

SOUTH AUSTRALIA

**SOUTH AUSTRALIAN PORTS CORPORATION REGULATIONS 1994**

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**REGULATIONS UNDER THE SOUTH AUSTRALIAN PORTS  
CORPORATION ACT 1994**

*South Australian Ports Corporation Regulations 1994*

being

No. 177 of 1994: *Gaz.* 20 October 1994, p. 1249<sup>1</sup>

as varied by

No. 3 of 1995: *Gaz.* 5 January 1995, p. 53<sup>2</sup>

<sup>1</sup> Came into operation 24 October 1994: reg. 2.

<sup>2</sup> Came into operation 5 January 1995: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.*

**PART 1  
PRELIMINARY**

**Citation**

1. These regulations may be cited as the *South Australian Ports Corporation Regulations 1994*.

**Commencement**

2. These regulations will come into operation on the day on which the Act comes into operation.

**Interpretation**

3. (1) In these regulations, unless the contrary intention appears—

"**the Act**" means the *South Australian Ports Corporation Act 1994*;

"**adjacent land**" means land adjacent to a Corporation wharf and vested in or under the care, control and management of the Corporation;

"**certificate of registration**", in relation to a vessel, means the certificate or other document issued in respect of the vessel by the marine authority of the jurisdiction in which the vessel is registered;

"**channel**" means a waterway regularly used as a course for vessels moving through a port;

"**commercial vessel**" means a vessel used for industrial, commercial or scientific purposes and includes a vessel of a class declared by regulation under the *Harbors and Navigation Act 1993* to be a class of commercial vessels;

"**the Commonwealth Act**" means the *Navigation Act 1912* of the Commonwealth;

"**container**" means a crate, box, tank, flat or cylinder that is designed and constructed—

- (a) for continuous use as an adjunct to cargo handling and transportation; and
- (b) to facilitate the transportation of goods from the place at which they are packed to the place at which they are to be unpacked without the need for the goods to be unloaded from or re-loaded into the crate, box, tank, flat or cylinder; and
- (c) to facilitate transportation by means of more than one mode of transport; and
- (d) with devices so as to enable it to be readily handled between one mode of transport and another; and
- (e) to carry a load the volume of which is at least one cubic metre;

"**Corporation wharf**" means a wharf vested in the Corporation;

"**master**" means the person in charge of a commercial vessel but does not include a licensed pilot acting as such;

3.

"**moor**" includes anchor;

"**operator**" means the person in charge of a recreational vessel, while that vessel is underway;

"**owner**" of cargo or goods includes the consignor and consignee of the cargo or goods;

"**to park**" a vehicle includes to leave the vehicle standing;

"**port**" means a port vested in the Corporation;

"**recreational vessel**" means a vessel used for purposes that are not solely industrial, commercial or scientific purposes and includes a vessel of a class declared by regulation under the *Harbors and Navigation Act 1993* to be a class of recreational vessels;

"**speed**" means speed with reference to a stationary horizontal plane (as distinct from speed through water which may itself be in motion);

"**underway**", in relation to a vessel, means that the vessel is not at anchor, or made fast to the shore, or aground.

(2) For the purposes of these regulations, the length of a vessel is determined as follows:

- (a) in the case of a vessel in respect of which a certificate of survey is in force—the length of the vessel is the measured length specified in that certificate;
- (b) in the case of a vessel in respect of which a certificate of survey is not required or is not in force and that is constructed of pontoons—the length of the vessel is the distance along the deck between the foremost transverse deck beam and the aftermost transverse deck beam;
- (c) in any other case—the length of the vessel is the distance from the foremost part of the hull to the aftermost part of the hull taken at the upper side of the uppermost weather tight deck or, in the case of an open vessel, at the height of the gunwale.

(3) In subregulation (2)—

"**aftermost part of the hull**" means the trailing edge of the shell plating, planking or other structural material or, in the case of stem bars or posts, the intersection of the outside of the shell plating or planking with the stern bar or post but excluding, in all cases, any member added to the exterior of the hull (e.g. a fender, sponson or rubbing strip);

"**foremost part of the hull**" means the leading edge of the shell plating, planking or other structural material or, in the case of bar stems or stem posts, the intersection of the outside of the shell plating or planking with the stem bar or post but excluding, in all cases, any member added to the exterior of the hull (e.g. a fender, sponson or rubbing strip).

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**PART 2**  
**CONTROL AND MANAGEMENT OF PORTS**

**DIVISION 1—USE OF WHARVES, ETC.**

**Obstructions on wharf**

**4.** (1) A person must not, without the approval of the Corporation, place anything on a Corporation wharf in a position that is likely to—

- (a) obstruct the approaches or any entrance to, or exit from, the wharf; or
- (b) obstruct the movement of cargo on, onto or from the wharf; or
- (c) impede the free passage of any vehicle on the wharf.

Penalty: Division 10 fine.

(2) An authorised person may—

- (a) direct<sup>1</sup> the owner of any item that is on a wharf in contravention of subregulation (1), or the owner, master or operator of a vessel from which it has been unloaded or on which it is to be loaded, to remove it from the wharf or to move it to another position on the wharf within a specified time; or
- (b) if unable in the circumstances of the particular case to give a direction under paragraph (a) or if a direction is given under that paragraph but the person fails to comply with the direction—remove the item from the wharf or move it to another position on the wharf.

(3) The cost of taking action under subregulation (2)(b) may be recovered by the Corporation as a debt from the owner of the item.

**Obstruction of landing place**

**5.** (1) A person must not, without the approval of the Corporation, moor a vessel at or near a landing place except for a reasonable time for the purpose of loading or unloading goods or passengers.

Penalty: Division 8 fine.

(2) In this regulation—

**"landing place"** means a ramp, public steps, platform or other landing place which is part of or adjacent to a Corporation wharf and gives access from the wharf to vessels below the level of the deck of the wharf.

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<sup>1</sup> Failure to comply with a direction of an authorised person is an offence against section 21(2) of the Act (Maximum penalty: Division 8 fine).

**Unauthorised activity on wharf**

6. A person must not, without the approval of the Corporation—

- (a) undertake any work on a Corporation wharf that is not related to the shipping or unloading of cargo; or
- (b) sort, pack or repair cargo on a Corporation wharf; or
- (c) place or leave on a Corporation wharf anything other than cargo; or
- (d) carry on retail trade on a Corporation wharf; or
- (e) erect or post any notice or advertisement on a Corporation wharf; or
- (f) damage, remove or interfere with any notice or advertisement on a Corporation wharf; or
- (g) fish (for any aquatic organism by any means) in contravention of any notice erected on a Corporation wharf apparently on behalf of the Corporation or in contravention of a direction of an authorised person; or
- (h) light or maintain a fire on a Corporation wharf; or
- (i) damage or misuse any equipment provided on a Corporation wharf for lifesaving or firefighting purposes; or
- (j) smoke in or on a structure on a Corporation wharf; or
- (k) litter a Corporation wharf; or
- (l) damage a Corporation wharf in any manner.

Penalty: Division 8 fine.

**Use of rail trolley**

7. (1) A person must not, without the approval of the Corporation, use a trolley except for a purpose connected with the loading or unloading of a vessel or the maintenance of a vessel.

Penalty: Division 8 fine.

- (2) A person must not propel a trolley at a dangerous speed or in a dangerous manner.

Penalty: Division 8 fine.

(3) A person who is propelling a trolley must give other persons effective warning of the approach of the trolley.

Penalty: Division 8 fine.



6.

(4) An authorised person may give a person directions<sup>1</sup> in relation to the use of trolleys.

(5) In this regulation—

"trolley" means a truck or trolley supplied by the Corporation for use on rails laid on a Corporation wharf or adjacent land.

#### **Removal of stevedoring gear after use**

**8.** The master or operator of a vessel that is being loaded or unloaded on a Corporation wharf must ensure that all moveable equipment used in the loading or unloading is removed and stored appropriately on completion of the loading or unloading.

Penalty: Division 8 fine.

#### **Directions relating to dangerous or objectionable cargo**

**9.** If an authorised person suspects on reasonable grounds that particular cargo on a vessel may present, if unloaded onto a Corporation wharf, a risk of injury to persons or damage to property, or a nuisance, the authorised person may give directions<sup>1</sup> to the master, operator or owner of the vessel or the owner of the cargo—

- (a) prohibiting the storage of the cargo on the wharf; or
- (b) regulating the manner in which the cargo is to be unloaded or stored on the wharf.

#### **Spillage of cargo**

**10.** (1) If any cargo on a Corporation wharf or adjacent land, by breaking, leaking or in any other way, causes loss of life or injury to a person or destruction of or damage to the wharf or to anything on the wharf or adjacent land, creates a nuisance or offensive condition, or hinders work on the wharf or adjacent land, the owner of the cargo must—

- (a) report the matter to the Corporation; and
- (b) remove the cargo from the wharf or adjacent land, clean up any spillage and repair any damage to the wharf.

Penalty: Division 8 fine.

(2) If a person fails to take the action required by subregulation (1)(b), an authorised person may take that action, and the cost of doing so may be recovered by the Corporation as a debt from the person in default.

#### **Prevention of discharge of water, etc., onto wharves**

**11.** The master or operator of a vessel moored at a Corporation wharf must cause a covering to be placed over each outlet on the vessel that is at or above the level of the deck of the wharf so as to prevent any liquid being discharged from the vessel onto the wharf.

Penalty: Division 8 fine.

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<sup>1</sup> Failure to comply with a direction of an authorised person is an offence against section 21(2) of the Act (Maximum penalty: division 8 fine).

**Abandoned cargo**

12. The Corporation may take possession of cargo remaining on a Corporation wharf or adjacent land for more than six months and may deal with the cargo under the *Unclaimed Goods Act 1987*.

**Unauthorised entry to wharf or adjacent land**

13. A person must not, without the approval of the Corporation, enter or remain in an area of a Corporation wharf or adjacent land to which the Corporation has restricted access by the erection of signs or barriers or by other means.

Penalty: Division 8 fine.

**DIVISION 2—VEHICLES AND PEDESTRIANS**

**Traffic signs**

14. (1) The Corporation may erect signs on its wharves or adjacent land giving directions for any one or more of the following purposes:

- (a) regulating the route to be followed by vehicles;
- (b) prohibiting or regulating the entry, exit or turning of vehicles (including vehicles over a certain mass);
- (c) requiring vehicles to be stopped;
- (d) requiring certain vehicles to give way to other vehicles;
- (e) prohibiting or regulating the parking of vehicles;
- (f) imposing speed limits for vehicles;
- (g) otherwise regulating vehicular traffic;
- (h) prohibiting or regulating pedestrian traffic.

(2) A direction under this regulation may be of general or limited application according to the class of vehicles or pedestrians to which it applies, the area in which it applies, the circumstances of its application, or any other specified factor.

(3) A person who contravenes or fails to comply with the directions displayed on a sign erected under this regulation is guilty of an offence.

Penalty: Division 8 fine.

**Traffic and other directions**

15. (1) An authorised person may, orally or by hand signals, give to any person (whether a driver of a vehicle, a rider of an animal or a pedestrian) on or approaching a Corporation wharf or adjacent land reasonable directions<sup>1</sup> for the orderly functioning of the place and activities conducted in the place.

(2) An authorised person who suspects on reasonable grounds that a vehicle that exceeds a mass limit imposed in respect of an area is in, or is about to enter, that area may direct<sup>1</sup> the person in charge of the vehicle—

- (a) to submit the vehicle forthwith for weighing by portable apparatus; or
- (b) to take the vehicle by the shortest practicable route to a specified weighbridge.

**Parking signs and markings**

16. (1) The Corporation may delineate, by signs or pavement markings or a combination of signs and markings, an area on any of its wharves or adjacent land as an area in which vehicles, or vehicles displaying a permit issued by the Corporation, may be parked.

(2) A person must not park a vehicle on a Corporation wharf or adjacent land unless—

- (a) the vehicle is within an area delineated under this regulation as an area in which vehicles may be parked; or
- (b) the vehicle is being loaded or unloaded; or
- (c) the vehicle is parked with the approval of the Corporation.

Penalty: Division 8 fine.

(3) A person must not park a vehicle in an area delineated under this regulation as an area in which vehicles displaying a permit issued by the Corporation may be parked unless a valid permit is displayed in the vehicle and the vehicle is parked in accordance with the terms of that permit.

Penalty: Division 8 fine.

(4) For the purposes of this regulation, a permit is displayed in a vehicle only if the permit is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.

(5) The Corporation may issue permits for the purposes of this regulation subject to such conditions as the Corporation thinks fit.

(6) The Corporation may cancel a permit issued under this regulation by notice in writing to the holder of the permit.

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<sup>1</sup> Failure to comply with a direction of an authorised person is an offence against section 21(2) of the Act (Maximum penalty: division 8 fine).

### **Removal of vehicles**

**17.** (1) If a vehicle is parked in contravention of this Division and an authorised person believes on reasonable grounds that the vehicle is obstructing the proper use of a wharf or other port facility, or that it constitutes a risk to the safety of persons or property, the authorised person may cause the vehicle to be removed to a convenient place (but this does not empower the authorised person to break into the vehicle).

(2) The Corporation may recover the cost of removing the vehicle as a debt from the owner of the vehicle or the person who parked the vehicle in contravention of this Division.

### **Signs**

**18.** (1) A sign erected on or in the vicinity of a Corporation wharf or adjacent land that appears to have been erected for the purposes of this Division will, in the absence of proof to the contrary, be taken to have been erected in accordance with this Division.

(2) A sign erected by the Minister or the Department of Transport on or in the vicinity of a Corporation wharf or adjacent land before the wharf or land was vested in the Corporation will be regarded as having been erected in accordance with this Division.

(3) In determining the meaning of a direction displayed on a sign under this Division, regard must be given to the characteristics of the surrounding physical environment, including any pavement markings.

(4) In a direction displayed on a sign erected under this Division—

"**maximum wheel load**", in relation to a vehicle, means the weight of the vehicle (including its load) borne by any wheel of the vehicle;

"**maximum axle load**", in relation to a vehicle, means the weight of the vehicle (including its load and the weight of the axle and wheels) borne by any axle of the vehicle.

### **Evidence**

**19.** In any proceedings for an offence against this Division, an allegation in a complaint—

- (a) that a sign or marking was erected or made in accordance with this Division; or
- (b) that a specified person was the driver of a specified vehicle at the time of an alleged offence; or
- (c) that a specified vehicle was driven or parked in a specified manner or place at a specified time,

will, in the absence of proof to the contrary, be proof of the matters so alleged.

### **DIVISION 3—RECORDS**

#### **Notice of entry**

**20.** (1) The owner or master of a commercial vessel must, as soon as practicable after arrival of the vessel at a Corporation wharf, mooring or anchorage within a port, deliver a notice of entry to the nearest office of the Corporation.

Penalty: Division 8 fine.

(2) A notice of entry—

- (a) must conform to the requirements of the Corporation as to its form, contents and the manner in which it is given; and
- (b) must be signed by the master of the vessel.

#### **Certificate of registration**

**21.** (1) Subject to this regulation, the master of a commercial vessel that is within a port must, at the request of an authorised person, produce the certificate of registration of the vessel at the nearest office of the Corporation.

Penalty: Division 8 fine.

(2) This regulation does not apply in relation to a vessel that trades only within the jurisdiction if the certificate of registration of the vessel has been produced at an office of the Corporation (or the Department of Transport if before the establishment of the port) in the previous six months.

#### **Notice of leaving**

**22.** A person must not, without the approval of the Corporation, remove a commercial vessel of more than 35 metres in length from a Corporation wharf, mooring or anchorage in a port.

Penalty: Division 8 fine.

#### **Cargo manifests**

**23.** (1) A manifest relating to cargo unloaded from a commercial vessel in a port must be given to the Corporation within three days after arrival of the vessel in the port.

(2) A manifest relating to cargo loaded on to a commercial vessel in a port must be given to the Corporation within seven days after departure of the vessel from the port.

(3) A manifest—

- (a) must conform to the requirements of the Corporation as to its form, contents and the manner in which it is made; and
- (b) if it is in writing, must be in English and must be legible; and
- (c) must include, at least, the following information (given, if the Corporation so requires, by reference to codes or descriptions specified by the Corporation)—

11.

- (i) the name of the vessel and the number assigned to the vessel in Lloyd's Register of Shipping; and
- (ii) a description of the voyage being undertaken by the vessel; and
- (iii) a description of the cargo (including the mass and volume of the cargo) sufficient for the purposes of calculating the charges payable to the Corporation in respect of the cargo; and
- (iv) if the cargo includes a container—
  - (A) the number, type and dimensions of the container; and
  - (B) details of the kinds of goods carried in the container; and
  - (C) the gross weight of the goods carried in the container; and
- (v) in the case of a container or other cargo unloaded from the vessel in the port—
  - (A) the port of loading of the container or other cargo; and
  - (B) the country of origin of the packed container or other cargo; and
  - (C) if the country of destination of the packed container or other cargo is Australia, the State or Territory of destination; and
  - (D) if the container or other cargo has been restowed on the vessel in the port (with the vessel continuing on the same voyage)—a statement to that effect; and
  - (E) if the container or other cargo has been or will be transhipped (ie reloaded on a vessel undertaking a different voyage) in the port—a statement to that effect;
- (vi) in the case of a container or other cargo loaded onto the vessel in the port (other than a container or cargo that has been unloaded from that vessel and restowed, with the vessel continuing on the same voyage)—
  - (A) if the container or other cargo has been transhipped (ie unloaded from a vessel undertaking a different voyage and reloaded onto the vessel) in the port—a statement to that effect;
  - (B) if the country of origin of the packed container or other cargo is Australia—the State or Territory of origin; and
  - (C) the port at which it is intended that the container or other cargo will be unloaded; and
  - (D) the country of destination of the packed container or other cargo; and

(d) must be certified as correct by the master or owner of the vessel.

(4) Any alteration or correction of a manifest must be notified to the Corporation as soon as possible.

(5) If an alteration or correction of a manifest is notified to the Corporation and it is not practicable by reason of the movement of the cargo for the alteration or correction to be verified by inspection, the alteration need not (but may) be taken into account by the Corporation for the purposes of calculating the charges payable to the Corporation in respect of the cargo.

(6) If a manifest is not received by the Corporation in accordance with this regulation, the charges payable to the Corporation in respect of the cargo may be calculated on an estimate by the Corporation of the size and nature of the cargo plus 10%.

(7) If a manifest (or an alteration or correction of a manifest) is not given to the Corporation in accordance with this regulation, the master and the owner of the vessel are each guilty of an offence (but it is a defence to a charge of an offence against this regulation if the defendant proves that the defendant could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Penalty: Division 8 fine.

(8) A person who views a manifest in the course of official duties connected with the administration of the Act must not divulge the contents of that manifest to any person except in the course of those duties.

Penalty: Division 8 fine.

#### **Production of documents relating to cargo**

**24.** (1) The master or owner of a commercial vessel must, at the request of an authorised person—

(a) produce for inspection and copying all records and documents (including cartnotes, shipping and weigh notes) relating to the cargo of that vessel; and

(b) provide the reference number for the bill of lading relating to that cargo.

Penalty: Division 8 fine.

(2) An authorised person who views a record or document in the course of official duties connected with the administration of the Act must not divulge the contents of that record or document to any person except in the course of those duties.

Penalty: Division 8 fine.

### **DIVISION 4—SAFETY CONTROLS**

#### **Watch officers in ports**

**25.** (1) A vessel that is 35 metres or more in length and is moored in a port must, unless the Corporation approves otherwise, have at all times at least one person on board for the purposes of communication with the Corporation or an authorised person.

(2) If subregulation (1) is contravened, the master or operator of the vessel is guilty of an offence.

Penalty: Division 8 fine.

### **Tugs**

**26.** (1) The master of a tug that is attending a vessel that is, while within a port, being navigated under the control or at the direction of a licensed pilot must comply with the directions of the pilot.

Penalty: Division 7 fine.

(2) The master of a tug that is attending a vessel the master of which holds a current pilotage exemption certificate must comply with the directions of that master.

Penalty: Division 7 fine.

### **Fuel in vehicles, etc.**

**27.** (1) Cargo consisting of a vehicle, vessel or machine that uses petroleum or other liquid fuel with a flash point below 60°C must not be carried on a vessel while it is within a port unless each fuel tank of the vehicle, vessel or machine contains less than 50% of its capacity of fuel and is effectively sealed.

(2) Cargo consisting of a vehicle, vessel or machine that uses petroleum or other liquid fuel with a flash point below 60° must not be stored on a Corporation wharf or adjacent land while awaiting loading or transport unless each fuel tank of the vehicle, vessel or machine contains less than five litres of fuel and is effectively sealed.

(3) If a vehicle, vessel or machine is carried or stored in contravention of this regulation, the consignor of the vehicle, vessel or machine is guilty of an offence.

Penalty: Division 9 fine.

(4) A person must not transfer petroleum or other liquid fuel into or out of the tank of a vehicle, vessel or machine—

- (a) on a Corporation wharf constructed of timber; or
- (b) inside a structure on adjacent land; or
- (c) within 15 metres of any such structure; or
- (d) within 15 metres of any cargo on a Corporation wharf or adjacent land; or
- (e) on a vessel within a port or within 15 metres of such a vessel.

Penalty: Division 8 fine.



**Operation of motors in cargo spaces**

**28.** A person responsible for the loading or unloading of cargo on a vessel within a port is guilty of an offence if, during the loading or unloading—

- (a) an internal combustion engine or electric motor is operated in a cargo space in the vessel in contravention of Appendix 8, Marine Order No. 12 of 1986, Part 32 (Cargo and Cargo Handling—Equipment and Safety Measures) under the Commonwealth Act; or
- (b) an internal combustion engine of a mechanical stowing appliance or other vehicle used is fuelled in a cargo space in the vessel in contravention of that Appendix.

Penalty: Division 7 fine.

**Smoking and use of combustion equipment in hold**

**29.** (1) A person must not—

- (a) smoke, strike a match or use a cigarette lighter; or
- (b) without the approval of the Corporation, use any other device that produces a flame or a flash exposed to the air,

in the hold of a commercial vessel in a port or within six metres of any open hatch of a commercial vessel in a port.

Penalty: Division 7 fine.

(2) If subregulation (1) is contravened, the master of the vessel is also guilty of an offence (but it is a defence for the master to prove that the master could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Penalty: Division 7 fine.

**Mooring lines in ports**

**30.** (1) The master or operator of a vessel moored by lines to a Corporation wharf or other structure in a port must ensure that those lines are adequate and kept taut at all times.

Penalty: Division 8 fine.

(2) A person must not, without lawful authority, interfere with a line attached to any vessel, buoy, anchor, mooring, Corporation wharf or other structure or device in a port.

Penalty: Division 8 fine.

(3) The Corporation may authorise a person to interfere with a line in a manner that would otherwise constitute a contravention of subregulation (2).

### **Use of spot lights**

**31.** (1) A person must not, without reasonable excuse, direct a beam of light from a vessel in a port onto another vessel.

Penalty: Division 8 fine.

(2) If subregulation (1) is contravened, the master or operator of the vessel from which the light is directed is also guilty of an offence (but it is a defence if the defendant proves that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Penalty: Division 8 fine.

### **Restrictions in certain ports**

**32.** (1) The engine of a vessel that is more than 35 metres in length and is moored at a Corporation wharf in a port to which this regulation applies must not, without the approval of the Corporation—

- (a) be interfered with in such a manner that immobilises the vessel to the extent that the vessel cannot be made ready to be underway within 2 hours; or
- (b) be operated so as to turn a propeller or propellers.

(2) If the engine of a vessel is operated or interfered with in contravention of subregulation (1), the master or operator of the vessel is guilty of an offence.

Penalty: Division 8 fine.

(3) A person must not do any work by means of a device that produces a flame or flash exposed to the air on a vessel in a port to which this regulation applies unless—

- (a) the Corporation has been notified in writing of the intention to undertake the work; and
- (b) the work has been authorised in writing by the owner of the vessel or the owner's agent; and
- (c) the work is carried out in a safe and professional manner.

Penalty: Division 9 fine.

(4) If subregulation (3) is contravened, the master or operator of the vessel is also guilty of an offence (but it is a defence if the defendant proves that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Penalty: Division 9 fine.

(5) This regulation applies to the following ports:

Port Adelaide  
Port Giles  
Port Lincoln  
Port Pirie  
Thevenard  
Wallaroo.

**Mooring and unmooring of vessels in certain ports**

**33.** (1) A person must not, unless authorised for the purpose by the Corporation, make fast or let go mooring lines of a vessel moored or to be moored to a Corporation wharf in a port to which this regulation applies.

Penalty: Division 8 fine.

(2) This regulation does not apply in relation to—

(a) a tug, barge or lighter ordinarily used within a port to which this regulation applies;

(b) a vessel of less than 1 000 tons gross—

(i) ordinarily employed in trading or going between harbors, ports or other places in the State; or

(ii) ordinarily used as a pleasure yacht in South Australian waters;

(c) a vessel belonging to the Australian Navy.

(3) This regulation applies to the following ports:

Port Adelaide  
Port Giles  
Port Lincoln  
Port Pirie  
Thevenard  
Wallaroo.

(4) Nothing in this regulation prevents the Corporation from charging a fee for services provided by a person authorised under this regulation.

**Swimming in ports**

**34.** A person must not, without the approval of the Corporation, swim or dive in any port—

(a) within 200 metres of a vessel that is 15 metres or more in length and is arriving or departing from a Corporation wharf, mooring or anchorage or is navigating in a channel; or

(b) within 45 metres of a vessel that is 15 metres or more in length and is moored at a Corporation wharf; or

- (c) from any portion of a Corporation wharf not specifically set aside for entrance of a person into the water.

Penalty: Division 9 fine.

### **Navigation in channels**

**35.** (1) The master or operator of a vessel proceeding along the course of a channel in a port must keep the vessel as near to the outer limit of the channel that lies on its starboard side as is safe and practicable.

Penalty: Division 6 fine.

(2) The master or operator of a vessel that can safely navigate outside a channel must not allow the vessel to hamper the safe passage of a vessel that can safely navigate only inside the channel.

Penalty: Division 6 fine.

(3) The master or operator of a vessel engaged in fishing in a port must not allow the vessel to impede the passage of any other vessel navigating within a channel.

Penalty: Division 6 fine.

(4) The master or operator of a vessel must not, except in an emergency, anchor the vessel in a channel.

Penalty: Division 6 fine.

(5) If a vessel is anchored in a channel in an emergency, the master or operator of the vessel must, as soon as practicable, move the vessel to the side of the channel.

Penalty: Division 6 fine.

(6) The master or operator of a vessel navigating in a channel must only overtake another vessel if this can be done safely.

Penalty: Division 6 fine.

(7) A person must not, except with the approval of the Corporation, cause or permit a cable, chain, hawser or rope or any other barrier to be placed across a channel.

Penalty: Division 6 fine.

## **DIVISION 5—SPEED RESTRICTIONS**

### **Speed restrictions**

**36.** (1) A person who, while in a port, operates a vessel at a speed in excess of 4 knots—

- (a) in or through a mooring area; or

18.

- (b) within 30 metres of a jetty, wharf or other place at which a vessel is being removed from the water or placed into the water; or
- (c) within 30 metres of any person in the water; or
- (d) within 30 metres of any vessel or buoy on which is displayed a flag indicating that there is a diver below (International Code Flag A); or
- (e) within 30 metres of any vessel that may be adversely affected by the wash of the vessel,

is guilty of an offence.

Penalty: Division 8 fine.

(2) A person who operates a vessel within the waters specified in *schedule 1* at a speed in excess of the limit applicable to those waters in accordance with that schedule is guilty of an offence.

Penalty: Division 8 fine.

## **DIVISION 6—MISCELLANEOUS CONTROLS**

### **Nuisance**

**37.** A person who operates a vessel in a port in the vicinity of any person in or near the water or on a vessel in a manner that is likely to cause nuisance or annoyance to the person is guilty of an offence.

Penalty: Division 7 fine.

### **Emissions and discharges**

**38.** (1) If a vessel in a port emits smoke or vapour to the extent that it causes danger to any other person, the owner of the vessel and the master or operator of the vessel are each guilty of an offence.

Penalty: Division 8 fine.

(2) If any offensive material is discharged from a vessel directly or indirectly into waters or onto land in a port, the owner of the vessel and the master or operator of the vessel are each guilty of an offence.

Penalty: Division 6 fine.

(3) It is a defence to a charge brought against the owner of a vessel of an offence against this regulation committed while the vessel is being operated for the owner to prove that the vessel was operated without the owner's consent.

(4) In this regulation—

"**offensive material**" includes oil, tar, spirit, other inflammable material, refuse, wire, rope, plastic, the carcass of any animal, sludge from ballast tanks and any matter that may cause pollution, a nuisance or offence.

### **Gangways**

**39.** (1) The master of a vessel engaged in trade or plying for hire when lying alongside a Corporation wharf, a riverbank or another vessel in a port must ensure that there is a gangway in place between the vessel and the wharf, riverbank or other vessel, and a safety net rigged over the gap between the vessel and the wharf, riverbank or other vessel, in accordance with this regulation.

Penalty: Division 8 fine.

(2) A gangway must comply with the following requirements:

- (a) the gangway must be provided with a closely boarded walkway at least 550 millimetres in clear width and fitted with transverse treads at suitable and equally spaced intervals;
- (b) the gangway must be fenced on each side of its entire length with upper and intermediate side rails supported by stanchions that are not more than 2 metres apart and fitted with a locking device to prevent accidental dislodgment;
- (c) the side rails must not be more than 0.61 metres apart and the upper rail must be at a height of not less than 1.07 metres (measured from the surface of the treads, perpendicular to the longitudinal axis of the gangway);
- (d) the side rails may be fixed rails or taut ropes or chains and any covering material used on ropes or chains must be capable of removal to allow inspection of the condition of the ropes or chains;
- (e) the sides of the gangway must be fitted with screens or netting;
- (f) the upper end of the gangway must be fitted with suitable means to effectively secure it to the vessel;
- (g) if the gangway requires the use of a derrick or crane to position or stow it, the gangway must be provided with suitable lifting attachments so located as to balance it whilst it is freely suspended.

(3) A safety net must comply with Appendix 7 of Marine Order No. 15 of 1983, Part 23 (Equipment—Miscellaneous and Safety Measures), under the Commonwealth Act.

**Anchors not to be used in certain areas**

**40.** The master or operator of a vessel must not cause or allow the vessel to be anchored or an anchor to be used in any of the following areas:

- (a) the area comprising the full width of the Port Adelaide River which lies within 70 metres of a line from a point on the western bank of the river distance 490 metres and bearing  $314^\circ$  from No. 11 front inward leading beacon to a point on the eastern bank of the river distance 215 metres and bearing  $22^\circ$  from No. 11 front inward leading beacon;
- (b) the area comprising the full width of the Port Adelaide River which lies within 60 metres of a line from a point on the western bank of the river distance 460 metres and bearing  $269^\circ$  from No. 12 rear inward leading beacon to a point on the eastern bank of the river distance 270 metres and bearing  $204^\circ$  from No. 12 rear inward leading beacon;
- (c) the area comprising the area of the Port Adelaide River situated within a radius of 70 metres from the control towers of the Birkenhead Bridge.

Penalty: Division 7 fine.

**Directions relating to ballast water**

**41.** (1) An authorised person may give the master or operator of a vessel in a port directions relating to any ballast water carried on the vessel, including directions—

- (a) prohibiting the discharge of ballast water in specified waters; or
- (b) requiring ballast water to be discharged in specified waters or in a specified manner (including that it be treated in a specified manner prior to discharge); or
- (c) requiring ballast water to be exchanged in specified waters; or
- (d) as to the loading of ballast water.

(2) A person who fails to comply with a direction given under subregulation (1) is guilty of an offence.

Penalty: Division 6 fine.

**PART 3  
MISCELLANEOUS**

**Approvals of Corporation**

**42.** (1) An application for an approval of the Corporation under these regulations must conform to the requirements of the Corporation as to its form, contents and the manner in which it is made.

(2) An applicant under this regulation must provide to the Corporation such information and records as the Corporation reasonably requires.

(3) An approval given by the Corporation for the purposes of these regulations—

(a) may be given orally or in writing but, if given orally, must be confirmed in writing as soon as practicable; and

(b) may be subject to such conditions as are specified by the Corporation (including a condition fixing a fee to be paid to the Corporation); and

(c) may be varied or revoked by the Corporation at any time.

(4) Where the Corporation gives approval to a person subject to a condition, the person must not contravene or fail to comply with the condition.

Penalty: Division 6 fine.

**Expiable offences**

**43.** An offence against these regulations described in *schedule 2* is an expiable offence and the amount set out in that schedule opposite the description of the offence is the expiation fee for that offence.

**False statements**

**44.** A person must not, in providing any information required under these regulations, knowingly make a statement that is false or misleading in a material particular.

Penalty: Division 7 fine.

**General defence**

**45.** It is a defence to a charge of an offence against these regulations if it is proved that the contravention or non-compliance was justified in the circumstances in order to avoid immediate danger having regard to all the dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved.



**SCHEDULE 1***Speed restrictions in certain waters  
(Regulation 36(2))***7 knot limit**

1. The speed limit in the following waters is seven knots:

(a) *Port Adelaide*—

- (i) that portion of the Port Adelaide River which lies between No. 6 Channel Beacon and No. 12 Channel Beacon;
- (ii) that portion of the Port Adelaide River in the port of Port Adelaide which lies south of No. 27 Channel Beacon;

\* \* \* \* \*

(b) *Port Lincoln (Boston Bay)*—The area bounded as follows: Commencing at the intersection with High Water Mark of a line running due north from the north-east corner of King and Porter Streets, then due north along that line to its intersection with a line running due east and distant 120 metres from the north-west corner of the shipping pier, due east along the latter line to its intersection with a line running due north from the south-eastern extremity of Gawler Terrace, then due south along the latter line to High Water Mark, then generally westerly along High Water Mark to the point of commencement;

(c) *Port Lincoln (Proper Bay)*—The area bounded as follows: Commencing at the intersection with High Water Mark of a line bearing 155° and distant 120 metres from the south-westerly face of the most south-western dolphin at the jetty, then approximately south-easterly along that line to its intersection with a line bearing 65° and 150 metres distant from the seaward face of the jetty, then along the latter line to a point opposite the easternmost dolphin at the jetty, then on a line bearing 335° to its intersection with the south-eastern edge of the channel, the channel being 122 metres, 61 metres either side of the line of leads which bears 245°, then north-easterly along the south-eastern edge of the channel, to a point opposite the outermost beacon, then on a line bearing 335° for 122 metres to its intersection with the north-western edge of the channel, then south-westerly on a bearing of 245° along the north-western edge of that channel to a point, being its intersection with a line bearing 155° from High Water Mark and in line with the easternmost dolphin at the jetty, then north-westerly along that line to High Water Mark and then generally south-westerly along High Water Mark to the point of commencement;

(d) *Port Pirie*—that portion of the Port Pirie River which lies to the southward of a line drawn east-north-east and west-south-west through No. 11 Side Channel Beacon, at such times as a signal in the form of a drum shape with black and yellow vertical stripes or a flashing light of amber colour is displayed from the stobie pole adjacent to the watch officer's office at No. 4 berth during the hours of daylight and darkness respectively;

(e) *Thevenard*—The area bounded as follows: Commencing at a point being the intersection of High Water Mark and a line 200 metres from and parallel to the southern face of the jetty, then approximately south-westerly along that line to its intersection with a line at right angles to it and 200 metres distant to seaward at its nearest point to the seaward end of the jetty, then approximately northerly along the latter line to its intersection with a line being the production seawards of the north boundary of H.B. Block 1, then approximately easterly along that produced line to High Water Mark, then approximately southerly along High Water Mark to the point of commencement;

- (f) *Wallaroo*—The area bounded as follows: Commencing at the north western corner of lot 242, town of Wallaroo, then generally north-westerly to the intersection with a line 150 metres from and parallel to the southern face of the shipping pier, then north-westerly along the latter line to a point opposite the seaward end of the shipping pier, then north-westerly a further 120 metres on the production north-westerly of the latter line, then north-easterly along a line at right angles to the latter line to its intersection with a line 150 metres from and parallel to the northern face of the new shipping pier, then south-easterly along the latter line to its intersection with High Water Mark, then generally south-westerly along High Water Mark to its intersection with the northern boundary of lots 261 and 262, then westerly along the latter boundary to the western corner of lot 261, then south-westerly along the north-western boundary of lot 260, then south-easterly along the south-western boundary of lot 260 to High Water Mark, then generally north-westerly, westerly, south-westerly and westerly along High Water Mark to its intersection with the south-western boundary of lot 252, then north-westerly along that boundary to the western corner of lot 252, then generally south-westerly along the north-western boundaries of lots 251, 250, Reserve, 248, 247, 246, 245, 244, 243 and 242 to the point of commencement;

**4 knot limit**

2. The speed limit in the following waters is 4 knots:

- (a) the area comprising the full width of Port Adelaide River—
  - (i) lying abreast of any vessel for the time being moored at any wharf or any established mooring place together with the area lying 200 metres upstream or downstream of that area; or
  - (ii) lying abreast of any dredge or marine works in progress between the Fairway Beacon and Jervois Bridge together with the area lying 200 metres upstream or downstream of that area;

\* \* \* \* \*

**SCHEDULE 2**  
*(Regulation 43)*

Offence against Regulations	Description of Offence	Expiation Fee
reg. 4(1)	Obstruction on wharf	\$50.00
reg. 5(1)	Obstruction of landing place	\$50.00
reg. 6	Unauthorised activity on wharf	\$50.00
reg. 7(1), (2), (3)	Use of rail trolley	\$50.00
reg. 8	Failure to remove stevedoring gear after use	\$50.00
reg. 10(1)	Failure to report or remove spillage of cargo	\$50.00
reg. 13	Unauthorised entry to wharf or adjacent land	\$50.00
reg. 14(3)	Contravention or failure to comply with directions on traffic sign	\$50.00
reg. 16(2), (3)	Parking offences	\$50.00
reg. 34	Unlawful swimming or diving in port	\$50.00
reg. 35(1)	Failure to keep to starboard side of channel	\$50.00
reg. 36(1), (2)	Failure to observe speed limits	\$50.00

**APPENDIX 1**

**LEGISLATIVE HISTORY**

Schedule 1

Clause 1(a)(iii)

and (iv):

Clause 2(b) and (c):

revoked by 3, 1995, reg. 3(a)

revoked by 3, 1995, reg. 3(b)

**APPENDIX 2****DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*