

By-laws under the *Ports Ordinance* 1962 as amended

In pursuance of the powers conferred on the Northern Territory Port Authority by the *Ports Ordinance* 1962 as amended, the Port Authority at a meeting held on the 9th day of October, 1974, made the following by-laws.

Dated this ninth day of October, 1974.

P. A. J. WARMAN

Executive Member

AMENDMENTS TO THE SMALL CRAFT BY-LAWS

1. These By-laws shall come into operation on a date to be fixed by the Port Authority by notice published in the *Gazette*.†
2. A reference in these By-laws to a by-law or provision by a member shall be read as a reference to the by-law provision so numbered in the Small Craft By-laws.
3. By-law 1.01 is amended by omitting "the Small Craft By-laws" and substituting "the Harbour Craft By-laws".
4. By-law 1.02 is amended by omitting all the words from and including "and are divided into parts".
5. By-law 2.01 is amended—
 - (a) by omitting the definition of "Boat" and substituting the following definition:
" 'Boat' has the same meaning as vessel. ";
 - (b) by omitting the definition of "Declared port";
 - (c) by inserting after the definition of "Drive yourself Motor Boat" the following definition:
" 'Fairway' means all those waters comprising the area enclosed by a line drawn from a point 072 degrees true direction, at a distance of 5.18 nautical miles

* Notified in the *Northern Territory Government Gazette* on 24 October, 1974.

† The date fixed was 1 May, 1975 (see *Northern Territory Government Gazette* No. 15 of 18 April, 1975 page 158).

from Charles Point Lighthouse to West Point Buoy, thence to Abbott Patches Buoy, thence to Junction Buoy, thence to the centre of Walker Shoal, thence in a 147 degrees true direction for 2,340 metres, thence in a 106 degrees true direction for 760 metres, thence in a 335 degrees true direction to the southern point of South Shell Island, thence in a 315 degrees true direction for 3,525 metres, thence in a 286 degrees true direction for 1,250 metres, thence in a 027 degrees true direction for 800 metres, thence due west to the high water mark, thence south, south-west and north-west along the high water mark to a point due south of the Leichhardt Memorial, thence to Bennett Shoal Buoy, thence in a 320 degrees true direction to the limits of the Port of Darwin and thence to the point of commencement.”;

- (d) by inserting after the definition of “Fairway” the following definition:

“‘Harbour Craft’ has the same meaning as vessel.”;

- (e) by omitting the definition “Harbour Master”;

- (f) by inserting after the definition of “Port” the following definition:

“‘Portable fire extinguisher’ means a fire extinguisher complying with by-law 6.05”;

- (g) by omitting the definitions of “Port Superintendent” and “power driven vessel” and substituting the following definition:

“‘Power driven vessel’ means any vessel propelled by machinery.”;

- (h) by omitting from the definition of “Speed boat” “25 nautical miles” and substituting “10 nautical miles”;

- (i) by omitting the definition of “Vessel”; and

- (j) by omitting “‘Water ski boat’ and substituting the following definition:

“‘Water ski boat’ or ‘ski boat’ means a motor boat that from time to time is engaged in towing a water skier and includes a power ski.”.

6. By-law 3.01 is amended by omitting “on any Northern Territory waters”.

7.(1) The heading of Part VI is amended by omitting “BOATS” and substituting “VESSELS”.

(2) Part VI is amended by omitting “This Part applies to all small craft.”.

8. By-law 6.01 is repealed and the following by-law substituted:

"6.01 Fuelling—

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

9. By-law 6.05 is repealed and the following by-law substituted:

"6.05 Fire Extinguishers—

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

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

10. The heading of Part VII is amended by omitting "SMALL CRAFT" and substituting "VESSELS".

11. By-law 7.01 is amended by omitting "shall" and substituting "may".
12. By-law 7.03(e) is amended by omitting "if operating at night".
13. By-law 7.04 is amended by omitting "*if over 16 feet and not more than 26 feet*" and substituting "*at least 5 metres but not exceeding 8 metres*".
14. By-law 7.05(h) is amended by omitting "and".
- (2) By-law 7.05 is amended by adding at the end the following paragraphs:
 - "(j) lights in accordance with the requirements of Part III; and
 - (k) a rectangular piece of fluorescent material, in orange-red colour and not less than 2 metres by 1 metre in size, bearing the letter 'V', in black colour and not less than 70 centimetres in height, the strokes of which letter are not less than 20 centimetres in breadth."
- 15.(1) By-law 7.06 is amended by omitting paragraph (e) and substituting the following paragraph:

"(e) 2 efficient anchors, each—

 - (i) in the case of a motor boat not more than 20 metres in length—with an approved length of chain or rope; and
 - (ii) in the case of a motor boat over 20 metres in length with an approved length of chain;"

(2) By-law 7.06(h) is amended by omitting "and".

(3) By-law 7.06 is amended by adding at the end the following paragraph:

"and; (j) such other equipment, if any, as is approved for the purpose of this paragraph."
16. By-law 7.08 is amended by omitting "war" and substituting "wear".
17. By-law 7.11 is amended by omitting all words after the word "refill." and substituting—

"(2) Those pyrotechnics shall be replaced—

 - (a) on showing signs of deteriorating; or
 - (b) except in the case of smoke signals, at the expiration of 3 years after the date of manufacture."
18. By-law 7.13 is amended by omitting all words after "specification" and substituting "bearing a registered certification mark of the Standards Association of Australia or of the Department of Transport."
- 19.(1) By-law 7.14 is amended by omitting "The anchor cable" and substituting "Subject to by-law 7.06(e), the anchor cable".

(2) By-law 7.14 is amended by omitting all after the word "follows" and substituting the following table:

	<i>Diameter of Chain Link</i>	<i>Circumference of Vegetable Fibre Rope</i>
Boats over 5 metres and not more than 8 metres in length	6 mm	50 mm
Boats over 8 metres and not more than 13 metres in length	8 mm	60 mm
Boats over 13 metres and not more than 20 metres in length	10 mm	80 mm
Boats over 20 metres and not more than 25 metres in length	13 mm	
Boats over 25 metres and not more than 30 metres in length	16 mm	
Boats over 30 metres and not more than 35 metres in length	19 mm	

For boats not more than 20 metres in length synthetic fibre ropes of corresponding strength may be used in lieu of vegetable fibre (manilla, coir, hemp, sisal and cotton).

20. By-law 8.01(b) is amended by omitting "Vessels plying for hire and carrying passengers," and substituting "Vessels engaged in a commercial activity.".

21. By-law 9.08 is repealed and the following by-law substituted:

"9.08 *Navigation of water ski boats—*

The driver of a water ski boat shall—

- (a) when towing a water skier, give full attention to the navigation of the boat and the water ahead;
- (b) on approaching a beach or an area of beach, not being within an area in which water skiing is prohibited, under these by-laws—
 - (i) set down at the left-hand end of that beach or area of beach (as seen from the boat) any water skiers to be set down; and
 - (ii) pick up at the right-hand end of that beach or area of beach (as seen from the boat) any water skiers to be picked up; and
- (c) on passing within 90 metres of a beach or area of beach from which water skiers may operate, cause the boat to travel in a clock-wise direction."

22. By-laws 9.16 and 9.17 are repealed and the following by-laws substituted:

"9.16 *Application for a licence to drive a speed boat or water ski boat—*

- (a) An application for a licence to drive a speed boat or water ski boat—
 - (i) shall be in the form, or substantially the form, duly completed, contained in the Seventh Schedule; and
 - (ii) shall be accompanied by a fee of 5 dollars.

(b) If the application is refused, the fee shall be refunded."

"9.17 Licence to drive a speed boat or water ski boat—

A licence to drive a speed boat or water ski boat shall be in the form, duly completed, contained in the Eighth Schedule."

23.(1) By-law 10.05(b) is amended by omitting "and" (last occurring).

(2) By-law 10.05 is amended by adding at the end the following paragraph:

"and: (d) the serial number of any licence to drive a speed boat or a water ski boat that is held by the hirer,

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

24. After by-law 10.06 the following by-laws are inserted:

"10.07 The owner of a Drive Yourself Motor Boat shall regularly check the buoyancy and safety equipment of the boat and—

(i) in the case of the buoyancy, ensure that it is satisfactory; and

(ii) in the case of the safety equipment, ensure that it is in good order and condition."

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

"10.09 The owner of a Drive Yourself Motor Boat shall not allow a person to hire the Boat unless he has first produced to the owner any licence that the person requires under these By-laws to drive the Boat."

25. The heading to Part XI is repealed and the following heading substituted:

"Part XI—Vessels Engaged in Commercial Activities".

26. By-laws 11.01, 11.02 and 11.03 are repealed and the following by-laws substituted:

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

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

(a) an application for the purpose is made in writing in accordance with a form approved for the purpose of this paragraph;

(b) within the period of one month immediately preceding the date of the application the vessel has been surveyed by a surveyor—

(i) with respect to safety equipment and seaworthiness; and

- (ii) if the application is to carry passengers, with respect to engines, shafts, pumps and steering appliances, and a receipt for the fee for the survey accompanies the application;
- (c) a fee of 10 dollars and one dollar per passenger but not exceeding 50 dollars for all passengers is paid;
- (d) if the vessel—
 - (i) exceeds 15 metres in length; or
 - (ii) is licensed to carry at least 75 passengers, the vessel carries 2 persons qualified in accordance with by-law 11.08 one of whom is familiar with the operation and maintenance of the engines of the vessel; and
- (e) at all times such navigational and safety equipment as is approved for the purpose of this paragraph is carried on the vessel, is maintained in good order and condition and is made available for inspection as required by the Port Superintendent."

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

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

27. By-law 11.08 is amended by adding at the end "or other qualification approved for the purpose of this by-law".

28. By-law 11.09 is amended by omitting "issue" and substituting "upon payment of a fee of 10 dollars, issue".

29. After by-law 11.10 the following by-law is inserted in Part XI:

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

30.(1) By-law 12.02(a) is amended by omitting all words after the word "form" and substituting "duly completed, contained in the Second Schedule, accompanied by a fee of 5 dollars, for registration of a motor boat".

(2) By-law 12.02(b) is amended by omitting "until it is cancelled" and substituting "for one year unless previously cancelled".

(3) By-law 12.02 is amended by adding at the end the following paragraphs:

- "(e) Where the owner of a registered motor boat desires to renew the registration of the boat, he shall produce to the Port Superintendent, immediately before the anniversary of the registration—

- (i) the motor boat complete with the safety equipment required in accordance with these by-laws;
- (ii) an application in writing for renewal of the registration, indicating whether there have been any changes in the particulars given in his application for registration or renewal of registration, as the case may be; and
- (iii) a fee of 5 dollars.

“(f) Where registration, or renewal of registration, of a motor boat is refused, any fee accompanying the application shall be refunded.”.

31.(1) Paragraphs (a) and (b) of by-law 12.04 are amended by omitting “motor boat” and substituting “registered motor boat”.

(2) By-law 12.04 is amended by adding at the end the following paragraph:

“(c) A person who purchases or otherwise acquires a registered motor boat shall produce to the Port Superintendent the boat complete with the safety equipment required in accordance with these By-laws so that the registration of the boat may be transferred into the name of the first-mentioned person for the unexpired period for which it is registered.”.

32. After by-law 12.06 the following by-law is inserted: “12.07 *False registration number*—

A person shall not display, or cause to be displayed on a motor boat—

- (a) registered in accordance with this Part; and (b) likely to be registered, or to require registration, in accordance with this Part,

a number other than the number of the boat as shown on the certificate of registration, if any, of the boat.”.

33. By-laws 13.04 and 13.06 are amended by omitting “40 dollars” and substituting “100 dollars”.

34. By-law 13.14 is amended by adding at the end the following paragraph:

“(b) The Port Superintendent may exempt from the requirement of registration under these By-laws a motor boat while it is undergoing for benefit of a prospective buyer trials or demonstrations provided that the owner of the boat—

- (i) has applied in writing to the Port Superintendent for the exemption, giving the dates, times and areas of the proposed trials or demonstrations; and
- (ii) complies with such conditions as to the carriage of safety equipment on the boat and its hours of operation as the Port Superintendent requires.”.

35. After by-law 13.15 the following by-laws are inserted:

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

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

36. By-law 14.01(f) is amended by omitting all words after "commencing at" and substituting "the High Water Line, due east from the north-east corner of Darwin Town Block No. 4245, due east to the longitude of 130° 51'10"E, thence due south to the parallel of latitude of 12°28'42" south, thence due west to longitude of 130°50'05"E, thence due north to the High Water Line".

37. By-law 14.03 is repealed and the following by-law substituted:

"14.03 *Anchoring restrictions*—

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

38. The First Schedule is amended—

- (a) by omitting "LICENCE TO PLY FOR HIRE" and substituting "LICENCE TO ENGAGE IN A COMMERCIAL ACTIVITY";
- (b) by omitting "to ply for hire for the carriage of goods or passengers" and substituting "to engage in a commercial activity"; and
- (c) by omitting "passengers and cargo" and substituting "persons and cargo".

39. The Second, Third and Fourth Schedules are amended

- (a) by omitting "BOAT" (Wherever occurring) and substituting "MOTOR BOAT"; and
- (b) by omitting "boat" (wherever occurring) and substituting "motor boat".

40. The Fifth Schedule is amended—

- (a) by omitting "BOAT" and substituting "MOTOR BOAT";
- (b) by omitting "boat" (wherever occurring) and substituting "motor boat"; and
- (c) by omitting "required" and substituting "registered".

41. The Seventh Schedule is amended—

- (a) by omitting "WATER SKI BOAT OR A POWER BOAT" and substituting "OR WATER SKI BOAT"; and
- (b) by omitting "/power ski".

42. The Eighth Schedule is amended by omitting ", WATER SKI BOAT OR POWER SKI" and substituting "OR WATER SKI BOAT".

43. The Small Craft By-laws are amended as set out in the Schedule.

SCHEDULE

BY-LAW 43

AMENDMENTS FOR METRIC CONVERSION

<i>Provisions amended</i>	<i>Omit</i>	<i>Substitute</i>
By-law 2.01 (definition of "Boat")	"65 feet"	"20 metres"
By-law 3.02(d)	"26 feet"	"8 metres"
By-law 3.03(a)	"26 feet"	"8 metres"
By-law 3.03(b)	"26 feet"	"8 metres"
By-law 3.06	"16 feet"	"5 metres"
By-law 3.06(a)	"16 feet"	"5 metres"
By-law 4.07(d)	"100 feet"	"30 metres"
By-law 7.02(e)	"120 feet"	"40 metres"
By-law 7.03	"16 feet"	"5 metres"
By-law 7.03(f)	"120 feet"	"40 metres"
By-law 7.04	"16 feet"	"5 metres"
By-law 7.04	"26 feet"	"8 metres"
By-law 7.05	"26 feet"	"8 metres"
By-law 7.05	"40 feet"	"13 metres"
By-law 7.05(f)	"120 feet"	"40 metres"
By-law 7.06	"40 feet"	"13 metres"
By-law 7.07	"16 feet"	"5 metres"
By-law 8.02(b)	"20 feet"	"6 metres"
By-law 8.02(c)	"12 feet"	"3.5 metres"
	"14 feet"	"4 metres"
	"16 feet"	"5 metres"
	"18 feet"	"5.5 metres"
	"20 feet"	"6 metres"
By-law 9.11	"600 yards"	"500 metres"
By-law 10.01(a)	"9 inches"	"25 cm"
By-law 10.01(c)	"20 inches"	"50 cm"
By-law 12.03(b)	"6 inches"	"20 cm"
By-law 13.13	"2ft.X2ft."	"50 cmX50 cm"
By-law 14.01(a)	"100 feet"	"30 metres"
By-law 14.01(b)	"300 yards"	"250 metres"
By-law 14.01(b) (iii)	"700 feet"	"215 metres"
By-law 14.01(c)	"100 feet"	"30 metres"
By-law 14.01(d)	"300 feet"	"90 metres"