

## **CHAPTER 14**

### **JETTIES AND LOADING RAMPS**

1. In this Chapter unless the context otherwise indicates or requires, the terms used shall have the meanings respectively assigned to them by section 8 of the *Harbours Act 1955-1980* and section 3 of the *Local Government Act 1936-1981*, and the following terms shall have the meanings set against them respectively, that is to say:-

“Barge loading ramp” – Includes any barge loading ramp being the property of or under the management and control of the Council.

“Goods” – Includes all wares and merchandise and all chattels, livestock, and other articles of whatsoever description.

“Jetty” – Includes any jetty, wharf, quay, pier, launching ramp, landing place or stage or platform, or premises, whether of a like description or not, being the property of or under the management and control of the Council at, in on or from which passengers or goods or both may be taken on board of or landed from any vessels: the term also includes, where necessary, all buildings, railways, tramways, and other works on the jetty, and the appurtenances of the jetty, and the approaches thereto.

“Jetty officer” – The person appointed by the Council to act as jetty officer for the purposes of this Chapter: the term includes the person for the time being performing the duties of the jetty officer.

#### *Vehicles on or Near Jetties*

2. (i) A person shall not stand any vehicle at the shore end of any jetty so as to obstruct or interfere with or be likely to obstruct or interfere with access to or egress from the jetty by persons using or desiring to use the jetty.

(ii) A person shall not stand any vehicle on any jetty. The jetty officer may remove or cause to be removed from any jetty any vehicle standing thereon.

(iii) A person shall not, without the approval of the jetty officer, drive any vehicle or propel any velocipede along a jetty, provided that a person may, without such approval, convey goods along the jetty by means of a trolley provided on the jetty for such purpose.

(iv) The jetty officer may prohibit the entrance of any vehicle on to any jetty or prohibit the movement of any vehicle along the jetty if he is of the opinion that damage might be caused to the jetty or danger might arise to pedestrians on the jetty.

(v) A person shall not drive or cause or permit to be driven upon any jetty any vehicle which could not be driven upon a declared road pursuant to

Regulation 68 or Regulation 71 of the Regulations made under the *Main Roads Act 1920-1979*.

*Conduct of Persons on Jetties*

3. (i) A person shall not enter upon or go upon any jetty except through the entrance thereto situated at the shore end thereof or except from any vessel berthed at such jetty.

(ii) The Council or the jetty officer may close or cause to be closed any jetty or any part thereof when it is deemed necessary for public safety or convenience or the protection of the jetty.

(iii) Where the Council or the jetty officer decides to close a jetty or any part thereof, a notice to that effect shall be displayed in a conspicuous position on or near such jetty.

(iv) A person shall not, without the approval of the jetty officer, enter or go upon any jetty or any part thereof which has been closed pursuant to this By-law.

(v) A person shall not obstruct or impede the use by others of any jetty.

(vi) A person shall not use or interfere with any fitting or appliance on any jetty for any purpose other than that for which such fitting or appliance is provided.

(vii) A person shall not wilfully break, destroy, damage, deface, disfigure or write upon any jetty or any notice relating thereto.

(viii) A person shall not wilfully extinguish, diminish or increase any light burning upon any jetty.

(ix) A person shall not ride any animal on any jetty.

(x) A person shall not fish from any jetty in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic on the jetty.

(xi) A person shall not place anything, other than a vessel moored or fastened in conformity with these By-laws, at, alongside, or near any jetty, in such manner as to obstruct or interfere with the free access to and proper berthing of vessels at such jetty.

(xii) A person shall not place or leave on any jetty any rubbish, litter, decaying food or material of any description whatsoever.

(xiii) A person shall not, without the approval of the jetty officer, pack or unpack any goods on any jetty into or from any case or container.

(xiv) A person shall not carry any loaded or cocked spear gun on any jetty.

(xv) A person shall not light a fire on any jetty whether in a container or otherwise.

(xvi) A person shall not dive off any jetty, nor cause himself or any person or object to fall or be projected into waters surrounding such jetty.

(xvii) A person shall not enter upon any jetty whilst in a state of intoxication or whilst under the influence of alcohol or drugs or bring on to the jetty or drink or take thereon any alcohol or drugs.

(xviii) Any person under the influence of liquor or drugs or any idle or disorderly person found on the jetty may be summarily removed therefrom by the jetty officer or a member of the Police Force.

(xix) A person who, upon any jetty-

- (a) Behaves in a riotous, disorderly, indecent, offensive, threatening or insulting manner; or
- (b) Sings any obscene song or ballad or writes or draws any indecent or obscene word, figure or representation; or
- (c) Uses any profane, indecent or obscene language; or
- (d) Uses any threatening, abusive or insulting words to any other person,

shall be guilty of an offence against these By-laws.

#### *Vessels*

4. (i) Subject to any direction of the jetty officer, passenger carrying vessels shall have priority in berthing at any jetty over non-passenger carrying vessels and as between themselves those vessels plying to a time-table shall at the times of scheduled arrival have priority over other vessels not so plying, and masters of vessels shall accord priority to each other accordingly.

(ii) The master of any vessel shall not, without the approval of the jetty officer, moor such vessel to any jetty for any period exceeding twenty (20) minutes except in the circumstances prescribed in clause (v) of this By-law.

(iii) The jetty officer may determine times when any jetty may be used by any particular vessel or vessels and may direct the master of any other vessel not to use such jetty at such time.

(iv) A person shall not discharge any ashes, rubbish or any other materials overboard from a vessel while it is lying at any jetty.

(v) A person shall not, without the approval of the jetty officer, carry out repairs to engines or other repairs of whatsoever nature to any vessel whilst such vessel is berthed at any jetty, provided that this clause shall not apply to repairs of any emergency nature to permit a vessel to depart from any jetty.

(vi) The master of any vessel shall not moor or make fast such vessel to

any part of any jetty, except to such bollards or other fastening appliances as are or may be provided for that purpose.

(vii) The master of any vessel shall not moor or make fast such vessel to any steps or landing place for passengers or cargo, or so near thereto as to impede the use thereof by persons entitled to the use thereof, or obstruct the approach of other vessels.

(viii) The master of any vessel, shall not permit such vessel to lie alongside the jetty unless it is properly moored or fastened.

(ix) The master of a vessel shall not place, anchor or moor his vessel in the approach fairway to any jetty.

(x) The master of any vessel moored or fastened at any jetty, shall not permit such vessel to lie alongside such jetty or remain attached thereto, except for the purpose of embarking or disembarking passengers, or crew, or loading, or unloading cargo, stores or goods thereon or therefrom.

(xi) The master of any vessel berthed at any jetty shall moor, anchor, unmoor or remove the vessel as may be directed by the jetty officer.

(xii) If the master of any vessel refuses or neglects to obey any such direction, or if there is no person on board a vessel to attend thereto, the jetty officer may moor, anchor, unmoor or remove the vessel as he may deem fit, and for that purpose the jetty officer may cast off or loose any warp or rope, or unshackle or loose any chain by which the vessel is moored, or fastened, or cause the same to be done, first putting on board a sufficient number of persons for the protection of the vessel.

#### *Ferry Services*

5. (i) A person shall not operate any ferry service from any jetty or landing place under the control of the Council except pursuant to a permit issued under these By-laws.

(ii) Application for any such permit shall be in the form prescribed by and shall be accompanied by all particulars required by the Shire Clerk, together with the prescribed fee which shall be fixed by the Council from time to time by resolution.

(iii) Such application may be –

- (a) approved;
- (b) disapproved;
- (c) approved subject to reasonable and relevant conditions.

(iv) Without derogating from the provisions of paragraph (iii) in relation to the exercise of discretion, the factors to be taken into account may include:-

- (a) The nature and extent of existing services to or from the jetty;
- (b) The need for additional services;
- (c) The frequency of services required in order to meet the

- (d) convenience of the public;
- (d) Hours of operation and timetables required in order to meet such convenience;
- (e) Fare structures;
- (f) Economics of the proposed service and any similar services;

(v) Any such permit shall remain in force until the thirtieth day of June next ensuring the issue thereof.

#### *Prohibition of certain vessels*

6. Where the jetty officer is satisfied that any vessel by reason of its size, design, the type of trade or service in which it is engaged, or otherwise will present an undue risk of injury to the jetty, such jetty officer may by direction given verbally or by notice in writing to the owner or master of the vessel:-

- (a) Absolutely prohibit the mooring or berthing of such vessel at the jetty; or
- (b) Permit the mooring or berthing of such vessel at the jetty subject to such terms and conditions as the jetty officer may specify.

#### *Loudspeakers and Amplifiers*

7. A person on any jetty or on any vessel berthed at any jetty shall not, except under the authority of a permit issued under these By-laws, amplify or reproduce any words, music or other sound whatsoever by means of any electrical or other mechanical appliance, apparatus or device whatsoever.

#### *Signs and Notices*

8. A person shall not, except under the authority of a permit issued under the By-laws:-

- (i) Erect or maintain on any jetty any sign board, notice board, or other fixture or erection for the exhibition of bills or notices;
- (ii) Exhibit on, affix to, or maintain on any jetty any bill or notice.

#### *Issue of Permit*

9. (i) The Shire Clerk shall have the power to issue, sign, renew, cancel and suspend permits under these By-laws and he may subject any such permit to such terms and conditions as he considers necessary or desirable in the circumstances.

- (ii) Any permit may be suspended or cancelled for good cause shown.

### *Fees for Berthing*

10. The master or owner of a vessel shall pay to the Shire Clerk or to any officer appointed in that behalf dues as the Council may from time to time by resolution determine for every occasion upon which such vessel shall moor or berth at a Council owned jetty and the dues as the Council may from time to time by resolution determine for every occasion upon which a vessel shall moor or berth at a Crown jetty.

Dues may be paid quarterly, half-yearly or yearly in advance upon such terms and conditions as may be agreed upon between the Council and the master or owner of the vessel:

Provided nothing in this By-law shall be deemed to give the master or owner of a vessel any privilege or right as to any right of position at the jetty for any vessel or to give any lease over or right in any way to or over any jetty as aforesaid.

### *Barge Loading Ramp Fee*

11. The master or owner of a vessel shall pay to the Shire Clerk or to any officer appointed in that behalf dues as the Council may from time to time by resolution determine for every occasion upon which such vessel visits a Council owned barge loading ramp and the dues as the Council may from time to time by resolution determine for every occasion upon which a vessel visits a Crown barge loading ramp.

Dues may be paid quarterly, half-yearly or yearly in advance upon such terms and conditions as may be agreed upon between the Council and the master or owner of a vessel:

Provided nothing in this By-law shall be deemed to give the master or owner of a vessel any privilege or right as to any right of position at the barge loading ramp for any vessel or to give any lease over or right in any way to or over any barge loading ramp as aforesaid.

### *Non-payment of Dues*

12. (i) If the master or owner of any vessel evades or attempts to evade the payment of any dues he shall be guilty of any offence against these By-laws and liable to a penalty not exceeding One hundred dollars (\$100) in addition to the amount of the dues the payment of which he has evaded or attempted to evade.

(ii) All dues payable to the Council may be recovered by the Council from any person liable or required by these By-laws to pay those dues by action in any court of competent jurisdiction, or in a summary way by way of complaint made under the *Justices Act 1886-1978*.

### *General*

13. (i) It is a condition of a usage of any jetty or barge loading ramp by any

person that the Council shall not be liable for any loss of or damage to property or any death of or personal injury to any person using any jetty or barge loading ramp or the works or ways thereon, or by reason of any act, omission, order or direction of the jetty officer, unless it be shown to be due to the direct negligence of the Council or its servants.

(ii) All goods placed on any jetty or barge loading ramp shall remain at the owner's risk and expense and no responsibility or liability shall devolve upon the Council or any of its officers in regard thereto. Goods shall be so placed as not to obstruct or interfere with persons embarking or disembarking on or from a vessel and if the jetty officer is of the opinion that there is any actual or likely obstruction or interference he may cause the goods to be removed to another position.

(iii) The jetty officer or any other officer of the Council or any member of the Police Force who are hereby authorised so to do, may arrest or remove from any jetty or barge loading ramp persons offending against these By-laws without affecting his liability to be subsequently prosecuted for such breach.

(iv) A person who in any respect contravenes or fails to comply with any provision of these By-laws, or any direction of the jetty officer given thereunder, shall be guilty of an offence under these By-laws and liable to a penalty not exceeding One hundred dollars (\$100).

(v) In addition to a penalty, any expense incurred by the Council in consequence of a breach of any of these By-laws, or in the execution of works directed by these By-laws to be executed by any person and not executed by him, shall be paid by the person committing such breach of failing to execute such work.

#### *Saving*

14. Nothing in these By-laws shall be taken, read or construed so as to limit or affect the power of the Council or the jetty officer to do or refrain from doing any act, matter or thing for the purpose of securing the safety of life, vessels or property at or on the jetty and barge loading ramp and without limiting the generality of the foregoing.