth unless the holder has entered the port as master or mate of a vessel during the immediately preceding 2 years.

**38 Special pilotage exemption certificates**

- (1) The Port Corporation may waive any or all of the requirements for a Pilotage Exemption Certificate for:
  - (a) the master of any vessel used in the carrying out of dredging operations; or
  - (b) the master of any vessel during unforeseen events (including cyclones, explosions, oil spills and the unavailability of a Port Corporation's licensed pilot).
- (2) Pilotage exemption granted under this by-law shall be limited to the particular vessel for which it is requested.

**39 Signal for pilotage exemption to be displayed**

The master of a vessel claiming pilotage exemption shall use or display the usual signal for this purpose whilst approaching and within 10 miles of the Port of Darwin.

**40 Pilot's Licence; to whom granted**

- (1) The Port Corporation may grant a Pilot's Licence to any person who has held a Pilotage Exemption Certificate, not being a certificate limited to a particular vessel, for 2 years.
- (2) An applicant for a Pilot's Licence shall:
  - (a) pass an examination before the Harbourmaster, or before some other person authorized by the Port Corporation, proving that he is competent to hold the licence; and
  - (b) fulfil such other conditions as the Port Corporation may impose.

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

**41 Certificate or licence may be revoked**

- (1) The Port Corporation at any time may revoke a Pilot's Licence or a Pilotage Exemption Certificate.
- (2) For the purposes of clause (1), a licensed pilot employed by the Port Corporation may conduct an audit of the navigation and handling of a vessel through the pilotage area within the Port by the person to whom a Pilotage Exemption Certificate is granted.
- (3) The audit may take into account the operational condition of the vessel at the time of the voyage.

**42 Vessels in distress, and procedure of pilots**

- (1) A pilot shall aid and assist by every means in his power any vessel in distress.
- (2) Subject to clause (1) a pilot shall offer his services:
- (a) firstly to mail vessels regularly employed in postal service; and
  - (b) secondly to the nearest inward bound vessel flying a pilotage signal.

**43 Tugs under pilot's orders**

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

**43A Use of tugs**

Where a vessel that is in the charge of a licensed pilot is moved within the waters of the Port, such tugs or other vessels as are in the opinion of the Harbourmaster necessary to enable the vessel to be moved safely and efficiently shall be employed for the purpose of towing or otherwise moving or assisting the vessel.

**44 Master shall produce register, &c.**

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



**45 Pilot shall not be detained**

- (1) Except in unavoidable circumstances a pilot shall not be detained without his consent on board any vessel, or taken to sea beyond the limits for which he is licensed or into quarantine ashore or afloat.
- (2) Where a pilot is detained without his consent or taken to sea or into quarantine the owners or master, in addition to other pilotage charges incurred, shall pay:
  - (a) all travelling expenses incurred by the pilot during the period of detention;
  - (b) the cost of the pilot's passage back to the Port of Darwin; and
  - (c) the sum of 100 dollars for every day or part of a day, but not including the first day, during which the pilot is detained.

**46 Complaints against pilots**

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

**47 Pilot shall not receive remuneration**

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

**48 Special services**

- (1) Where a pilot is engaged for special services such as swinging or manoeuvring a vessel for compass adjustment, conducting a vessel on a trial run after repairs, or for any other service not elsewhere provided for, the owners shall pay a charge of 20 dollars for every half hour or part thereof, with a minimum charge of 40 dollars.
- (2) Where a special service provided under this by-law involves the removal of a vessel from a berth alongside a wharf and the return of the vessel to the same berth alongside a wharf, the owners shall incur a charge as though the vessel has been piloted from one wharf to another wharf.

**49 Pilot leading a vessel**

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

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## Chapter VI Charges and fees

### 49A Calculation of tonnage

- (1) In this by-law:
  - (a) **UMST** means the tonnage of a vessel or lighter as calculated by the Universal Measurement System contained in the International Convention for Tonnage Measurement of Ships 1969 (to which the Commonwealth is a party), as affected by any amendment under Article 118 of that Convention, other than an amendment not accepted by the Commonwealth;
  - (b) **GRT** means the tonnage of a vessel or lighter calculated under the *Navigation (Tonnage Measure-ment) Regulations* of the Commonwealth being Statutory Rules 1976 No. 250 as amended or replaced by any subsequent rules or regulations; and
  - (c) **ITM Certificate** means an International Tonnage Measurement Certificate specifying the tonnage of a vessel or lighter and issued pursuant to the Convention referred to in paragraph (a).
- (2) For the purposes of this Chapter the tonnage of a vessel or lighter shall mean its tonnage as determined under the following clauses.
- (3) The tonnage of a vessel or lighter shall be its UMS tonnage where this can be ascertained:
  - (a) from an ITM Certificate;
  - (b) from a Certificate of Registry;
  - (c) from a Tonnage Certificate;
  - (d) from any measurement of the vessel in the latest edition of the Lloyd's Register in the Port Authority's possession;
  - (e) from information received from any other port authority or like authority, whether in the Commonwealth or not; or
  - (f) from any other source acceptable to the Port Corporation.
- (4) Where:
  - (a) the UMS tonnage of a vessel or lighter cannot be ascertained from any source referred to in clause (3); or

- (b) the UMS tonnage ascertained under clause (3) is inaccurate in the opinion of the Port Corporation,

the Port Corporation may if it thinks fit make or authorize a survey or estimate of the UMS tonnage, and the tonnage so ascertained shall be the tonnage of the vessel or lighter.

- (5) In any case where the tonnage of a vessel or lighter is not ascertained under clause 3 or 4, its tonnage shall be its Gross Registered Tonnage, and that tonnage shall be ascertained from –

- (a) a Certificate of Registry;
- (b) a Tonnage Certificate;
- (c) any measurement of the vessel in the latest edition of the Lloyd's Register in the possession of the Port; or
- (d) any other source acceptable to the Port Corporation,

but if the Port Corporation considers the Gross Registered Tonnage so ascertained to be inaccurate, it shall itself make or authorize a survey or estimate of that tonnage.

- (6) For the purpose of ascertaining the tonnage of a vessel or lighter any person authorized for that purpose by the Port Corporation may board, inspect, survey or measure the vessel or lighter, or any space or goods therein or thereon, and for that purpose may do all things reasonably necessary to enable him to carry out that function.
- (7) The owner, agent or master of a vessel or lighter shall, upon the request of a person referred to in clause (6), afford all reasonably necessary facilities to enable the vessel or lighter, or any space or goods therein or thereon, to be boarded, inspected, surveyed or measured for the purpose of ascertaining the tonnage of the vessel or lighter.
- (8) The Port Corporation shall keep at its offices in Darwin copies of the Convention referred to in clause 1(a), and of the Regulations referred to in clause 1(b), and shall make those copies available for inspection during its normal office hours if so requested by the owner, agent or master of a vessel or lighter.

**50 Berthage fees**

- (1) Subject to this by-law, the owner or master of a vessel or lighter which is berthed at or moored to:

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

shall pay the fee specified in column 2 in Schedule 2 for the period specified in column 3 during which the vessel described in column 1 occupied a berth.

- (1A) A vessel or lighter is berthed or moored from the time it is secured at a berth until the time the last line from the vessel or lighter is cast off a berth, and berthage has a corresponding meaning.

- (1B) This By-law does not apply to any fees charged by the Port Corporation for the provision of mooring facilities:

- (a) within the Darwin Fishing Harbour Mooring Basin; or
- (b) in Sadgroves Creek.

**50A Uranium products are prescribed substance**

- (1) In pursuance of section 48(1)(k) of the Act, uranium products are a prescribed substance for the purposes of section 17(2)(g) of the Act and, subject to clause (3), the prescribed rate for that prescribed substance passing through the Port or any part thereof, regardless of whether there is any use of a port facility provided or any benefit is received from an operation carried on by the Port Corporation or its agents in the Port is the amount specified for the purpose in Item 12 of Schedule 3.

- (2) The prescribed rate specified in clause (1) for the prescribed substance specified in that clause is payable by the consigner of that substance.

- (3) Where, but for this clause, the prescribed rate specified in clause (1) would be payable in relation to the prescribed substance specified in clause (1) and that substance has not, in the Territory, been:

- (a) unloaded from; or
- (b) loaded into,

a vessel, that prescribed rate shall not, by virtue of this clause, be paid or payable in relation to that substance.

#### **51 Wharfage fees**

- (1) Where goods being cargo are unloaded from a vessel or lighter in the Port, the owner of the goods shall pay, in addition to any other charge, fee, due, duty or levy, payable by him, an inwards wharfage fee in accordance with the scale of charges specified in Schedule 3.
- (2) Where goods being cargo are loaded into a vessel or lighter in the Port, the owner of the goods shall pay, in addition to any other charge, fee, due, duty or levy payable by him, an outwards wharfage fee in accordance with the scale of charges specified in Schedule 3.

#### **52 Pilotage fees**

- (1) Where a pilot is employed for a vessel in the Port of Darwin the master or owner of the vessel shall pay pilotage fees in accordance with Schedule 4.
- (2) Where under these By-laws a charge is made in connection with the services of a pilot such charge shall be in addition to and not in substitution for the fees payable in accordance with Schedule 4.

#### **53 Port dues**

- (1) Subject to this by-law, the master or owner of a vessel arriving or trading in the Port of Darwin shall pay port dues, in accordance with the Fifth Schedule, on arrival in the port.
- (3) When the master or owner of a vessel pays port dues once in respect of the vessel, he is not liable to pay port dues again in respect of the vessel for a period of 6 months commencing on the date when the master or owner became liable to pay the dues paid by him.
- (4) The master of a vessel on which port dues are payable shall produce to the Harbourmaster the certificate of registry of the vessel:
  - (a) within 24 hours after arrival of the vessel in the Port of Darwin;  
or

- (b) in the case of a vessel trading only within the Northern Territory:
  - (i) within 6 months of the date of commencement of these By-laws or of the date when the vessel began to trade only within the Northern Territory, whichever is the later; and
  - (ii) within 6 months of the date on which that certificate was last produced to the Harbourmaster.

**53A Fee for issue and renewal of stevedore's licence**

- (1) The fee for issuing or renewing a licence to a stevedore is that determined by the Port Corporation.
- (2) A fee is to be determined under clause (1) on the basis of the cost to the Port Corporation of processing the application, including the cost of confirming that the applicant is capable of ensuring that adequate health, safety and environmental standards will be maintained.

**53B Quarantine waste disposal fees**

The master or owner of a vessel who, in accordance with regulation 33C of the *Quarantine (General) Regulations* of the Commonwealth, is required to make available for collection all animal waste, organic refuse, galley scraps or waste from the vessel shall pay the fee specified in Schedule 7 for the removal and disposal of that waste, refuse or scraps for each day that the vessel remains in the Port of Darwin.

**54 Payment of fees, &c.**

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

**55 Port Corporation may remit fee, &c.**

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

## **Chapter VII     Sorting, stacking, storage and delivery of cargo**

### **56            Inward manifests**

- (1) The master of a vessel which enters the Port shall, before commencing to unload cargo:
  - (a) deliver to the Harbourmaster a true, legible and complete copy of the manifest of the vessel; and
  - (b) furnish, within 48 hours of delivering the copy, a certified statement of all alterations made in the manifest because of:
    - (i) measurement of the goods included in the manifest; or
    - (ii) any other reason.
- (2) The copy specified in paragraph (a) of clause (1) shall be:
  - (a) in the English language; and
  - (b) certified by the master as being true and complete.

### **57            Outward manifests**

- (1) The master of a vessel which is about to depart from the Port shall, before the vessel is cleared, deliver to the Harbourmaster a true, legible and complete copy of the manifest of the vessel.
- (2) The copy specified in clause (1) shall be:
  - (a) in the English language; and
  - (b) certified by the master as being true and complete.

### **58            Delivery to Harbourmaster**

For the purposes of the last 2 preceding by-laws a master may deliver to the Harbourmaster by delivering at the office of the Harbourmaster to a person employed in that office.

### **59            Goods likely to create nuisance, &c.**

- (1) This by-law applies to:
  - (a) kalsomine, carbon black, cement, charcoal, cocoa beans, paint mediums, fertilizers, plaster, plaster of Paris and whiting;

- (b) goods (other than explosives and inflammable liquids) which have been declared by proclamation under section 248 of the Navigation Act 1912-1961 to be dangerous; and
  - (c) any other goods in respect of which the Harbourmaster gives a direction in accordance with clause (2).
- (2) Where the Harbourmaster is satisfied that goods of a class specified in paragraph (a) or (b) of clause (1) or other goods to which, in his opinion, this by-law should apply:
  - (a) are likely to create a nuisance or dangerous or objectionable conditions on a wharf; and
  - (b) are about to be unloaded from a vessel, lighter or small craft,he may direct the owner of the vessel, lighter or small craft or the owner of the goods to ensure that the goods are removed direct from the vessel, lighter or small craft and dealt with in accordance with this by-law.
- (3) Where:
  - (a) goods to which this by-law applies are unloaded on to a wharf; and
  - (b) the Harbourmaster has not given permission, which is in force, for the goods to be stacked on a wharf, the owner of the goods shall ensure that the goods are immediately removed direct from the vessel, lighter or small craft to a place beyond the limits of any wharf.
- (4) Where the Harbourmaster gives permission for goods to which this by-law applies to be stacked on a wharf, a person shall not stack those goods on a wharf unless the goods are stacked on pallets which are placed upon a portion of the wharf which is:
  - (a) set aside by the Harbourmaster for the stacking of the goods; and
  - (b) covered with clean sawdust, or other substance specified by the Harbourmaster, to a depth of at least 2 inches.
- (5) Where goods to which this by-law applies have been stacked on a wharf with the permission of the Harbourmaster, the owner of the goods shall remove the goods, the pallets on which they are stacked and the sawdust or other substance with which the portion of the wharf under the pallets is covered from the wharf within 8 business hours after the end of the hour in which the goods were unloaded.



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

**60        Harbourmaster may give direction as to placing of goods, &c., on wharf**

- (1) The Harbourmaster may give a direction in accordance with this by-law if he is satisfied that the direction should be given to enable space on a wharf to be properly used.
- (2) The Harbourmaster may give a direction that goods placed or about to be placed on a wharf shall not be placed on the wharf unless they are placed as and where he specifies in the direction.
- (3) The Harbourmaster may give a direction that nothing shall be placed on such part of a wharf as is specified in the direction.
- (4) A direction under this by-law:
  - (a) may be given to a person:
    - (i) orally; or
    - (ii) in writing in a document served by a method specified in paragraph (a), (b), (c) or (d) of by-law 86; and
  - (b) shall be deemed to have been given to all persons if an appropriate notice is exhibited at or near the part of the wharf to which the direction applies.
- (5) The Harbourmaster may, if he thinks fit, permit a person to do an act in contravention of a direction under this by-law.
- (6) A person to whom a direction under this by-law is given shall not, without the permission of the Harbourmaster, do an act in contravention of the direction.
- (7) Where a person to whom a direction under this by-law is given is an owner of goods or an owner of a vessel, lighter or small craft, he shall ensure that goods of which he is the owner, or goods which have been or are about to be unloaded from a vessel, lighter or small craft of which he is the owner, as the case may be, are not, without the permission of the Harbourmaster, placed or allowed to remain on a wharf in contravention of the direction.

**61           Containers to be sound**

- (1) A person shall not deliver on to a wharf for shipment any goods enclosed in a container unless the container is of sound material and of sufficient strength and durability to hold the goods without leakage or spilling until they are delivered to the consignee.
- (2) If any goods are delivered on to a wharf in contravention of this by-law, the Harbourmaster may give a direction to the person who so delivered them or the owner of the goods to remove them forthwith, and a person receiving the direction shall comply with it.

**62           Removal of goods causing nuisance, &c.**

- (1) If any goods, by breaking bulk, spilling, leaking or in any other way:
  - (a) damage a wharf or any goods on a wharf;
  - (b) create a nuisance or a dangerous or offensive condition; or
  - (c) hinder the work on a wharf,the owner of the goods shall forthwith remove the goods and, if they are stacked on pallets, the pallets on which they are stacked and the sawdust or other substance with which the portion of the wharf under the pallets is covered and cause any matter or substance deposited on the wharf from the goods to be cleared away, and any damage done to the wharf to be repaired.
- (2) If the owner of the goods fails to do an act which the provisions of clause (1) require him to do, the Harbourmaster may give a direction to the owner to do the act forthwith, and the owner shall comply with the direction.
- (3) Where any cargo, ballast, ashes or other material falls into an area of a port from a vessel, the master or other person in charge of the vessel or, failing him, the owner, shall:
  - (a) notify the Harbourmaster not later than 12 hours after the occurrence; and
  - (b) remove the cargo, ballast, ashes or other material so fallen and dispose of it to the satisfaction of the Harbourmaster.
- (4) Where the master or other person or the owner does not remove the fallen cargo, ballast, ashes or other material within such time as the Harbourmaster considers reasonable, the Harbourmaster may remove the cargo, ballast, ashes or other material and dispose of it.

- (5) Any expense incurred by the Harbourmaster in a removal and disposal under clause (4) constitutes a debt, payable on demand, that is owed by the master and the owner, or other person in charge and the owner, jointly and severally, to the Harbourmaster for the benefit of the Port Corporation.

### **63      Cargo location record book**

- (1) The owner of a vessel from which goods are unloaded on to a wharf or into a lighter shall:
- (a) cause a book, to be called the cargo location book, to be kept in the delivery office;
  - (b) forthwith after a consignment of goods is unloaded from the vessel or lighter on to the wharf, cause to be entered in the book, as far as possible in alphabetical order according to the first letter of the marks on the goods:
    - (i) the distinguishing marks or numbers of the goods, the number of the bill of lading relating to the goods or of the line on which the goods are entered in the manifest of the vessel and the number and type of packages comprising the goods;
    - (ii) the date or dates on which the consignment was unloaded;
    - (iii) the position on the wharf of the goods, the position being described by reference to the known divisions of the wharf; and
    - (iv) if a consignment is divided and stacked in different places, the position, described by reference to the known division of the wharf, of each part of the consignment; and
  - (c) permit:
    - (i) a consignee or agent of a consignee of goods unloaded from the vessel; or
    - (ii) the Harbourmaster,to inspect the book during any hours during which the work of unloading is usually carried on.
- (2) Where goods are unloaded on to 2 or more wharves from the same vessel, either directly or by means of a lighter, the owner of the vessel shall, unless the Harbourmaster otherwise permits, cause to

be kept, entered up and made available a separate cargo location record book for each wharf on to which the goods are unloaded, and the provisions of these By-laws shall apply as if each separate cargo location record book were the cargo location record book.

#### **64            Sorting and stacking of cargo**

- (1) A person who places goods, which are inwards cargo, on a wharf for removal shall cause those goods to be sorted and stacked on the wharf in their separate consignments in such a manner as to give easy access to each consignment and to permit of its speedy removal from the wharf.
- (2) Notwithstanding clause (1) a person may cause consignments of under 5 tonnes by volume to be stacked together in one stack if the consignments are stacked so that each consignment can be readily identified and removed.
- (3) A person shall not:
  - (a) take delivery of any goods in a stack except from the face of the stack; or
  - (b) disarrange a stack.
- (4) The owner of a vessel from which goods have been unloaded on to a wharf, either directly or by means of a lighter, shall cause to be kept open, during business hours and any other hours which the Harbourmaster specifies in a direction to the owner, all parts of the wharf which it is necessary to keep open for the purpose of permitting the goods to be removed from the wharf.

#### **65            Notice to consignees**

- (1) Subject to clause (2), after a consignment of goods has been unloaded from a vessel on to a wharf, either directly or by means of a lighter, the owner of the vessel shall:
  - (a) within 24 hours after the completion of the unloading of that consignment, inform the consignee:
    - (i) of the fact that the goods have been unloaded; and
    - (ii) of the location of the goods on the wharf; and
  - (b) forthwith after so informing the consignee make an entry, in the cargo location book kept under these By-laws, of the time when the consignee was so informed.

- (2) The owner of a vessel need not comply with the provisions of clause (1) if the name of the consignee:
  - (a) is not known to him;
  - (b) cannot be ascertained from any documents in the possession of the owner.

## **66            Removal of inward cargo from wharves**

- (1) The Harbourmaster may, by general notice, require all goods unloaded or about to be unloaded from a vessel, lighter or small craft to be removed from a wharf within a time specified in the notice.
- (2) A notice under clause (1) shall:
  - (a) be in writing;
  - (b) be applicable to all goods unloaded or about to be unloaded from the vessel, lighter or small craft;
  - (c) name the vessel, lighter or small craft from which those goods are unloaded or about to be unloaded; and
  - (d) be exhibited:
    - (i) in the transit shed at the berth at which the goods are or are about to be unloaded; or
    - (ii) in the case of goods unloaded or about to be unloaded at the open berth, in the transit shed nearest to that berth.
- (3) Notwithstanding the provisions of the last 2 preceding clauses, the Harbourmaster may at any time give a special notice to:
  - (a) the owner of a vessel, lighter or small craft from which goods have been unloaded on to a wharf; or
  - (b) the owner of goods which have been unloaded on to a wharf, requiring the person to whom the notice is given to remove the goods specified in the notice from the wharf before the expiration of the time specified in the notice.
- (4) The owner of any goods to which a notice under clause (1) applies and a person to whom a notice is given under clause (3) shall comply with the terms of the notice, and shall be deemed to commit a separate offence on each day on which he does not comply with

the terms of the notice.

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

#### **67            Storage charge for inward cargo**

- (1) If any goods unloaded from a vessel are not removed from a wharf within the period prescribed by these By-laws or by a notice under these By-laws, a storage charge shall be payable to the Harbourmaster by the owner of the goods at the following rates per tonne for each tonne or part of a tonne of the goods for each relevant day during which the goods remain on the wharf after that period has expired:
  - (a) per day for the first 3 days – \$0.32;
  - (b) per day for the next 3 days – \$0.49;
  - (c) for the seventh day and each day thereafter – \$2.26.
- (2) In this by-law, **tonne** means tonne by weight or tonne by volume depending upon which measurement yields the greater storage charge.

#### **68            Storage charge for outward cargo**

- (1) Goods placed on a wharf for shipment in a vessel may remain on the wharf free of storage charges:
  - (a) for a period fixed by the Harbourmaster by notice to the owner of the vessel; or
  - (b) if no period is fixed in accordance with paragraph (a), while the vessel is berthed at the wharf and during the 2 days immediately before the arrival of the vessel at the wharf.
- (2) Where goods placed on a wharf for shipment on a vessel remain on the wharf longer than is allowed under this by-law, the owner of the vessel shall pay a storage charge at the rate of 30 cents per tonne of the goods for each day in excess of the period of free storage allowed.
- (3) In this by-law, **tonne** means tonne by weight or tonne by volume depending upon which measurement yields the greater storage charge.

**69            Cargo delivery book**

- (1) The owner of a vessel from which goods are unloaded on to a wharf, either directly or by means of a lighter, shall:
  - (a) cause a book to be kept to be called a cargo delivery book;
  - (b) forthwith, upon the delivery of any of the goods to the owner or his agent, enter in the book:
    - (i) the date of delivery of the goods;
    - (ii) the name of the owner of the goods or his agent;
    - (iii) particulars of the marks on the goods;
    - (iv) the number of the bill of lading relating to the goods or of the line in which the goods are entered in the manifest of the vessel; and
    - (v) the number and types of packages of the goods;
  - (c) each day forward to the Harbourmaster a copy of all entries made in the book on the previous day; and
  - (d) produce the book on demand to any person authorized in writing by the Port Corporation to inspect cargo delivery books and permit that person to inspect the book.
- (2) The owner of a vessel, lighter or small craft using a wharf for the purpose of taking goods on board shall, upon the request of the Harbourmaster for particulars relating to goods placed on the wharf for shipment on the vessel, lighter or small craft supply those particulars in writing to the Harbourmaster.

**70            Removal of goods impeding work on wharves**

- (1) Notwithstanding any other provision of these By-laws, if the Harbourmaster is of the opinion that any goods on a wharf are impeding the business of the wharf, he may direct:
  - (a) in the case of goods being inward cargo, the owner of the goods or the owner of the vessel from which the goods were unshipped or both those owners; or
  - (b) in the case of goods being outward cargo, the owner of the vessel in which the goods are intended to be shipped or the owner of the goods or both those owners,

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

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

## **72       Hire of equipment and other services**

The Port Corporation from time to time may determine charges for:

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

## **73       Manually operated handling equipment**

- (1) The owner of a vessel, lighter or small craft shall ensure that manually operated handling equipment used in connection with the unloading or loading of the vessel, lighter or small craft is removed from the wharf as soon as the unloading or loading of the vessel, lighter or small craft is completed.
- (2) If the owner of the vessel, lighter or small craft fails to comply with the provisions of clause (1) the Harbourmaster may direct him to remove the manually operated handling equipment from the wharf forthwith or within a time specified by the Harbourmaster.

## **74       Power of Harbourmaster to remove cargo or do work on default**

- (1) If a person fails to comply with a direction:
  - (a) to remove goods; or
  - (b) to do any other act,given to him by the Harbourmaster under a by-law in this Chapter, the Harbourmaster may remove the goods or do the act directed to be done.
- (2) Where goods are removed by the Harbourmaster pursuant to this by-law, the Harbourmaster may store them in any place which he considers to be appropriate.
- (3) Where goods are stored pursuant to this by-law in a store other than a store provided for the transit accommodation of cargo, a storage charge of \$4.21 for each tonne or part of a tonne of the goods for each day or part of a day during which the goods are



stored shall be payable to the Harbourmaster by the owner of the goods.

- (4) The Harbourmaster shall not be liable for any loss or damage to goods which are removed or stored pursuant to this by-law, unless the loss or damage is caused by the negligence or wilful wrong of the Harbourmaster or a person acting under his authority or by his direction.
- (5) Where goods have been stored pursuant to clause (2) for not less than 30 days, the Harbourmaster:
  - (a) may cause the goods to be sold by public auction; and
  - (b) if he causes the goods to be sold, shall deduct from the proceeds of the sale the expenses of the sale and any sums due for storage charges under these By-laws and pay the balance, if any, to the owner of the goods.
- (6) In this by-law **tonne** means tonne by weight or tonne by volume depending upon which measurement yields the greater storage charge.

## **75        Harbourmaster may grant exemption**

- (1) Notwithstanding anything contained in this Chapter, the Harbourmaster may, by notice in writing, exempt a person from compliance with a requirement of this Chapter if, in the opinion of the Harbourmaster:
  - (a) the requirement has been substantially complied with;
  - (b) compliance with the requirement is, in the circumstances of the case, impracticable or unnecessary; or
  - (c) other action taken in regard to the subject matter of the requirement is a satisfactory substitute for action specified in the requirement.
- (2) The Harbourmaster may subject an exemption under this by-law to any condition or limit he considers necessary.
- (3) If he considers that the circumstances of the case justify him in doing so, the Harbourmaster may, by notice in writing to the person exempted:
  - (a) revoke an exemption; or
  - (b) vary a condition of an exemption,

granted under this by-law.

**76            Calculation of storage charges**

For the purpose of calculating a storage charge under these By-laws:

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

**77            Port Corporation may remit portion of storage charge**

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

## **Chapter VIII    Obstruction in ports**

**78            Removal of obstruction**

- (1) Where any timber, raft or thing in or afloat in the Port is, in the opinion of the Harbourmaster, an obstruction or impediment to:
  - (a) the navigation of the declared port; or
  - (b) the lawful use of a wharf or mooring or a structure on the shore of the declared port,

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

- (2) The owner of the timber, raft or thing shall:
  - (a) pay the expenses of removal; or
  - (b) where an order is given under clause (1), comply with the order.

**79      Lights on sunken vessels, &c.**

- (1) Where a vessel, lighter or small craft is sunk, stranded or run ashore in the Port, the Harbourmaster may, before or during the removal of the vessel, lighter or small craft in accordance with the Act, order to be affixed to the vessel, lighter or small craft such lights or marks as he considers necessary.
- (2) An order under clause (1) may be directed to the owner or master of the vessel, lighter or small craft, and the owner or master receiving the order shall comply with it.

**Chapter IX      Miscellaneous**

**80      Wharf construction**

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

**83      Recovery of money payable**

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

**84      Payment of expenses to be additional to penalty for offence**

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

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**85            Offences**

A person who contravenes, or fails to comply with, a provision of these By-laws is guilty of an offence punishable on a finding of guilt by a fine:

- (a) for an offence against by-law 4 – not exceeding 5 penalty units if the offender is a natural person and 25 penalty units if the offender is a body corporate;
- (b) for an offence against by-law 4A, 4D, 4E, 4F, 4G, 4J, 4K, 6(3), 6(4), 13A, 13C or 70(2) – not exceeding 10 penalty units if the offender is a natural person and 50 penalty units if the offender is a body corporate;
- (c) for an offence against by-law 4AA(3), 4B or 4C – not exceeding 20 penalty units if the offender is a natural person and 50 penalty units if the offender is a body corporate;
- (d) for an offence against by-law 4H, 9(3), 12, 15, 16, 16A, 19, 19A, 20, 21, 22, 22A, 22B, 25 or 79(2) – not exceeding 20 penalty units if the offender is a natural person and 100 penalty units if the offender is a body corporate;
- (e) for an offence against by-law 8(11) – not exceeding 50 penalty units if the offender is a natural person and 100 penalty units if the offender is a body corporate;
- (f) for an offence against by-law 17(4) – not exceeding 25 penalty units if the offender is a natural person and 100 penalty units if the offender is a body corporate;
- (g) for an offence against by-law 18, 18A or 18B – not exceeding 30 penalty units if the offender is a natural person and 100 penalty units if the offender is a body corporate;
- (h) for an offence against by-law 23, 24 or 28 – not exceeding 50 penalty units if the offender is a natural person and 100 penalty units if the offender is a body corporate; or
- (i) if no other penalty is provided – not exceeding 10 penalty units if the offender is a natural person and 50 penalty units if the offender is a body corporate.

**85A          Regulatory offences**

An offence of contravening or failing to comply with by-law 4(3), (4) or (5), 4C, 4E, 4F, 5, 6(3) or (4), 7, 7A, 9(3), 11, 13A, 13C(b) or (c), 13D, 17(4), 18A, 18B, 21, 23, 24(1) or (2), 25, 28, 29, 30(1), (2), 32, 56, 57, 63, 69 or 70 is a regulatory offence.

**86            Service of notice, &c.**

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; or
- (d) where the person to be served is the master of a vessel:
  - (i) by leaving it with some person on and apparently employed on the vessel; or
  - (ii) by affixing it to the mast of the vessel.

**87            Proof of signature to notice, &c.**

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

## **Schedule 1A**

EXTRACT FROM CHART AUS 28 NOT TO BE USED FOR  
NAVIGATIONAL PURPOSES

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## Schedule 1

### FORM 1

By-law 36A

No. ....

#### NORTHERN TERRITORY OF AUSTRALIA

#### PILOTAGE EXEMPTION CERTIFICATE

In pursuance of the *Port By-laws* made under the *Darwin Port Corporation Act*, the Port Corporation hereby grants you exemption from pilotage as the master of a vessel in the Port of Darwin, subject to the conditions specified hereunder.

NAME .....

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

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

overall length ..... metres.

#### CONDITIONS:

Date of Examination .....

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

.....  
(Signature of holder)

.....  
(Port Superintendent)

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**FORM 2**

By-law 40

No. ....

NORTHERN TERRITORY OF AUSTRALIA

PILOT'S LICENCE

In pursuance of the *Port By-laws* made under the *Darwin Port Corporation Act*, the Port Corporation hereby grants you this Pilot's Licence to pilot vessels through the waters of the Port of Darwin.

NAME .....

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

Date of Examination .....

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

.....  
(Signature of holder)

.....  
(Port Superintendent)



## **Schedule 7 Quarantine waste disposal fee**

by-law 53B

Fee for the disposal of waste from  
a vessel of:

- (a) less than 25 metres in length – nil
- (b) 25 metres or more in length – \$30.00 plus \$2.00 for each person on board, for each day or part of a day, subject to a daily maximum of \$1,000.00.

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## ENDNOTES

### 1 KEY

Key to abbreviations

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

### 2 LIST OF LEGISLATION

#### ***Port By-laws (SL No. 5, 1964)***

Notified	29 May 1964
Commenced	29 May 1964

#### ***Amendment of the Port By-laws (SL No. 20, 1965)***

Notified	1 June 1966
Commenced	1 June 1966

#### ***Amendment of the Port By-laws (SL No. 4, 1970)***

Notified	18 February 1970
Commenced	18 February 1970

#### ***Amendments of the Port By-laws (SL No. 18, 1970)***

Notified	9 September 1970
Commenced	9 September 1970

#### ***Amendments of the Port By-laws (SL No. 2, 1973)***

Notified	15 February 1973
Commenced	9 April 1973 (bl 1 and Gaz 14, 5 April 1973)

#### ***Amendments of the Port By-laws (SL No. 9, 1973)***

Notified	21 June 1973
Commenced	1 July 1973 (bl 1)

#### ***Amendment of the Port By-laws (SL No. 15, 1973)***

Notified	20 September 1973
Commenced	20 September 1973

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

Assent date	11 December 1973
Commenced	11 December 1973

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***Amendments of the Port By-laws (SL No. 17, 1974)***

Notified	8 August 1974
Commenced	15 August 1974 (bl 1 and Gaz 33, 15 August 1974)

***Amendments of the Port By-laws (SL No. 24, 1974)***

Notified	26 September 1974
Commenced	26 September 1974

***Amendments of Port By-laws (SL No. 8, 1976)***

Notified	18 June 1976
Commenced	18 June 1976

***Amendments of the Port By-laws (SL No. 9, 1976)***

Notified	18 June 1976
Commenced	18 June 1976

***Amendments of the Port By-laws (SL No. 20, 1977)***

Notified	13 January 1978
Commenced	13 January 1978

***Amendment of the Port By-laws (SL No. 4, 1978)***

Notified	28 February 1978
Commenced	28 February 1978

***Amendments of the Port By-laws (SL No. 9, 1979)***

Notified	10 August 1979
Commenced	1 January 1980 (bl 1)

***Amendments of the Port By-laws (SL No. 20, 1980)***

Notified	30 May 1980
Commenced	30 May 1980

***Amendments of the Port By-laws (SL No. 51, 1980)***

Notified	30 January 1981
Commenced	30 January 1981

***Amendments of the Port By-laws (SL No. 28, 1981)***

Notified	1 October 1981
Commenced	1 October 1981 (bl 1)

***Amendment of the Port By-laws (SL No. 83, 1982)***

Notified	31 December 1982
Commenced	1 January 1983 (bl 1)

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

***Amendments of the Port By-laws (SL No. 12, 1984)***

Notified	11 April 1984
Commenced	11 April 1984

***Amendments of the Port By-laws (SL No. 15, 1985)***

Notified	26 June 1985
Commenced	26 June 1985

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***Amendments of the Port By-laws (SL No. 18, 1986)***

Notified	25 June 1986
Commenced	25 June 1986

***Amendments of the Port By-laws (SL No. 30, 1987)***

Notified	1 July 1987
Commenced	1 July 1987 (bl 1)

***Amendments of the Port By-laws (SL No. 26, 1988)***

Notified	1 June 1988
Commenced	1 July 1988 (bl 1)

***Statute Law Revision Act 1988 (Act No. 66, 1988)***

Assent date	22 December 1988
Commenced	22 December 1988

***Amendments of the Port By-laws (SL No. 1, 1989)***

Notified	1 February 1989
Commenced	1 February 1989 (bl 1)

***Amendments of the Port By-laws (SL No. 4, 1989)***

Notified	1 March 1989
Commenced	1 March 1989

***Amendments of Port By-laws (SL No. 29, 1990)***

Notified	1 August 1990
Commenced	1 August 1990

***Amendments of Port By-laws (SL No. 28, 1991)***

Notified	25 June 1991
Commenced	25 June 1991

***Amendment of Port By-laws (SL No. 30, 1993)***

Notified	29 September 1993
Commenced	29 September 1993

***Statute Law Revision Act (No. 2) 1998 (Act No. 92, 1998)***

Assent date	21 October 1998
Commenced	20 September 1999 (s 2(2), s 2 <i>Darwin Port Authority Amendment Act 1998</i> (Act No.80, 1998) and Gaz S37, 1 September 1999)

***Amendments of Port By-laws (SL No. 29, 1999)***

Notified	22 September 1999
Commenced	22 September 1999

***Amendment of Port By-laws (SL No. 14, 2002)***

Notified	29 May 2002
Commenced	29 May 2002

***Amendments of Port By-laws (SL No. 21, 2002)***

Notified	7 August 2002
Commenced	7 August 2002

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### 3 SAVINGS AND TRANSITIONAL PROVISIONS

bl 4 *Amendments of the Port By-laws* (SL No. 20, 1980)

### 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by section 11 of the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: by-laws 3, 4, 4L, 5, 6, 7, 7A, 8, 9, 10, 11, 12, 13, 13A, 13C, 19A, 20A, 22, 23, 24, 29, 30, 31, 33, 34, 36, 37, 39, 40, 42, 45, 48, 53, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 73, 74, 78, 79, 86, First and Second Schedules

### 5 LIST OF AMENDMENTS

bl 2	amd No. 2, 1973, bl 2; No. 21, 2002, bl 17; No. 34, 2002, bl 1
bl 3	amd No. 2, 1973, bl 3; No. 9, 1973, bl 2; No. 17, 1974, bl 2; No. 24, 1974, bl 2; No. 28, 1991, bl 12; No. 21, 2002, bl 2 and 17
bl 4A	ins No. 2, 1973, bl 4 sub No. 21, 2002, bl 3
bl 4B	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2) sub No. 21, 2002, bl 3
bl 4C – 4D	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2)
bl 4E – 4F	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 4G	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2)
bl 4H	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 4J – 4K	ins No. 2, 1973, bl 4 amd Act No. 92, 1998, s 25(2)
bl 4L	ins No. 2, 1973, bl 4
bl 5	sub No. 51, 1980, bl 1 amd No. 21, 2002, bl 4
bl 5A – 5B	ins No. 21, 2002, bl 5
bl 6	amd No. 2, 1973, bl 25; No. 21, 2002, bl 17
bl 7	amd No. 21, 2002, bl 17
bl 7A	ins No. 2, 1973, bl 5 amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 8	sub No. 2, 1973, bl 6 amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 9	amd Act No. 92, 1998, s 25(2)
bl 10	amd No. 21, 2002, bl 17
bl 11	amd No. 4, 1978
bl 13	sub No. 2, 1973, bl 7 amd No. 21, 2002, bl 17
bl 13A	ins No. 4, 1970, bl 2 sub No. 2, 1973, bl 7 amd No. 21, 2002, bl 17
bl 13B	ins No. 2, 1973, bl 7 amd No. 21, 2002, bl 17
bl 13C – 13D	ins No. 2, 1973, bl 7

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bl 14	rep No. 2, 1973, bl 7
bl 16	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 16A	ins No. 2, 1973, bl 8
	amd No. 21, 2002, bl 17
bl 17	amd No. 21, 2002, bl 17
bl 18A – 18B	ins No. 2, 1973, bl 9
	amd No. 21, 2002, bl 17
bl 19A	ins No. 2, 1973, bl 10
	sub No. 21, 2002, bl 6
ch III hdg	sub No. 2, 1973, bl 11
	amd No. 21, 2002, bl 17
bl 20	amd No. 21, 2002, bl 17
bl 20A	ins No. 2, 1973, bl 12
	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 21	amd No. 21, 2002, bl 7 and 17
bl 22	amd No. 21, 2002, bl 17
bl 22A – 22B	ins No. 2, 1973, bl 13
bl 24 – 25	amd No. 21, 2002, bl 17
bl 27	sub No. 20, 1980, bl 1
bl 28	sub No. 2, 1973, bl 14
	amd No. 17, 1974, bl 3
	sub No. 20, 1980, bl 1
	amd No. 21, 2002, bl 17
bl 29	amd No. 17, 1974, bl 4
	sub No. 20, 1980, bl 1
	amd No. 21, 2002, bl 17
bl 30	sub No. 2, 1973, bl 15; No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 17
bl 31 – 32	sub No. 20, 1980, bl 1
bl 33	amd No. 2, 1973, bl 25
	sub No. 20, 1980, bl 1
bl 34	sub No. 17, 1974, bl 5; No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 8
bl 35	sub No. 17, 1974, bl 6; No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2)
bl 36	amd No. 17, 1974, bl 7
	sub No. 20, 1980, bl 1
	amd No. 18, 1986, bl 2; No. 30, 1987, bl 2; No. 26, 1988, bl 2; No. 29, 1990, bl 1; No. 28, 1991, bl 2; No. 29, 1999, bl 1
bl 36A	ins No. 20, 1980, bl 1
	amd No. 83, 1982, bl 2; Act No. 92, 1998, s 25(2); No. 21, 2002, bl 9
bl 36B	ins No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2)
bl 36C	ins No. 20, 1980, bl 1
	amd No. 18, 1986, bl 3; No. 30, 1987, bl 3; No. 26, 1988, bl 3; No. 29, 1990, bl 2; No. 28, 1991, bl 3; Act No. 92, 1998, s 25(2); No. 29, 1999, bl 2; No. 21, 2002, bl 10
bl 36D	ins No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2)
	sub No. 21, 2002, bl 11
bl 36DA	ins No. 21, 2002, bl 11
bl 36E	ins No. 20, 1980, bl 1
	amd Act No. 92, 1998, s 25(2)
bl 36F	ins No. 20, 1980, bl 1
	amd No. 30, 1987, bl 4; No. 26, 1988, bl 4; No. 29, 1990, bl 3; No. 29, 1999, bl 3; No. 21, 2002, bl 17
bl 37	amd No. 17, 1974, bl 8; No. 20, 1980, bl 2
bl 38	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 12

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bl 40	amd Act No. 92, 1998, s 25(2)
bl 41	amd Act No. 92, 1998, s 25(2); No. 21, 2002, bl 13
bl 43A	ins No. 2, 1973, bl 16 amd No. 21, 2002, bl 17
bl 45	amd No. 2, 1973, bl 25
bl 48	amd No. 2, 1973, bl 25
ch VI hdg	amd No. 2, 1973, bl 17
bl 49A	ins No. 83, 1982, bl 3; No. 28, 1991, bl 4; Act No. 92, 1998, s 25(2) sub No. 30, 1987, bl 5
bl 50	amd No. 2, 1973, bl 18; No. 30, 1987, bl 6; No. 4, 1989, bl 1; No. 28, 1991, bl 5 and 12; Act No. 92, 1998, s 25(2)
bl 50A	ins No. 12, 1984, bl 1 amd No. 28, 1991, bl 6; Act No. 92, 1998, s 25(2)
bl 51	amd No. 2, 1973, bl 19; No. 28, 1991, bl 12; No. 21, 2002, bl 17
bl 52	amd No. 4, 1989, bl 2; No. 28, 1991, bl 12
bl 53	amd No. 4, 1989, bl 3; No. 28, 1991, bl 12
bl 53A	ins No. 30, 1987, bl 7 sub No. 21, 2002, bl 14
bl 53B	ins No. 1, 1989, bl 2
bl 54 – 55	amd Act No. 92, 1998, s 25(2)
bl 56 – 57	amd No. 21, 2002, bl 17
bl 62	amd No. 2, 1973, bl 20; Act No. 92, 1998, s 25(2)
bl 64	amd No. 24, 1974, bl 3
bl 67	amd No. 2, 1973, bl 25; No. 9, 1973, bl 3; No. 18, 1986, bl 4; No. 30, 1987, bl 8; No. 26, 1988, bl 5; No. 29, 1990, bl 4; No. 28, 1991, bl 7
bl 68	amd No. 2, 1973, bl 25; No. 9, 1973, bl 4; No. 18, 1986, bl 5; No. 30, 1987, bl 9; No. 26, 1988, bl 6; No. 29, 1990, bl 5
bl 69	amd Act No. 92, 1998, s 25(2)
bl 71	rep No. 2, 1973, bl 21
bl 72	amd No. 30, 1987, bl 10; Act No. 92, 1998, s 25(2)
bl 74	amd No. 2, 1973, bl 25; No. 9, 1973, bl 5; No. 18, 1986, bl 6; No. 30, 1987, bl 11; No. 26, 1988, bl 7; No. 29, 1990, bl 6
bl 76	amd No. 9, 1973, bl 6
bl 77	amd Act No. 92, 1998, s 25(2)
bl 78 – 79	amd No. 21, 2002, bl 17
bl 80	amd Act No. 92, 1998, s 25(2)
bl 81 – 82	rep No. 2, 1973, bl 21
bl 83 – 84	amd Act No. 92, 1998, s 25(2)
bl 85	amd No. 2, 1973, bl 22; No. 21, 2002, bl 15
bl 85A	ins Act No. 68, 1983, s 87
bl 87	amd Act No. 92, 1998, s 25(2)
sch 1A	ins No. 51, 1980, bl 2
sch 1	amd No. 17, 1974, bl 9; No. 20, 1980, bl 3; No. 83, 1982, bl 4; Act No. 92, 1998, s 25(2); No. 21, 2002, bl 16
sch 2	amd No. 18, 1970, bl 1; No. 2, 1973, bl 23; No. 9, 1973, bl 7; No. 8, 1976, bl 1; No. 9, 1976, bl 1; No. 20, 1977, bl 1; No. 9, 1979, bl 2; No. 28, 1981, bl 2 sub No. 83, 1982, bl 4 amd No. 15, 1985, bl 1; No. 18, 1986, bl 7 sub No. 30, 1987, bl 12 amd No. 26, 1988, bl 8; No. 29, 1990, bl 7; No. 28, 1991, bl 10; Act No. 92, 1998, s 25(2); No. 29, 1999, bl 4 rep No. 14, 2002

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sch 3	<p>amd No. 20, 1965, bl 2; No. 18, 1970, bl 2; No. 2, 1973, bl 24  sub No. 9, 1973, bl 8  amd No. 15, 1973; No. 17, 1974, bl 10  sub No. 24, 1974, bl 4; No. 9, 1976, bl 2; No. 20, 1977, bl 2; No. 9, 1979, bl 3;  No. 28, 1981, bl 3; No. 83, 1982, bl 4; No. 12, 1984, bl 2  amd No. 15, 1985, bl 2; No. 18, 1986, bl 8  sub No. 30, 1987, bl 13  amd No. 26, 1988, bl 9; No. 29, 1990, bl 8  sub No. 28, 1991, bl 11  amd No. 30, 1993; Act No. 92, 1998, s 25(2); No. 29, 1999, bl 5  rep No. 14, 2002</p>
sch 4	<p>sub No. 18, 1970, bl 3; No. 9, 1973, bl 9; No. 17, 1974, bl 11; No. 9, 1976,  bl 3; No. 20, 1977, bl 3; No. 9, 1979, bl 4; No. 28, 1981, bl 4; No. 83, 1982,  bl 4  amd No. 18, 1986, bl 9  sub No. 30, 1987, bl 14  amd No. 26, 1988, bl 10; Act No. 66, 1988, s 6(2); No. 29, 1990, bl 9  sub No. 28, 1991, bl 11  amd No. 29, 1999, bl 6  rep No. 14, 2002</p>
sch 5	<p>sub No. 18, 1970, bl 4; No. 9, 1973, bl 10; No. 9, 1976, bl 4; No. 20, 1977,  bl 4; No. 9, 1979, bl 5; No. 28, 1981, bl 5; No. 83, 1982, bl 4; No. 30, 1987,  bl 15  amd No. 29, 1990, bl 10  sub No. 28, 1991, bl 11  rep No. 14, 2002</p>
sch 6	<p>ins No. 30, 1987, bl 16  rep No. 28, 1991, bl 11</p>
sch 7	<p>ins No. 1, 1989, bl 3</p>