

TN301*

Port Authorities Act 1999

Port Authorities Amendment (Fremantle) Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Port Authorities Amendment (Fremantle) Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Port Authorities Regulations 2001*.

4. Schedule 1 clause 94 amended

- (1) In Schedule 1 clause 94 delete the definition of *towage provider's licence*.
- (2) In Schedule 1 clause 94 insert in alphabetical order:

service provider's licence means a licence issued under clause 96 to provide a service listed in clause 95(2) in the port.

5. Schedule 1 clauses 95 and 96 replaced

Delete Schedule 1 clauses 95 and 96 and insert:

95. Unlicensed persons not to provide certain services

- (1) Subject to section 143(3) of the Act, a person must not provide in the port a service listed in subclause (2) except —
 - (a) under the authority of a service provider's licence issued by the port authority; and
 - (b) in accordance with any conditions or restrictions to which the licence is subject under clause 96(3).

Penalty: a fine of \$12 000.

- (2) For subclause (1), each of these services is listed —
 - (a) a towage service;
 - (b) a line boat service;
 - (c) a bunkering service;
 - (d) a stevedoring service;
 - (e) a mooring service.

96. Service provider's licence

- (1) An application for a service provider's licence —
 - (a) must be made to, and in the form approved by, the port authority; and
 - (b) must be accompanied by a fee of an amount determined by the port authority that is not more than \$1 000.
- (2) If satisfied that an applicant has appropriate qualifications and experience to provide a service listed in clause 95(2) in the port, the port authority may issue a service provider's licence to the applicant.
- (3) A service provider's licence has effect in relation to the provision of the service, and for the period, set out in the licence subject to —
 - (a) annual payment to the port authority, by the person who is granted or holds the licence, of an amount determined by the port authority that is not more than \$10 000 per annum; and

- (b) any conditions or restrictions that the port authority imposes and sets out in the licence.
- (4) If the port authority considers that a condition or restriction to which a service provider's licence is subject has been breached, the port authority may by written notice given to the person who holds the licence —
 - (a) suspend the operation of the licence for any period that the port authority considers appropriate; or
 - (b) cancel the licence.
- (5) A service provider's licence must set out procedures determined by the port authority that enable the person who holds the licence to appeal if the licence is suspended or cancelled under subclause (4).
- (6) A notice under subclause (4) has effect on the day on which the person who holds the service provider's licence is given the notice or on any later day specified in the notice.
- (7) A person whose service provider's licence is suspended or cancelled by notice under subclause (4) must return the licence to the port authority within 7 days after the notice has effect, whether or not the person intends to appeal against the suspension or cancellation.

Penalty for an offence under subclause (7): a fine of \$2 000.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
