
Harbours Board (General) By-laws 1967

Unvalidated References:

Harbours Board Act 1963

Constitution

Motor Traffic Act 1950

Motor Traffic Act 1950

Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws 1967

Cemeteries Act 1955

Employment of Non-citizens Act 1978

Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 240A.

Harbours Board (General) By-laws 1967

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Harbours Board (General) By-laws 1967

MADE under the *Harbours Board Act 1963*.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In these By-laws–

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

“**cargo**” includes any goods;

“**day**” means the hours between sunrise and sunset;

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

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

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

“**night**” means the hours between sunset and sunrise;

“**owner**”, in relation to a vessel, includes–

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

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

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

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

“**wharf**” includes–

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

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

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

PART II. – CONDUCT OF BUSINESS.

Division 1.

General.

2. SEAL OF THE BOARD.

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

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

(3) The seal shall be affixed by—

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

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

3. PETITIONS.

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

4. OFFICE HOURS.

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

Division 2.

Meetings of the Board.

5. SUSPENSION OF RULES OF PROCEDURE.

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

6. GENERAL ORDER OF BUSINESS AT ORDINARY MEETINGS.

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

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

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

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

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

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

7. GENERAL ORDER OF BUSINESS AT SPECIAL MEETINGS.

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

8. MOTIONS, ETC., GENERALLY.

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

- (a) at a meeting of the members of the Board; or
- (b) at least 14 clear days before the holding of an ordinary meeting.

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

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

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

- (a) reduced into writing; and
- (b) signed by the mover; and
- (c) delivered to the Chairman immediately on its being moved and seconded.

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

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

9. ENFORCEMENT OF STANDING ORDERS.

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

10. MOTIONS FOR ADJOURNMENT.

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

11. AMENDMENTS.

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

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

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

12. RULES OF DEBATE GENERALLY ON MOTIONS, ETC.

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

(a) shall address the Chairman; and

(b) shall not be interrupted unless called to order.

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

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

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

(a) he is entitled to a reply; or

(b) he has been misrepresented or misunderstood and he is given permission to explain,

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

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

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

13. POINTS OF ORDER.

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

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

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

(a) he shall stop speaking until the member calling to order has been heard; and

(b) he may, subject to the ruling of the Chairman, proceed with the subject when the question of order is disposed of.

14. VOTING.

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

Division 3.

Committees.

15. MEETINGS OF COMMITTEES.

The Secretary shall convene a committee of the Board—

(a) within 10 days after its first appointment; and

(b) at any other time afterwards, on the order of the Chairman of the committee or of any two members of the committee.

16. MINUTES OF COMMITTEES.

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

Division 4.

Protests against Resolutions.

17. PROTESTS.

(1) A member of the Board may protest against any resolution of the Board.

(2) Notice of intention to protest shall be given on the adoption of the resolution to be protested against.

(3) The protest shall—

- (a) specify the reasons for protesting; and
- (b) be entered and signed, at least three days before the next ordinary meeting of the Board, by the protesting member in a book to be kept for the purpose in the office of the Secretary; and
- (c) be entered in the minutes of the meeting at which notice of intention to protest was given, before the confirmation of the minutes.

(4) A protest entered in the minutes in accordance with Subsection (3)(c) may be deleted from the minutes if it is declared by a majority of members to be not in accordance with the truth or to be in its terms disrespectful to the Board.

Division 5.

Right to Documents.

18. RIGHT TO DOCUMENTS.

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

Division 6.

Tenders.

19. CALLING FOR TENDERS.

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

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

20. DEPOSITS.

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

21. ACCEPTANCE OF TENDERS.

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

PART III. – CONTROL OF PROPERTY, ETC.

Division 1.

Administration and General.

22. OBSERVANCE OF PART III.

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

23. POWER OF ENTRY, ETC.

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

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

(i) in waters controlled by the Board; or

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

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

(b) take measurements or make tests; and

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

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

24. WORKS ON LAND VESTED IN THE BOARD, ETC.

(1) Works shall not be constructed on—

(a) land vested in the Board; or

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

without the permission of the Board.

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

25. LEASES ON LAND VESTED IN THE BOARD, ETC.

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

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

26. APPOINTMENT OF AGENTS OF VESSELS.

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

Division 2.

Control of Wharves and Goods.

Subdivision A. – General.

27. LIABILITY OF OWNER, ETC.

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

(a) the owner of any goods; and

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

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

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

28. INTERFERENCE WITH GATES.

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

29. RIGHT TO DEMAND NAME AND ADDRESS.

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

(a) to state his name and address; and

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

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

30. OBEDIENCE TO ORDERS OF PORT MANAGER.

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

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

31. CLOSURE OF WHARVES, ETC.

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

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

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

32. REPORT OF CASUALTIES.

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

33. PROVISION OF ROADWAYS AND LIGHTING.

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

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

34. PROTECTION OF LANDS, ETC.

^[1]The Board may appoint such persons as it thinks necessary—

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

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

35. PROVISION OF ASSISTANCE AND AMENITIES.

^[2]The Board may appoint such persons as it thinks necessary—

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

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

36. REMOVAL OF GOODS AND STORAGE RATES.

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

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

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

37. FIRES ON WHARVES.

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

38. RESCUE AND FIRE-EXTINGUISHING OPERATIONS.

The Board may—

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

39. OBSTRUCTION BY GOODS.

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

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

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

40. DISPOSAL OF CARGO.

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

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

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

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

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

41. RESTRICTIONS ON LOADING CAPACITY OF WHARVES.

(1) The Board may—

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

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

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

42. INTERFERENCE WITH GOODS ON WHARVES.

(1) A person other than—

- (a) the owner of the goods; or
- (b) an officer of the Board; or
- (c) a person authorized by—
 - (i) the owner of the goods; or
 - (ii) the Collector of Customs; or
 - (iii) the Board,

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

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

43. HANDLING OF HEAVY GOODS.

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

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

44. PROTECTION OF PORTS FROM DROPPED CARGO, BALLAST, ETC.

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

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

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

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

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

45. NUISANCES ON WHARVES, ETC.

(1) A person must not—

- (a) throw, drop or deposit into the waters of a declared port; or
- (b) place or leave on or in—
 - (i) a wharf or shed; or
 - (ii) any road or vacant land vested in the Board,

any rubbish, refuse matter, vegetable matter, animal matter or goods that are—

- (c) in a state of decay or putrefaction; or
- (d) likely to create a nuisance.

(2) Where—

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

the Board may cause them to be removed at the risk and expense of the owner.

46. UNAUTHORIZED PERSONS ON WHARVES.

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

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

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

47. REPAIRS OF SHIPS ON WHARVES.

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

(a) on or under a wharf—

(i) make, repair, dress or scrape spars or masts; or

(ii) do any kind of carpentry, smith work, boiler-making or rigging work; or

(b) hang or put up sails, masts, spars or any other thing to or on any of the beams or joists of a wharf, or to or on a shed or other structure erected on a wharf.

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

48. LOITERING AND SMOKING ON WHARVES, ETC.

^[3](1) Subject to Subsection (2), smoking is prohibited in any shed under the jurisdiction of the Board.

(2) Subsection (1) does not apply to—

(a) a ferry wharf; or

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

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

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

(5) A person must not—

(a) loiter under, on or in a wharf; or

(b) lounge or sleep among the cargo placed on a wharf; or

(c) play any game on a wharf.

49. TOUTING.

A person must not—

(a) on a vessel or wharf within a declared port; or

(b) on a street or roadway under the jurisdiction or control of the Board,

tout for or solicit—

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

(d) passengers for any vessel or carriage.

50. SELLING OF GOODS, ETC., ON WHARVES.

(1) A person must not—

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

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

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

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

51. IMPROPER BEHAVIOUR.

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

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

52. INJURY TO PROPERTY OF THE BOARD.

A person must not—

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

any property vested in the Board.

53. INTERFERENCE WITH PROPERTY OF THE BOARD.

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

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

54. INTERFERENCE WITH BARRIERS.

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

55. LIFE-SAVING APPARATUS, ETC.

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

(a) provide and maintain in good order and condition; and

(b) keep readily available for use,

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

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

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

(a) for the purpose of saving life; or

(b) by the police in dragging for the bodies of drowned persons.

56. WATCH ON WHARF PREMISES.

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

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

57. LIGHTING.

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

Subdivision B. – Vehicular Traffic on Wharves.

58. RESPONSIBILITY FOR VEHICLES, ETC.

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

59. VEHICLES ON WHARVES, ETC., GENERALLY.

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

(a) back a cart, car, lorry or other vehicle against a wharf or shed; or

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

except while the vehicle is being actually used—

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

60. SPEED OF VEHICLES.

A person must not drive on a wharf—

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

or permit one to be so driven.

61. NEGLIGENT DRIVING, ETC.

A person must not—

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

62. VEHICLES EQUIPPED WITH GAS-PRODUCER UNITS.

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

- (a) the vehicle is provided with a fire-extinguisher approved by the Board; and
- (b) the gas-producer unit is fitted with an efficient flame trap; and
- (c) the ash door of the gas-producer unit is kept securely closed; and
- (d) the gas-producer unit is not opened for any purpose; and
- (e) any apparatus with which the gas-producer unit is equipped for the purpose of creating a draught through the hopper when the engine is stopped is fitted with a copper gauze cover to prevent the escape of naked flame; and
- (f) any goods on any portion of the vehicle are not closer to the gas-producer unit than—
 - (i) 304.8mm, if the goods are of a readily combustible nature; or
 - (ii) 76.2mm, if the goods are not of a readily combustible nature.

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

63. INTERPRETATION OF SUBDIVISION C.

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

64. USE OF MACHINERY, ETC., ON WHARVES, ETC.

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

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

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

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

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

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

(5) A person must not–

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

(b) use on a wharf a mobile crane–

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

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

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

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

65. USE OF MACHINERY OF THE BOARD.

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

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

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

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

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

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

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

(b) shall, on demand, pay the Board–

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

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

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

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

66. INSPECTION OF MACHINERY, ETC.

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

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

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

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

67. REMOVAL OF STEVEDORES' GEAR.

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

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

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

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

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

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

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

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

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

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

Subdivision D. – Handling of Goods.

68. STATEMENT OF GOODS ON VESSEL.

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

- (a) the gross and net registered tonnage of the vessel; and
- (b) the gross tonnage of the cargo on board that is to be discharged at the port.

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

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

69. DELIVERY OF MANIFEST.

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

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

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

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

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

(6) If the master, owner or agent—

- (a) fails to deliver the copy manifest within the prescribed time; or
- (b) lands, discharges or tranships any goods from his vessel before—
 - (i) the copy manifest is delivered to the Port Manager; or
 - (ii) his consent under Subsection (5) is obtained,

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

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

70. RETURN BY MASTER.

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

(a) the name of the vessel from which the goods were unshipped and the name of its owner and master;

(b) a description of the goods unshipped and the identifying marks or numbers on the goods or on the outside packages or cases containing the goods, as the case may be;

(c) the state, order and condition—

(i) in which the goods were unshipped; or

(ii) of the outside packages or cases containing the goods,

as the case may be;

(d) the nature and extent of any apparent damage—

(i) to the goods unshipped; or

(ii) to the outside packages or cases containing the goods,

as the case may be.

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

71. NOTIFICATION TO OWNER OF UNSHIPED GOODS.

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

(a) cause the owner of the goods to be notified of the unshipment; and

(b) at the same time furnish him with particulars of the goods and of their location on the wharf premises.

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

72. LOADING AND UNLOADING.

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

(a) if required by a written notice, signed by the Port Manager and left on board the vessel— cause the loading or unloading of the vessel to proceed without intermission day or night; and

(b) provide all necessary facilities, material and gear to permit the expeditious loading or unloading of the vessel.

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

(a) to make it impracticable–

(i) to comply with the notice; or

(ii) to furnish the assistance required under Subsection (1); or

(b) to be liable to damage the cargo in the course of loading or unloading.

73. KEEPING WHARF OPEN.

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

(a) cause all parts of the wharf premises that are necessary to enable the goods to be delivered and removed promptly to be kept open–

(i) between the prescribed hours; and

(ii) at such other times as the Board, or an officer or employee of the Board authorized for the purpose, directs in writing; and

(b) subject to any other law, cause his employees to be in attendance at the wharf premises for the purpose of delivering goods during those hours to the owner of the goods.

74. SLINGING OF GOODS.

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

(a) the proper slinging of all goods; and

(b) any damage that may occur from–

(i) the breaking of slings; or

(ii) goods being improperly slung.

75. DAMAGE TO GOODS ON WHARF BY WATER FROM VESSELS.

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

76. DISCHARGE OF BALLAST.

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

77. DISCHARGE OF TIMBER.

(1) The master of a vessel must not, without the consent of the Board, discharge timber overside into the waters of a declared port.

(2) The owner of timber discharged with the consent of the Board must take delivery of the timber within 48 hours from the time of discharge.

(3) Timber discharged from a vessel into the waters of a declared port–

(a) shall be moored alongside the vessel; and

(b) shall not extend out to a greater distance than 15.24m from the vessel.

78. OCCUPATION OF WHARF SPACE.

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

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

(b) shall be so placed as—

(i) to allow a clear passage of at least 3.048m from the edge of the wharf nearest the vessel; and

(ii) to leave a space of 0.914m all round each fire plug and a clear passage of 0.914m wide leading up to each fire plug.

79. UNATTENDED EQUIPMENT.

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

80. GOODS ON WHARF, ETC., WITHOUT PERMISSION.

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

(a) before the vessel by which it is intended to ship the goods has berthed at the wharf, place any goods on a wharf for shipment; or

(b) place or permit goods to remain on a wharf or shed the property of the Board; or

(c) deposit goods at any place within a declared port, otherwise than in an area designated for the receipt of the goods.

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

81. REMOVAL OF GOODS FROM WHARF.

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

(a) in the case of objectionable goods or goods that are likely to become a nuisance—as prescribed in Section 85; or

(b) in the case of goods that are insecurely packaged—as prescribed by Section 82; or

(c) in the case of goods the removal of which has been required under Section 71(2)—in accordance with that section.

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

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

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

- (a) any Saturday that falls within or immediately after the two days so referred to; and
- (b) any Sunday; and
- (c) any public holiday.

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

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

(7) Where any goods—

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

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

82. PACKAGING OF GOODS.

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

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

83. SORTING AND STACKING.

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

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

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

84. REMOVAL OF GOODS.

^[4](1) In this section—

“**permit**” means a permit referred to in Subsection (2);

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

(a) the driver of the vehicle; or

(b) otherwise in apparent control or charge of the vehicle.

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

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

(b) a person authorized by the master, owner or agent to effect the removal of the goods,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

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

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

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

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

(b) he has signed the permit.

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

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

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

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

85. HANDLING OF OBJECTIONABLE GOODS.

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

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

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

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

(5) If—

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

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

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

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

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

86. DISCHARGE OF HAZARDOUS GOODS.

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

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

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

at the expense of the master or owner.

87. GOODS DISCHARGED OVER ANOTHER VESSEL.

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

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

Division 3.

Miscellaneous.

88. CUTTING AND WELDING OPERATIONS.

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

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

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

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

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

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

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

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

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

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

(b) in the tank of a vessel—

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

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

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

(d) in an engine room—

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

(ii) the master of the vessel must—

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

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

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

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

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

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

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

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

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

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

(a) on the deck immediately over the magazine or compartment containing the explosives; or

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

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

89. CAREENING, ETC.

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

90. DISTURBANCE OF BED OF PORT.

A person must not—

(a) use drags or grapplings for the purpose of lifting articles or things from the bed of a declared port; or

(b) disturb the bed in any way,

without the prior written consent of the Port Manager.

91. EXCAVATIONS IN PORTS.

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

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

92. FISHING FROM THE PROPERTY OF THE BOARD.

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

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

93. FIRES ON LAND OF THE BOARD FRONTING PUBLIC RESERVES.

(1) In this section, “public reserve” means—

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

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

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

94. INTERPRETATION OF PART IV.

In this Part, unless the contrary intention appears—

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

“**park**” has the same meaning as in the *Motor Traffic Act 1950*;

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

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

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

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

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

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

“**vehicle**” has the same meaning as in the *Motor Traffic Act 1950*.

95. APPLICATION OF PART IV.

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

96. OBSERVANCE OF PART IV.

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

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

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

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

97. VESSELS ALONGSIDE PASSENGER JETTY.

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

98. GOODS ON PASSENGER JETTY.

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

(2) The Port Manager may—

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

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

99. GOODS IN PUBLIC SHELTERS.

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

(2) An officer may—

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

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

100. OBSTRUCTION OF APPROACHES.

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

(2) The Port Manager may—

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

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

101. VESSELS LYING ABREAST.

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

102. SECURING OF MOORING ROPES, ETC.

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

103. RUNNING OF ENGINES AT JETTY.

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

104. SPEED APPROACHING JETTY, ETC.

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

105. LYING CLOSE TO JETTY, ETC.

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

106. GOODS LEFT ON RAMP.

(1) A person must not leave goods on the ramp.

(2) An officer may—

(a) remove, without notice, any goods left on the ramp contrary to Subsection (1); and
(b) place them in store at the expense of the owner.

107. USE OF RAMP BY VESSELS.

(1) A vessel, other than a pleasure craft not exceeding 5 tons gross, shall not use the ramp without the written permission of the Port Manager.

(2) A person who wishes to use the ramp for a vessel, other than a pleasure craft not exceeding 5 tons gross, must apply, in writing, to the Port Manager at least 24 hours before the use of the ramp, stating—

(a) full particulars of the vessel; and
(b) the reasons for which the use of the ramp is required.

108. LIMITATIONS ON USE OF RAMP.

(1) The Board may, by notice erected on the shore of the ramp, prohibit or restrict the use of the ramp—

(a) by any vessel with a displacement in excess of the displacement specified in the notice; or
(b) by any vehicle, equipment or machine, or similar thing, the weight of which is in excess of the permissible weight specified in the notice.

(2) A vessel with a displacement greater than the displacement specified under Subsection (1)(a), or any vehicle, equipment, machine or thing with a weight in excess of the weight specified under Subsection (1)(b), shall not use the ramp in contravention of the notice.

109. BERTHING AT PASSENGER JETTY.

(1) Subject to Subsection (2), vessels shall berth at the passenger jetty in order of arrival.

(2) A vessel engaged on a regular scheduled service paying dues at the annual rate has priority for a berth.

110. CLOSURE OF JETTY, ETC.

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

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

111. BATHING FROM JETTY, ETC.

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

112. MISCELLANEOUS OFFENCES.

A person must not—

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

without the written approval of the Port Manager.

PART V. – BERTHING OF VESSELS, ETC.

113. BERTHING OF VESSELS.

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

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

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

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

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

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

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

114. PRIORITY FOR BERTHING.

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

(a) that has on board for discharge—

(i) urgently needed supplies or cargo that is subject to deterioration if discharge is delayed; or

(ii) live stock; or

(b) in the interests of safety, for the discharge of dangerous goods at a wharf,

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

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

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

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

115. TIME AT BERTH.

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

116. VESSELS DISCHARGING, ETC., FROM ONE HATCH.

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

(a) refuse the vessel a berth at a wharf; and

(b) require it to work cargo into or from lighters at anchorage,

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

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

117. CONTROL OF MOVEMENT OF VESSELS.

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

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

118. BERTHING IN TIER.

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

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

(a) the embarkation and disembarkation of passengers; and

(b) the loading and unloading of goods; and

(c) any other purpose approved by the Port Manager.

119. REQUIREMENT TO LEAVE BERTH IN EMERGENCY.

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

120. VESSEL NOT WORKING TO CAPACITY.

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

(a) through any cause; and

(b) after having been duly warned by the Port Manager of the need to do so,

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

121. APPEALS.

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

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

122. CLEANING OF BERTH, ETC.

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

123. SPEED LIMITS.

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

124. FACILITIES FOR HANDLING VESSEL ON ARRIVAL, ETC.

The agents of a vessel must supply—

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

125. FAILURE TO SUPPLY BERTH, ETC.

The Board is not responsible for—

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

for any vessel.

126. NAVAL VESSELS.

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

PART VI. – MOORING OF VESSELS GENERALLY.

127. INTERPRETATION OF PART VI.

^[5]In this Part, unless the contrary intention appears—

“**mooring**” includes a mooring-chain, anchor buoy or float, and all related gear;

“**permanent anchorage**” means anchorage for any continuous period longer than seven days;

“**permanent mooring**” means a mooring for any continuous period longer than seven days.

128. CONTROL OF BERTHING.

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

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

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

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

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

128A. PERMANENT MOORING OR ANCHORAGE.

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

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

129. MOORING IN TIER.

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

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

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

130. EXTRA ANCHORS, ETC.

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

131. MOORING AT WHARVES.

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

132. MOORING FEES.

Mooring fees are as prescribed by these By-laws.

133. INTERFERENCE WITH VESSELS.

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

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

134. BOATS, ETC., RIDING ASTERN OF VESSELS.

A vessel at anchor must not—

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

135. LIGHTERS LYING ABREAST AT NIGHT.

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

136. STEEL VESSELS AT WHARVES.

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

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

- (a) connection is effected on arrival; and
- (b) disconnection is effected on departure.

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

137. SCREENING, ETC., OF OPENINGS IN VESSELS ALONGSIDE WHARVES.

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

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

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

138. DECK OR SIDE OPENINGS OF MOORED VESSELS.

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

139. PROVISION OF GANGWAYS, ETC., ALONGSIDE WHARF.

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

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

140. GANGWAY LADDERS WHEN NOT AT WHARF.

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

141. LIGHTS FOR PASSENGERS LANDING.

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

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

142. HEATING OF COMBUSTIBLE MATTER ON VESSEL AT WHARF.

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

143. REPAIRS AT BERTH.

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

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

PART VII. – NAVIGATION.

144. INTERPRETATION OF PART VII.

In this Part, unless the contrary intention appears–

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

“**motor boat**” means any vessel that–

(a) plies or is let for hire, or is used, for business purposes; and

(b) is propelled by mechanical power other than steam (whether or not it is under sail);

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

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

145. OBSERVANCE OF PART VII.

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

(a) the master and the owner of a vessel are severally responsible for the due performance and observance of the provisions of this Part; and

(b) when a vessel is under the direction of a pilot, the pilot is responsible for the due performance and observance of the provisions of this Part.

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

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

146. PREVENTION OF COLLISIONS.

A vessel within a declared port shall—

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

147. REPORT OF COLLISIONS CAUSING DAMAGE.

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

148. LICENCES TO DRIVE MOTOR BOATS.

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

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

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

149. REGISTRATION OF HARBOUR VESSELS.

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

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

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

150. LIGHTS ON VESSELS AT WHARVES.

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

151. LIGHTS ON LIGHTERS LYING ALONGSIDE VESSELS.

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

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

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

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

152. LIGHTS ON TIMBER MOORED ALONGSIDE VESSELS.

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

153. TOWING.

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

(a) exceeding 60.96m in length or 15.24m in width; or

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

(2)^{[7] [8]}A tug must not tow more than two vessels alongside it unless authorized in writing by the Port Manager to do so.

(3) Subject to Sections 170A and 170B, a tug having a vessel in tow must attend on the vessel until it is properly moored or secured.

154. SPEED LIMITS.

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

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

155. TESTING OF SPEED.

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

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

(3) The prescribed fee for the test is payable to the Board.

156. REDUCTION OF SPEED WHEN PASSING DREDGES, ETC.

Where a steam vessel is passing within a radius of 91.44m from a dredge, diving plant, rock-breaking machine or other plant–

(a) it must go dead slow; and

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

157. SPEED OF VESSELS PASSING HARBOUR WORKS, ETC.

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

(a) it must go dead slow; and

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

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

158. USE OF GUNS, ETC.

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

159. USE OF FOG HORNS, ETC.

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

160. EXPLOSIVES, ETC.

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

(2) Subsection (1) does not apply to—

(a) a naval vessel; or

(b) a vessel having on board only such explosives as, in the opinion of the Board—

(i) are reasonably required for the purpose of making signals; and

(ii) are carried and placed so as to be as far away as possible from fires and lights; and

(iii) are easily accessible in the event of fire; or

(c) a vessel having on board no more than 22.68kg of explosives shipped and stowed in accordance with the requirements of the *Navigation (Dangerous Goods) Regulations* of Australia, as adopted by Section Sch. 2.6 of, and Schedule 5 to, the Constitution.

(3) A vessel that has an open fire on board must not approach or remain close to a wharf or place in a declared port where explosives—

(a) are stored; or

(b) are being loaded or discharged.

161. REGULATION OF TIMBER RAFTS.

(1) Subject to Subsection (3), rafts or logs of timber must not be towed, navigated, anchored or moored in any part of a declared port without the written permission of the Port Manager.

(2) Subject to Subsection (3), the owner of a raft anchored or moored in a declared port at night-time must exhibit the light or lights required to be carried by vessels at anchor by the International Collision Regulations.

(3) The Board may permit the anchoring or storing of timber or a raft of timber at a place appointed by it for the purpose, and may waive the necessity to exhibit lights on the timber or raft.

162. DISABLED, BURNING, ETC., VESSELS ENTERING PORTS.

(1) This section applies to a vessel arriving in a declared port in a case where—

- (a) the vessel is disabled, either wholly or partly, or is in a leaky condition; or
- (b) any part of the vessel or of its cargo is on fire; or
- (c) the cargo of the vessel consists entirely or principally of—
 - (i) oils or chemicals; or
 - (ii) any other substance of an inflammable or combustible character,

and a fire has occurred in or in proximity to any such cargo within 24 hours before arrival in the declared port.

(2) The master of a vessel to which this section applies must furnish to the Board a report of the circumstances referred to in Subsection (1)(a), (b) or (c) immediately on the arrival of the vessel in the port.

163. BEACHING OF VESSELS.

(1) Except in circumstances of emergency, a vessel must not be beached or grounded on the foreshore of a declared port for any purpose unless written permission has been obtained from the Board.

(2) A vessel so beached or grounded must be removed by the master or owner immediately when called on to do so by the Board.

164. OBSTRUCTION BY SUNKEN VESSELS, ETC.

Where—

- (a) a vessel is sunk or stranded within a declared port; or
- (b) an obstruction impedes the navigation or use of the port or any part of the port,

the master or owner of the vessel, or the owner of the property by which the obstruction is caused, must—

- (c) exhibit on or near the vessel or obstruction—
 - (i) the signals and lights prescribed by the International Collision Regulations; and
 - (ii) such other flags, marks or lights as the Board directs; and
- (d) notify the Board of the position of the vessel or obstruction; and
- (e) immediately take steps for the removal of the vessel or obstruction.

165. TRAWLING IN FAIRWAY.

A vessel must not engage in, or be used for, trawling or any kind of net-fishing in the fairway within a declared port.

166. OBSTRUCTION OF WATERS OR LANDS.

(1) A person who—

- (a) moors, runs ashore, cuts loose or abandons a vessel, buoy or floating object or apparatus; or
- (b) cuts or slips a chain or anchor; or
- (c) places or deposits any article, material or thing,

in, or on the bed or shores of, any waters vested in or controlled by the Board, or on any land or wharf or in any building vested in or controlled by the Board, so that the right of the owner of any of those things are impeded or made ineffective is guilty of an offence.

(2) The owner of a vessel, buoy, floating object or apparatus, chain, anchor, material or thing—

- (a) in, or on the bed or shores of, any waters vested in or controlled by the Board; or
- (b) on any land or wharf or in any building vested in or controlled by the Board,

must, within such time as is specified in a notice from the Board served on him and requiring him to do so, remove any such thing that is specified in the notice.

(3) If—

- (a) the identity or address of the owner of an article obstructing waters or land vested in or controlled by the Board cannot be established after reasonable inquiry; or
- (b) in the opinion of the Board it is essential to do so—
 - (i) in the interest of navigation; or
 - (ii) for the proper and efficient use of any land, wharf or building; or
 - (iii) for the safe keeping or preservation of a vessel, buoy, floating object or apparatus, chain, anchor, article, material or thing—

(A) in, or on the bed or shores of, any waters vested in or controlled by the Board; or

(B) on any land or wharf or in any building vested in or controlled by the Board; or

(c) it appears to the Board that an object or article is occupying any waters, land, wharf or building vested in or controlled by the Board in contravention of the Act,

the Board may—

- (d) take possession of any thing referred to in Paragraph (a), (b) or (c); and
- (e) if it thinks that the circumstances so require—remove any such object or article; and
- (f) in the case of—
 - (i) a sunken or unseaworthy vessel; or
 - (ii) any other object or article that in its opinion cannot otherwise reasonably be dealt with,

blow it up or demolish it.

(4) The following provisions apply in respect of, or of a component part of, a vessel, buoy, floating object or apparatus, chain, anchor, article, material or other thing, possession of which has been taken by the Board in accordance with Subsection (3):—

- (a) if in the opinion of the Board it has no value, it shall be destroyed, but otherwise—
 - (i) it shall be held in the custody of the Board in such place as the Board thinks appropriate; and
 - (ii) it may be repaired and treated in such a way as, in the opinion of the Board, is necessary to preserve its utility and value; and
- (b) if any person establishes to the satisfaction of the Board his ownership of it, he is entitled to receive it on payment of any expenses incurred by the Board, as fixed by the Board, in respect of the possession, removal, custody, repair and treatment of it; and
- (c) if no person has established his ownership of it, or paid the expenses referred to in Paragraph (b), the Board may, after a lapse of time and such inquiry or public advertisement as it thinks appropriate in the circumstances—
 - (i) sell it in such manner as the Board thinks proper; or
 - (ii) if in the opinion of the Board its value to the Board would exceed the proceeds of sale—appropriate it and credit the owner with its net value; and
- (d) if the net proceeds of the sale, or the credit allowed under Paragraph (c)(ii) exceed any expenses, as determined by the Board, incurred in respect of the assumption of possession, removal, custody, repair and treatment, the surplus shall be paid, on demand, to the owner by the Board; and
- (e) the Board may recover from the owner any expenses, as determined by the Board, incurred in the assumption of possession, removal, custody, repair and treatment of any thing destroyed or retained by the Board under this section, after deducting the net proceeds of any sale or any credit allowed under this subsection.

(5) This section does not affect or diminish the rights of—

- (a) the owner of any land, in respect of the land; or
- (b) a lessee, tenant or licensee, in respect of the premises included in his lease, tenancy or licence.

167. CREWING OF VESSEL UNDER WAY.

A vessel under way within a declared port must—

- (a) be under the charge of a competent master; and
- (b) be manned by a sufficient number of experienced seamen; and
- (c) in the case of a mechanically-propelled vessel—carry a duly qualified engineer and the necessary staff.

168. APPROACHING OR LEAVING WHARF OR DOCK.

(1) The master of a vessel must not permit her to approach a wharf or dock—

- (a) while any other vessel is passing from the wharf or dock; or
- (b) before being ordered to do so by the Port Manager.

(2) The master of a vessel must not take, or attempt to take, a vessel from a wharf or dock—

- (a) while another vessel is approaching the wharf or dock; or
- (b) before being ordered to do so by the Port Manager.

169. ASSISTANCE TO BOARDING OFFICERS, ETC.

(1) While a vessel is entering or departing from, or is within, a declared port, the master must, by every means in his power consistent with the safety of the vessel, assist every duly authorized officer of the Public Service or of the Board in boarding or leaving the vessel.

(2) A person on board a vessel must not interfere with or obstruct an officer or pilot while carrying out his duties.

170. MOVEMENT OF VESSELS LIABLE TO PILOTAGE.

A vessel that is liable to pilotage must not be navigated within a declared port unless it is in the charge of a pilot duly licensed for the purpose.

170A. TUGS UNDER PILOTS ORDERS.

^[9]Any vessel employed in towing, or in any way mooring or assisting another vessel under pilotage, shall be under orders of a pilot, duly licensed for the purpose, in all matters connected with the navigation of such vessel.

170B. PORT MANAGER MAY DIRECT USE OF TUGS, ETC.

^[10]In any case where the Port Manager thinks fit for the purpose of the regulation, positioning, government and safety of a vessel or vessels in any port, or for the safety of any wharf, or any work or thing, whether the property of the Board or otherwise—

- (a) the Port Manager may direct the master of any vessel to engage the services of a tug or tugs of such capacity or power as the Port Manager may consider necessary and, on receipt of such direction, the master shall engage the services of a tug or tugs; or
- (b) where a pilot is not employed and a master has engaged the services of a tug or tugs or been directed by the Port Manager to engage the services of a tug or tugs the Port Manager may direct the manner in which the tug or tugs shall be used and, on the receipt of that direction, the master shall use or endeavour to use the tug or tugs in accordance with that direction.

171. ANCHORING, ETC., NEAR WHARVES.

A vessel must not be anchored or lie at a distance of less than 182.88m from any wharf, except for the purpose of immediately hauling alongside.

172. WORKING OF PROPELLERS WHEN AT WHARF.

The master of a vessel must not, without the permission of the Port Manager, work the propellers of his vessel, or allow them to be worked while it is moored to a wharf under the jurisdiction of the Board.

173. VESSELS LYING ALONGSIDE STEPS, ETC.

A vessel lying alongside any steps, landing place or ship's gangway must give way to—

- (a) Government vessels on duty; and
- (b) vessels of the Board; and
- (c) other vessels with passengers.

174. SMALL BOATS OBSTRUCTING CHANNELS, ETC.

The master or person in charge of a mechanically-propelled vessel, yacht, small sailing boat or rowing boat in a fairway or channel in a port must keep clear of, and not obstruct the movement of—

- (a) any vessel of 500 tons gross or upwards; or
- (b) any tug assisting at the berthing, unberthing or towing of a vessel.

175. DAMAGE TO CABLES.

Where a vessel or any part of the equipment of a vessel causes damage to a submarine cable within a declared port, the master or owner of the vessel must immediately make good the damage at his own expense.

176. USE OF SILENCERS.

A vessel driven by mechanical means must be fitted with an effective silencer for the purpose of preventing offensive noise from the machinery or engine of the vessel.

177. AQUATIC SPORTS.

- (1) A person must not organize, promote or conduct any racing or similar event, or any aquatic sport, in an area that has been declared by the Board, on the recommendation of the Port Advisory Committee, to be a prohibited area for that purpose.
- (2) The master or owner of a vessel must not cause or permit his vessel to take part in any racing or similar event, or in any aquatic sport, in a prohibited area declared under Subsection (1).
- (3) A person must not navigate a vessel that is being used for pleasure or recreation, or in any aquatic sport, in such a way that it interferes with or obstructs the free movement of—
 - (a) a merchant vessel; or
 - (b) a tug proceeding to take a vessel in tow or engaged in towing a vessel or craft.

178. DEATHS IN PORT.

If a seaman or other person dies on board a vessel in a declared port, the master of the vessel must cause the body to be brought ashore and buried in accordance with the *Cemeteries Act 1955*.

179. WATCHMEN IN PORT.

- (1) A sea-going vessel must have a competent watchman on board at all times while in port.
- (2) If there is no master, the owner of the vessel, or the person having lawfully or *de facto* the control of the vessel, is liable for any breach of this section.

180. INTERFERENCE WITH BEACONS, ETC.

A person must not trespass on, ride by, make fast to, damage, injure or otherwise interfere with any light-ship, light-house, dolphin, buoy or beacon the property of, or in the charge of, the Board.

181. DISCHARGE OF ASHES AND REFUSE.

An ash ejector or other appliance for the discharge of ashes or other refuse must not be used on a vessel in such a manner as to discharge ashes or refuse into the waters of a declared port.

182. REMOVAL OF BALLAST, STONES, ETC., FROM BELOW HIGH-WATER MARK.

A person must not, without the permission of the Board, remove any ballast, rock, stones, slate, shingle, gravel or any like substance from any land below high-water mark in a declared port.

183. APPARATUS FOR DISCHARGE, ETC., OF OIL.

(1) All pipes, valves, hoses and other appliances used for the discharge or shipment of oil within a declared port must be free from leakage, in good condition and constructed and maintained in accordance with the American Petroleum Institute specifications A.P.I. Code No. 26, as in force from time to time.

(2) Precautions, to the satisfaction of the Board, must be taken to prevent oil from flowing or falling or otherwise getting into the waters of a declared port.

(3) Failure to comply with Subsection (1) or (2) makes the owner and the master of the vessel on or from which oil is being shipped or discharged severally guilty of an offence.

184. PUMPING OF OIL INTO WATER OF PORT.

(1) Unless prior written permission has been obtained from the Board, a person must not pump out oil fuel from a vessel into the waters of a declared port.

(2) Where oil fuel is pumped into the waters of a declared port in contravention of Subsection (1), the master and the owner of the vessel are severally guilty of an offence.

185. VESSELS USED FOR CONVEYANCE OF REFUSE.

(1) A vessel used within a declared port for the deposit or conveyance of refuse—

(a) must be equipped with covers of canvas or other material approved by the Board; and

(b) must be kept in a sanitary condition and properly and adequately cleansed, so that all parts of the vessel and its equipment not actually used for the deposit of refuse are free of all such material; and

(c) must be completely emptied, and all parts of the vessel used for the deposit of refuse thoroughly cleansed, at periods not exceeding seven days; and

(d) must not lie at a wharf with refuse on board unless effective means have been taken to prevent rats having access to or egress from the vessel.

(2) Covers referred to in Subsection (1)(a) must be used in such a way as to ensure that all refuse deposited in the vessel is completely covered at all times except when refuse is being loaded into or discharged from the vessel.

186. BOATS, ETC., DRIFTING IN PORT.

(1) Any boat, timber or other article of value—

(a) found drifting on the waters of a declared port; or

(b) found stranded on the shores or banks of the port,

and not apparently in charge of any person, shall be immediately delivered up by the finder to the Board or may be taken possession of by the Board.

(2) The Board may detain a boat, timber or other article referred to in Subsection (1) until it is claimed by the owner, and the owner shall, before receiving his property from the Board, pay to it all expenses incurred by it in connection with the property, including the prescribed charge for storage.

(3) Where any property referred to in Subsection (1) (other than property of a perishable nature) is not claimed within one month, or in the case of goods of a perishable nature within one day, after the date of the taking of possession by the Board—

(a) it may be sold by the Board; and

(b) the proceeds, after payment of all expenses and all charges in respect of storing and selling it, shall be paid to the owner on demand.

187. WARNING THAT DIVERS OPERATING.

(1) A vessel from which a person is operating underwater as a diver or skin-diver must fly Flag “A” of the International Code of Signals (a blue and white burgee) as an indication that a diver or skin-diver is operating underwater in its vicinity.

(2) A vessel in the vicinity of a vessel flying Flag “A” must—

(a) keep well clear of it; and

(b) travel at a slow speed.

188. PRODUCTION OF CERTIFICATE OF REGISTRY.

The master of a vessel must produce the Certificate of Registry of the vessel to the Port Manager—

(a) in the case of an overseas vessel, on every occasion of entry into the port; and

(b) in the case of a coastal vessel, at least once in every 12 months,

and in any case immediately on any significant modification of the structure affecting the tonnage.

189. EXAMINATION OF VESSELS BY PORT MANAGER.

The master or owner of a vessel—

- (a) must admit the Port Manager, or an officer authorized by the Port Manager, at all reasonable times to any part of the vessel for the purpose of ascertaining whether this Part has been, or is being, duly observed and complied with; and
- (b) must not obstruct the Port Manager or an officer authorized by him for the purpose, or permit him to be obstructed, while making the inquiry.

PART VIII. – STEVEDORING.

190. INTERPRETATION OF PART VIII.

In this Part, unless the contrary intention appears—

“business of a stevedore” means the operation of loading and unloading of ships, but does not include movement of cargo between ships and stacking areas, and the storing, sorting, stacking and delivery of cargo within the transit sheds and open stacking areas within the boundaries of a declared port;

“equipment” includes mechanical equipment used in the operation of stevedoring;

“equipment register” means a register kept under Section 195(2);

“licence” means a licence under Section 192.

191. APPLICATION OF PART VIII.

^[11]This Part applies to all declared ports.

192. LICENSING OF STEVEDORES.

^[12](1) Subject to Section 193, a person shall not carry on the business of a stevedore within the boundaries of a declared port unless he is the holder of a licence.

(2) An application for a licence—

(a) shall, subject to any agreement between the Board and a person that applies, be made only by a person in the sense of a company that is 100% beneficially owned directly or indirectly by a citizen, but not by any such company in which the control exercisable in law or by any agreement between the company and a third party, or in practice, is maintained by a person other than a citizen; and

(b) shall be in Form 14; and

(c) shall be accompanied by, in the form of an annexure to Form 14,—

(i) particulars of equity shareholding; and

(ii) details of a training scheme to improve operating and supervisory standards; and

(iii) in the case of employment of non-citizens—a training and localisation scheme approved pursuant to the *Employment of Non-citizens Act 1978*; and

(iv) particulars of proposals made in compliance with Sections 194 to 199 (inclusive); and

(v) details of a policy of insurance with a reputable insurer sufficient to indemnify and keep indemnified the Board as required under Section 48 of the Act.

(3) The Board may require an applicant to furnish to it additional information (including documents) as the Board thinks necessary for the purposes of this section.

(4) On payment of the prescribed fee, the Board may issue or renew a licence for a term of not more than 5 years and which licence is to be issued to and held by a person to carry on the business of stevedore subject to annual review of the licence.

(5) The person making an application for a licence is required to pay an application fee of K500.00 that is non-refundable.

193. EXEMPTIONS.

The Board may, by notice in the National Gazette, exempt—

- (a) a person; or
- (b) a vessel or class of vessels; or
- (c) a wharf or class of wharves,

from the provisions of Section 192(1), subject to such conditions and restrictions as are specified in the notice.

194. DUTY OF STEVEDORE TO PROVIDE SUPERVISION AND LABOUR.

A licensed stevedore must—

- (a) provide adequate and efficient supervision; and
- (b) maintain or have on call an adequate labour force, including—
 - (i) a proportion of experienced workmen; and
 - (ii) such special categories of workmen as are stipulated by the Port Manager; and
- (c) provide additional labour, both by number and category, as required by the Port Manager,

so that vessels that are stevedored by him are worked, to the satisfaction of the Port Manager, efficiently and without delay.

195. STEVEDORING EQUIPMENT.

(1) A licensed stevedore must maintain, or have on call, stevedoring equipment of all kinds in good working order and condition, sufficient for him to be able to work efficiently the number of vessels that he would normally be called on to handle simultaneously.

(2) A licensed stevedore must keep available for inspection by an officer of the Board a register of equipment specifying—

- (a) the type; and
- (b) the age; and
- (c) the condition (including all repairs and alterations carried out),

of his equipment.

196. SAFETY AND CARE.

(1) A licensed stevedore—

(a) must not at any time carry on a practice that, in the opinion of the Port Manager, is unsafe or undesirable; and

(b) must, on being instructed to do so by the Port Manager, immediately discontinue any such practice.

(2) A licensed stevedore must observe due care in the handling of cargo, and is liable to compensate the owner of any cargo for any damage or loss occasioned by careless or unsafe handling during stevedoring.

197. TESTING OF EQUIPMENT.

(1) A licensed stevedore must not use hoisting gear unless—

(a) it has been tested within the preceding four years; and

(b) it has been opened and examined within the preceding 12 months, and its condition recorded in the equipment register.

(2) Equipment that has been repaired or altered must be tested for use, and its condition shall be recorded in the equipment register.

198. ROPES.

(1) Wire ropes and other ropes used in stevedoring must be inspected every three months by a responsible person, and their condition shall be recorded in the equipment register.

(2) Wire ropes used in stevedoring must have an effective breaking strength—

(a) in the case of loading gear with a lifting capacity not exceeding 10.16t –five times the safe working load of the rope; or

(b) in the case of loading gear exceeding 10.16t –four times the safe working load of the rope.

199. CHECKING OF CARGO GEAR.

Cargo gear must be examined at intervals not exceeding three months by a responsible person.

200. HOURS OF WORK.

A licensed stevedore shall—

(a) work a vessel to capacity; and

(b) work for such hours as are required by the shipping in the port,

as instructed by the Port Manager.

201. CANCELLATION OF LICENCE.

^[13]In addition to any other penalty that may be imposed under the Act and the By-laws, the Board may cancel a licence—

- (a) for a breach of this Part; or
- (b) for general unsatisfactory performance of stevedoring duties adversely affecting, or likely to adversely affect, the efficiency of port operations; or
- (c) where its holder has ceased during the term of the licence to be a company that is beneficially owned and controlled in accordance with Section 192(2)(a) of the By-laws.

202. APPEALS.

A licensed stevedore may appeal to the Board against–

- (a) a requirement of a Port Manager that he thinks to be unreasonable; or
- (b) a decision of a Port Manager that a practice is undesirable or unsafe.

PART IX. – CHARGES AND DUES.

203. INTERPRETATION OF PART IX.

^[14]In this Part, unless the contrary intention appears–

“**cargo**” includes all goods other than a container;

“**coastal cargo**” means cargo loaded at a port in the country for discharge at another port in the country and includes cargo so carried under Customs bond that is not consigned on a through bill of lading; and

“**coastal vessel**” means a seagoing vessel engaged in coastal voyages but does not include an offshore vessel;

“**coastal voyage**” means a voyage other than an international voyage;

“**container**” means a container being an article of transport equipment conforming to the definition in ISO Recommendation No. 804; and

“**cruise ship**” means a vessel determined by the Board to be a cruise ship;

“**day**”, when used in connection with any charge or due payable under this Part, includes part of a day;

“**international voyage**” means a voyage between–

(a) a place or port in the country and a place or port outside the country; and

(b) a place or port outside the country and another place or port outside the country;

“**length**”, in relation to a vessel, means length overall;

“**offshore vessel**” means a vessel that is–

(a) engaged in the exploration and exploitation of the continental shelf of Papua New Guinea; and

(b) operating to, or from, or is based at, a port in Papua New Guinea;

“**overseas cargo**” means–

(a) cargo loaded at a port in the country for discharge at a port outside the country; and

(b) cargo loaded at a port outside the country for discharge at a port in the country, and includes such cargo that is consigned on a through bill of lading transhipped at a port in the country;

“**overseas vessel**” means a vessel engaged on an international voyage and includes a lash barge and an offshore vessel;

“**owner**” in relation to a container includes the owner of the vessel from which the container was last discharged in a declared port;

“**pleasure craft**” means a vessel that is–

(a) exclusively used for pleasure; and

(b) not used for–

(i) hire; or

(ii) reward; or

(iii) any commercial purpose;

“tonne”, in relation to goods, except where otherwise specified in Schedule 2, means—

(a) 1,000kg; or

(b) 1m³,

whichever is the greater;

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

(a) a pleasure craft under 10 m in length; and

(b) a vessel of primitive build; and

(c) a ship of war;

“vessel of primitive build” means a vessel which is, in the opinion of the Registrar of Ships of primitive build;

“working day” means any day from Monday to Friday inclusive other than a public holiday.

204. APPLICATION OF PART IX.

This Part applies in all declared ports.

205. LIABILITY UNDER PART IX.

^[15]The master, agent or owner of a vessel in respect of which any amount is payable under this Part are jointly and severally liable for payment of the amount.

206. MANNER OF PAYMENT.

The charges and dues payable under this Part shall be paid to an officer of the Board authorized for the purpose, at the office of the Board appointed for the purpose in the declared port where the charges and dues are payable.

207. PRODUCTION OF BOOKS.

^[16]A master, agent or owner of a vessel must, at the request of a Port Manager, produce any of the vessel's documents for inspection.

208. PORT DUES.

^[17](1) An overseas vessel entering a declared port shall pay—

(a) port dues at the rate of K3.00 per metre or part of a metre length; and

(b) cargo dues at the rate of K0.10 per tonne of cargo loaded or discharged—

(i) directly from the vessel to or from another vessel at anchor or buoys within a declared port; and

(ii) by the vessel at a privately owned wharf within a declared port; and

(iii) by the vessel to or from a harbour installation, other than a wharf under the control of the board, or through a pipeline, in a declared port; and

(iv) by the vessel to or from a lighter in a declared port, other than a lighter loaded or unloaded at a wharf under the control of the Board.

(2)^[18] ^[19]A payment under Subsection (1) applies in respect of all declared ports entered within a period of three months from the date of payment.

(3) Where an overseas vessel arrives solely for or on account of—

- (a) effecting repairs; or
- (b) stress of weather; or
- (c) obtaining provisions, coal or oil, to enable her to continue her voyage; or
- (d) otherwise being in distress; or
- (e) obtaining medical attention for a person on board her,

or for any of those reasons, and after arrival does not—

- (f) discharge or load any cargo; or
- (g) disembark or embark any passenger other than a person referred to in Paragraph (e) and any person accompanying him and necessarily disembarked with him,

the port dues are K1.00 per metre or part of a metre length.

(4) A coastal vessel shall pay port dues at the rate of K4.00 per metre or part of a metre length annually in advance.

(5) A pleasure craft which—

- (a) is under 10 m in length; and
- (b) is not a vessel of primitive build,

shall pay port dues at the rate of K20.00 annually in advance.

209. WHARFAGE CHARGES.

^[20](1) The master, owner or agent shall pay wharfage charges—

- (a) in accordance with the rate specified in Schedule 2 in respect of all cargo loaded or unloaded; and
- (b) at the rate of K10.00 per unit in respect of all overseas inwards containers unloaded,

at a wharf under the control of the Board.

(2) The master, owner or agent shall pay wharfage at 50% of the rates specified in Schedule 2 in respect of—

- (a) cargo unloaded from an overseas vessel and reshipped on another overseas vessel; and
- (b) inwards or outwards cargo on a through bill of lading, that is transhipped at a declared port.

(3) The charges under Subsection (2)(b) shall be paid at the port of transhipment.

210. STORAGE CHARGES: IMPORTED GOODS AND INWARD COASTAL CARGO.

^[21](1) Goods landed on a wharf, or placed in a shed or on a storage area, (other than a privately-owned wharf, shed or storage area) shall be removed by the owner—

- (a) in the case of imported goods—within four working days; and
- (b) in the case of inward coastal cargo—within one working day.

(2) Where any goods referred to in Subsection (1) are not removed from the wharf, shed or storage area, as the case may be, within the time specified in that subsection, the master, agent or owner is liable for and shall pay storage in respect of them at the rate of K0.50 per tonne per day until two working days after the declaration by Customs of the bonding date and after that at the rate of K1.00 per tonne per day, until the goods are removed.

(3) Notwithstanding the preceding provisions of this section, after the end of the time specified in Subsection (1) the Board, or an officer appointed by the Board for the purpose, may—

- (a) if the goods are cleared; or
- (b) with the consent of the Customs,

remove the goods, or cause them to be removed, from the wharf, shed or storage area, to such store or place as the Board or officer directs.

(4) The owner of any goods removed under Subsection (3) shall pay all charges and expenses connected with the removal and the storage.

211. STORAGE CHARGES: OTHER.

^[22](1) Any outward cargo accepted with the permission of the Port Manager into a shed or on to a storage area under the jurisdiction of the Board is liable for storage charges after the end of seven days, at the rate of K0.50 per tonne or part of a tonne per day until the cargo is removed.

(2 - 3)^[23] [*Repealed.*]

(4) The person making the application for storage shall, for the purposes of this Part, be deemed to be the owner of the goods.

211A. TRANSHIPMENT CARGO.

^[24](1) Overseas cargo, unloaded and stored in a shed or on a storage area for reshipment on an overseas vessel shall be allowed free storage for not more than 30 consecutive days.

(2) After the expiry of the period of 30 consecutive days referred to in Subsection (1), overseas cargo which remains unshipped shall be liable for storage charges at the rate of K0.50 per tonne or part of a tonne per day.

212. RESPONSIBILITY FOR STORED GOODS.

Stored goods remain in any shed or storage area at the risk of the owners, and the Board is not responsible for compensation for any loss or damage due to—

- (a) fire; or
- (b) vermin; or
- (c) inevitable accident; or
- (d) a crime or misdemeanour.

213. DETENTION OF GOODS UNTIL PAYMENT.

The Board, or an officer of the Board authorized for the purpose, may detain any goods stored in a shed or in any storage area under the jurisdiction of the Board until—

- (a) all the charges (including the charges incidental to the detention) have been paid; or
- (b) security for payment has been received by the Board.

214. BERTHAGE CHARGES.

^[25](1) An overseas vessel that lies at, is moored to, or berthed in tier at, a wharf under the control of the Board shall pay berthage at the rate of K0.40 per metre or part of a metre length per hour or part of an hour.

(2) A coastal vessel that lies at, is moored to, or berthed in tier at, a wharf under the control of the Board shall pay berthage at the following rates per metre or part of a metre length per hour or part of an hour:

K

Vessels under 20m	0.06
Vessels 20m or over and under 50m	0.08
Vessels 50m and over	0.10

215. MISCELLANEOUS CHARGES.

The charges set out in Schedule 3 are payable in respect of the various matters specified in that Schedule.

216. PAYMENT OF PORT DUES AND BERTHAGE CHARGES.

^[26](1) Where the master, owner or agent of a vessel is liable to pay port dues or wharfage or berthage charges, he shall—

- (a) furnish to the Port Manager particulars in Form 16 in duplicate within one working day from the time the vessel completes loading and discharging; and
- (b) make payment of the port charges within two working days from the rendering of the port charges invoice; and
- (c) where there have been amendments to the manifest—make any necessary alterations to the particulars referred to in Paragraph (a) within two working days after those amendments have been made.

(2) Where there is a court order following proceedings for the recovery of dues and charges under this section, the defendant is liable for costs.

216A. BOARD MAY CHECK, ETC., CARGO.

^[27](1) The Board, or an officer of the Board authorized for the purpose, may check the weight and measurement of cargo to ensure that it conforms with the weight or measurement, as the case may be, declared on the manifest.

(2) For the purposes of Subsection (1), with the prior approval of Customs, the Board, or an officer of the Board authorized for the purpose, may open any container and remove its contents.

(3) Where a false declaration or understatement of weight or measurement has been made, the master, owner or agent is liable, in addition to any other proceedings, for—

(a) payment for additional wharfage charges due on account of the understatement; and

(b) costs incurred in the checking or opening referred to in Subsections (1) and (2).

217. CLAIM FOR REFUNDS.

^[28]A claim for a refund of any charge paid to the Board shall be lodged with the Board not later than six months after the date on which the charge became payable.

218. INSPECTION FEE.

^[29]The fee for inspection under Section 46 of the *Harbours Board (Inflammable Liquid and Dangerous Goods) By-laws* is as prescribed in Schedule 3.

SCHEDULE 1

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 1 – Application for Lease.

By-laws, Sec. 25(1). Form 1.

APPLICATION FOR LEASE.

I, . . . , of . . . , apply to the Papua New Guinea Harbours Board for a lease of . . .
for the purpose of . . . for a term of . . . years on the following conditions:—
Dated . . . 20...

(Signature of Applicant.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 2 – Wharf Pass for Motor Vehicle.

By-laws, Sec. 31(2). Form 2.

No.

Issued to

WHARF PASS FOR MOTOR VEHICLE.

Port Manager.

This pass permits the entry of a vehicle to the Papua New Guinea Harbours Board wharves subject to compliance with the *Harbours Board Act*, and is issued subject to the condition that it may be withdrawn by the Board at any time.

Dated ... 20...

Secretary,
Papua New Guinea Harbours Board.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 3 – Application for Permit to Trade, etc., on Wharf.

By-laws, Sec. 50(2). Form 3.

I, . . . , of . . . , apply to the Papua New Guinea Harbours Board for a permit to enter and remain on . . . wharf in the declared port of . . . for the purpose of . . .

Dated . . . 20..

(Signature of Applicant.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 4 – Permit to Trade, etc., on Wharf.

By-laws, Sec. 50(3). Form 4.

..., of ..., is permitted to enter and remain on the ... wharf in the declared port
of ... for the purpose of ...

Dated ... 20...

Secretary,

Papua New Guinea Harbours Board.

This permit is issued subject to the *Harbours Board Act*, and may be suspended or
cancelled by the Harbours Board for a contravention of, or a failure to comply with,
the provisions of that Act.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 5 – Application for a Licence to Use Machinery, etc., on Wharves.

By-laws, Sec. 64(2)(a). Form 5.

I, . . . , of . . . , apply for a licence to use the following machinery on the property of the Papua New Guinea Harbours Board:—

Type of machinery:

Registered number:

Weight unloaded:

Lifting capacity:

Wheel loading when fully loaded:

Type of fuel used:

Purpose for which machine is to be used:

Place where machine is to be used:

I indemnify the Harbours Board from and against all actions, proceedings, claims, demands, costs and expenses relating to or arising out of any loss, damage or injury to any person or property caused by, arising out of or in any way attributable, directly or indirectly, to the use of the machinery during the period of the licence.

Dated . . . 20..

(Signature of Applicant.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 6 – Licence to Use Machinery on Harbours Board Property.

By-laws, Sec. 64(3). Form 6.

Receipt No. Licence No.

. . . , of . . . , is licensed to use the following machinery for the purpose specified in this licence:—

Type of machinery:

Registered number: H B:

Weight unloaded:

Lifting capacity:

Maximum wheel load permitted:

Type of fuel used:

Purpose for which machinery is licensed to be used:

Place where machinery is licensed to be used:

Dated . . . 20...

Secretary,

Papua New Guinea Harbours Board.

This licence is issued subject to the *Harbours Board Act*, and may be suspended or cancelled by the Harbours Board for a contravention of or a failure to comply with the provisions of that Act.

INDEMNITY.

The applicant(s) is/are required to complete the following indemnity:—

I/We* . . . , of . . . , in consideration of the Papua New Guinea Harbours Board granting me/us* a licence to use the machinery specified in this licence on the property of the Board, undertake to indemnify the Board and keep it indemnified from and against all actions, proceedings, claims, demands, costs and expenses relating to or arising out of or in any way attributable, directly or indirectly, to the use of the machinery during the period of the licence, and I/we* agree to make good any damage to the property of the Board caused by the machinery during the period of the licence.

Dated . . . 20...

(Signature(s) of Applicant(s).)

* Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 7 – Notice to Remove Goods from Wharf.

By-laws, Sec. 71(2). Form 7.

Name of owner of goods:

Address:

In accordance with the *Harbours Board Act* you are required to remove the following goods from the . . . wharf at the declared port of . . . within . . . days of this notice:—

Description of goods:

Location of goods:

Dated . . . 20...

Port Manager.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 8 – Notice to Remove Cargo from Wharf.

By-laws, Sec. 81(6). Form 8.

Cargo on under-mentioned vessels must be removed by 5 p.m. on the date specified below otherwise it may be removed by order of the Port Manager at the risk and at the expense of the owners and consignees.

Name of vessel.	Berth.	Date.
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...
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Dated . . . 20...

Port Manager.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 9 – Application for Berth.

By-laws, Sec. 113(1). Form 9.

Port: Date: . . . 20...

I/We* . . . , apply for a berth for the vessel . . . , of . . . tons gross register, Master . . . , from . . . , due on or about . . . 20..., to land . . . cargo, which will be made up as follows:—

Weight: . . . tonnes.

Measurement: . . . tonnes.

Total: . . . tonnes.

Estimated draughts of vessel on arrival

Forward: . . . m.

Aft: . . . m.

Length overall: . . . m.

Cargo to be shipped—

Weight: . . . tonnes.

Measurement: . . . tonnes.

Total: . . . tonnes.

Name of licensed wharfinger:

Name of agent:

(Signature(s) of Applicant(s).)

INDEMNITY.

The applicant(s) is/are required to complete the following indemnity:—

I/We*, . . . , of . . . , in consideration of being granted a berth for the vessel . . . of which I/we* are owners or agents, undertake—

1. To pay, as required, all prescribed charges for berthage, wharfage and port dues, and any other applicable charges.

2. To indemnify the Papua New Guinea Harbours Board, and keep it indemnified, from and against any loss, damage or injury to any person or property (including any property of the Board) caused by or arising, directly or indirectly, out of, or in any way attributable or incidental to, the berthing, movement or unberthing of the vessel or the loading, discharging, stacking, stowage, handling or movement of cargo on, destined for or discharged from the vessel, whether carried out by a wharfinger employed by me/us* or on my/out* behalf or stevedores engaged by me/us* or on my/out* behalf, notwithstanding that the loss, damage or injury takes place in a wharf, shed or other place vested in, or in the possession of or occupied by the Board, and in particular (without affecting the generality of the foregoing) to indemnify the Board in respect of—

- (a) all actions, proceedings, claims and demands brought, in relation to any such loss, damage or injury, against the Board; and
- (b) all damages, costs and expenses incurred or sustained by the Board as a result of, or in connection with, any such loss, injury or damage.

This indemnity does not apply to injury, loss or damage to persons or property attributable to any negligence on the part of the Board or any officer or servant of the Board, or to any defective condition of any property vested in the Board unless the defective condition was created, whether alone or jointly with some other person, by the wharfinger or stevedore.

3. To continue as agent for the vessel during the time when the vessel is in waters under the jurisdiction of the Board, and to accept the responsibilities of agent as provided in the *Harbours Board Act*.

Dated . . . 20...

(*Signature(s) of Applicant(s)*)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 9A – ^[30]Application Form for Permanent Mooring/Anchorage.

By-laws, Sec. 128A. Form 9A.

I/We*, . . . , as owner/agent* of the M.V. . . . apply to the Papua New Guinea Harbours Board for permission to permanently anchor/moor* the ship within the declared port of

I/We* declare I/we* am/ate* aware of the provisions of all laws of Papua New Guinea relating to ports of Papua New Guinea designated "declared ports" under the *Harbours Board Act*.

FORM OF INDEMNITY.

To the Papua New Guinea Harbours Board.

In consideration of being granted a permanent anchorage/mooring* for the vessel of which I/we* am/ate* the owner/agent* undertake:—

1. To pay, as required, all prescribed charges for permanently mooring/anchoring* the vessel . . . in the declared port of
2. To indemnify and keep indemnified the Board from and against any loss, damage or injury to any person or property caused by or arising whether directly or indirectly, out of or in any way attributable or incidental to, the permanent mooring/anchorage* of the . . . , and in particular to indemnify the Board in respect of—
 - (a) all actions, proceedings, claims and demands brought (whether under Section 48(1) of the *Harbours Board Act* or otherwise) in relation to such loss, damage or injury, against the Board; and
 - (b) all damages, costs and expenses incurred or sustained by the Board as a result of or in connection with such loss, injury or damage.
3. To notify the Papua New Guinea Harbours board of any change in ownership or agency of the vessel . . . within 24 hours of such change. Such notice to be in writing and delivered to the Port Manager.

(Signature of Owner/Agent.)*

Dated . . . , 20...

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 10 – Application for Licence to Drive Motor Boat.

By-laws, Sec. 148(2). Form 10.

I, . . . , of . . . , . . . apply to the Papua New Guinea Harbours Board for a licence to drive a motor boat within the limits of the declared port of . . . , subject to the *Harbours Board Act*.

Description:—

Age: Height:

Eyes: Hair:

Dated . . . 20...

(Signature of Applicant.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 11 – Licence to Drive Motor Boat.

By-laws, Sec. 148(3). Form 11.

Licence No. Receipt No.

... of ... , (... years of age, ... hair, ... eyes) is licensed to drive a motor boat within the declared port of ... for one year from ... 20...

This licence is not transferrable and is issued subject to the *Harbours Board Act*, as in force from time to time, and may be suspended or cancelled by the Harbours Board for a contravention of, or a failure to comply with, that Act. If not suspended or cancelled it must be returned on the date of expiry to the Secretary.

Dated ... 20...

Secretary,
Papua New Guinea Harbours Board.

(Signature of Licensee.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 12 – Application for Registration of Vessel.

By-laws, Sec. 149(2). Form 12.

I, . . . , of . . . apply to the Papua New Guinea Harbours Board for registration of the vessel known as

Description:—

Year and place of construction:

Length overall:

Breadth:

Depth:

Gross tonnage:

Net tonnage:

Material and type of construction:

Rig:

Description and power of engine:

Maximum speed:

Dated . . . 20...

(Signature of Applicant.)

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 13 – Certificate of Registration.

By-laws, Sec. 149(3). Form 13.

Receipt No. Certificate No.

The vessel . . . has been registered under the *Harbours Board Act* at the declared port of . . . , for one year from . . . 20...

Description:—

Year and place of construction:

Length overall:

Breadth:

Depth:

Gross tonnage:

Net tonnage:

Material and type of construction:

Rig

Description and power of engine:

Maximum speed:

Certificate issued to . . . of

Dated . . . 20...

Secretary,
Papua New Guinea Harbours Board.

This certificate is issued subject to the *Harbours Board Act*, and may be suspended or cancelled by the Harbours Board for a contravention of, or a failure to comply with, that Act.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 14 – ^[31]Application for Stevedore's Licence.

By-laws, Sec. 192(2). Form 14.

I . . . , of . . . , hereby apply for a licence to carry on the business of a Stevedore at the declared Port of . . .

The detailed proposals as set out below form part of this application:—

1. The full name and address of the applicant is . . .
2. The applicant has previously held a Stevedore's Licence at declared ports.
3. The applicant has/will conduct a training scheme and details whereof are annexed to this application.
4. The applicant is aware of the provisions of Section 194 to 199 (inclusive) of the By-laws and undertakes to comply with such provisions in every particular.
5. The applicant is a person in the sense of a company:—
 - (a) that is beneficially owned and controlled in accordance with Section 192(2)(a) of the By-laws; or
 - (b) that is applying on the basis of an agreement entered into on the . . . day of . . . 20... with the Board for a term of . . . years.

The prescribed fee of K . . . is enclosed herewith.

DATED . . . 20...

(Signature of Applicant).

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 15 – [32] Stevedore's Licence.

By-laws, Sec. 192(3). Form 15.

... , of ... , is licensed to carry on the business of a stevedore in the declared port of .
... for a term of ... years or ... calendar months from the date of this licence. This
licence is subject to annual review by the Board.

Dated ... 20...

Secretary,
Papua New Guinea Harbours Board.

PAPUA NEW GUINEA.

Harbours Board Act 1963.

Form 16 – ^[33]Wharfage, Berthage and Port Dues.

By-laws, Sec. 216. Form 16.

Ship's name: Port of registry:
 Arrival date: Owner:
 Agent: Length: . . . metres
 Name of master: Licensed stevedore:
 Port dues: Coastal/overseas*
 Paid on Port Charges Invoice No. . . . Valid to . . . 20...

Cargo as classified in Schedule 2.	Overseas or coastal.	Inwards or outwards.	Cargo loaded or unloaded within a declared port.	Unit.	Rate per unit.	Number of units

Cargo dues: Tonnes . . . at K0.10 per tonne.

(Signature of Owner/Agent.)*

Dated . . . , 20...

*Strike out whichever is inapplicable.

¹³⁴SCHEDULE 2 – ¹³⁵WHARFAGE RATES, INWARD AND OUTWARD RATES.

By-laws, Sec. 209.

Cargo.	Unit.	Overseas cargo (rate per unit).		Coastal cargo (rate per unit).	
		Inward K	Outward K	Inward K	Outward K
Horses, cattle, dogs, sheep, goats, pigs	each animal	1.00	1.00	0.40	0.40
Oils (in bulk), petroleum (in bulk), bunkers	tonne of 1,000 litres	0.44	0.35	0.35	0.35
Boats, iron tanks (empty)	metre length or cubic measurement whichever is the lesser	10.00	10.00	1.50	1.50
Charcoal, coal, coke, road metal, sand, soil, cement, returned empties (including container and pallets)	tonne weight	3.75	2.00	1.00	1.00
Copra, cocoa, coffee, bagged agricultural produce	tonne weight	3.75	2.00	0.90	0.90
Goods not enumerated above	tonne weight or 1m ³ whichever is greater	3.75	2.00	1.00	1.00

SCHEDULE 3 – MISCELLANEOUS CHARGES.

^[36]By-laws, Sec 192(2), 215.

		K
1.	Licence to carry on retail trade on a wharf	100.00 per annum
2.	Licence to bring into and use machinery for hoisting and conveying goods on the Board's property	150.00 per annum
3.	Licence to operate as stevedore at wharves under control of the Board per licence at each port	0.10t per revenue tonne of cargo handled per annum that is payable on a quarterly in

		arrears. A refundable security deposit of K5, 000.00 is to be paid on or before the first day of each year of the licence.
4.	Application for Lease	20.00 per annum
5.	Permit to construct works below high water mark	500.00 per annum
6.	Licence for a commercial vehicle to enter a wharf area under the control of the Board	25.00 per annum
7.	Use of mooring sites per buoy or laid up at anchor as follows:–	
	(a) For pleasure craft–	
	(i) 30m length and over	16.00 per annum
	(ii) 20m and under 30m length	10.00 per annum
	(iii) 10m and under 20m length	5.00 per annum
	(iv) under 10m length	Nil
	(b) For coastal commercial vessels	100.00 per annum
	(c) For overseas vessels	1,000.00 per annum
8.	Cleaning a wharf after departure of a vessel	100.00
9.	Supply of fresh water to shipping	0.70 per 1,000 litres
10.	Reservation for a Berth–	
	(a) Cargo and Passenger Ships	200.00 on each occasion at Port Moresby, Lae, Rabaul, Madang and 100.00 on each occasion at other ports.
	(b) Tankers	300.00 on each occasion
	(c) Each alteration to arrival times	50.00
11.	Laying of pipelines and cables on bed of harbour	200.00 per annum
12.	Personal pass to enter declared port	15.00 per annum
13.	Replacement of personal pass	15.00
14.	Personal car pass to enter a wharf area under the control of the Board	5.00 per annum
15.	Replacement of any licence issued	10.00
16.	Office space rental, etc.	
	space per square metre (m ²) power outlet	120.00 per annum

		135.00 per unit per annum
	Air Conditioner	650.00 per unit per annum
17.	Open storage area rental per square metre (m ²)	30.00 per annum
18.	Cleaning of containers in port area	5.00 per unit
19.	Mooring gang per vessel for each mooring and unmooring	20.00
20.	Containers landed and reloaded on the same vessel without stuffing and unstuffing	20.00 per unit
21.	Use of power point for mechanical equipment per hour or part of an hour	5.00
22.	Hire of gangway per day or part of a day	20.00
23.	Hire of Board's staff for overtime and special duties	cost to Board plus 50%
24.	Transport of Cargo from transit shed to bonded warehouse or free store per tonne or part of a tonne	5.00
25.	Licence to operate berthing tug	500.00 per annum
26.	Licence to operate mooring boat	200.00 per annum
27.	Fee for inspection under Part X (Inflammable Liquid and Dangerous Goods) S. 267	100.00

Office of Legislative Counsel, PNG

[1] Section 34 amended by No.37 of 1981, s1.

[2] Section 35 amended by No. 37 of 1981, s1.

[3] Section 48 amended by No. 37 of 1981, s2.

[4] Section 84 amended by No. 37 of 1981, s3.

[5] Section 127 amended by No. 21 of 1978, s1.

[6] Section 128A added by No. 21 of 1978, s2.

[7] Section 153(2) Amended by No. 20 of 1978, s1.

[8] Section 153(2) Amended by No. 20 of 1978, s1.

[9] Section 170A added by No. 20 of 1978, s2.

[10] Section 170B added by No. 20 of 1978, s2.

[11] Section 191 replaced by No. 41 of 1978.

[12] Section 192 amended by No. 13 of 1983, s1; Section 192(2)(b)(iv) amended (by implication) when the *National Investment Development Authority Act* was replaced by the *Investment Promotion Act 1992.*; Section 192 replaced by the *Harbours Board (General) (Amendments) By-Laws 1994 (No 20 of 1994), s1.*

- [13] Section 201 replaced by the *Harbours Board (General) (Amendments) By-Laws* 1994 (No 20 of 1994), s2.
- [14] Section 203 amended by No. 24 of 1976, s2, No. 3 of 1981, s1.
- [15] Section 205 amended by No. 24 of 1976, s4.
- [16] Section 207 amended by No. 24 of 1976, s3.
- [17] Section 208 Amended by No. 24 of 1976, s5.
- [18] Section 208(2) Amended by No. 3 of 1981, s2.
- [19] Section 208(2) Amended by No. 3 of 1981, s2.
- [20] Section 209 replaced by No. 3 of 1981, s3.
- [21] Section 210 amended by No. 24 of 1976, s7, No. 3 of 1981, s4.
- [22] Section 211 amended by No. 24 of 1976, s8, No. 3 of 1981, s5.
- [23] Section 211 amended by No. 24 of 1976, s8, No. 3 of 1981, s5.
- [24] Section 211A added by No. 24 of 1976, s9.
- [25] Section 214 replaced by No. 3 of 1981, s6.
- [26] Section 216 replaced by No. 3 of 1981, s7.
- [27] Section 216A added by No. 3 of 1981, s8.
- [28] Section 217 added by No. 24 of 1976, s12.
- [29] Section 218 added by No. 24 of 1976, s12.
- [30] Schedule 1, Form 9A added by No. 21 of 1978, s2.
- [31] Schedule 1, Form 14 Form 14 replaced by the *Harbours Board (General) (Amendments) By-Laws* 1994 (No 20 of 1994), s3(a).
- [32] Schedule 1, Form 15 replaced by the *Harbours Board (General) (Amendments) By-Laws* 1994 (No 20 of 1994), s3(b).
- [33] Schedule 1, Form 16 replaced by No.3 of 1981, s9.
- [34] Schedule 1, Form 17 repealed by No. 24 of 1976, s11.
- [35] Schedule 2 replaced by No. 3 of 1981, s9.
- [36] Schedule 3 replaced by No. 24 of 1976, s13, amended by No. 3 of 1981, s9; replaced by the *Harbours Board (General) (Amendments) By-Laws* 1994 (No 20 of 1994), s4.