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PORT AUTHORITIES ACT 1999

PORT AUTHORITIES AMENDMENT REGULATIONS 2007

Port Authorities Act 1999

Port Authorities Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Port Authorities Amendment Regulations 2007*.

2. The regulations amended

The amendments in these regulations are to the *Port Authorities Regulations 2001**.

[* *Reprint 2 as at 10 November 2006.*]

3. Schedule 1 Division 1 amended

(1) Schedule 1 Division 1 clause 2 is amended as follows:

- (a) at the end of the definition of “fishing vessel” by deleting the full stop and inserting a semicolon instead;
- (b) by inserting in the appropriate alphabetical position —

“

“**service provider’s licence**” means a licence issued under clause 5B(2) to provide a towage service, line boat service, bunkering service, stevedoring service, mooring service, transport service, bulk handling service or fish handling service in the port.

”.

Port Authorities Amendment Regulations 2007**r. 3**

- (2) Schedule 1 Division 1 is amended after clause 5 by inserting the following clauses —

“

5A. Unlicensed persons not to provide certain services

Subject to section 143(3) of the Act, a person must not provide a towage service, line boat service, bunkering service, stevedoring service, mooring service, transport service, bulk handling service or fish handling service in the port 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 5B(3).

Penalty: \$12 000.

5B. Service providers' licences

- (1) An application for a service provider's licence is to be made to, and in the form approved by, the port authority, and is to 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, as the case requires, a towage service, line boat service, bunkering service, stevedoring service, mooring service, transport service, bulk handling service or fish handling service 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.

Port Authorities Amendment Regulations 2007

r. 4

- (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 is to 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.
- (8) A person who does not comply with subclause (7) commits an offence.
- Penalty: \$2 000.

”

4. Schedule 1 Division 2 amended

- (1) Schedule 1 Division 2 clause 23 is amended by deleting the definition of “service provider's licence” and inserting the following definition instead —

“

“**service provider's licence**” means a licence issued under clause 25(2) to provide a towage service, pilot/line boat service, bunkering service (including pipeline), stevedoring service or mooring service in the port.

”

Port Authorities Amendment Regulations 2007**r. 4**

- (2) Schedule 1 Division 2 is amended by deleting clauses 24 and 25 and inserting the following clauses instead —

“

24. Unlicensed persons not to provide certain services

Subject to section 143(3) of the Act, a person must not provide a towage service, pilot/line boat service, bunkering service, stevedoring service or mooring service in the port 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 25(3).

Penalty: \$12 000.

25. Service providers' licences

- (1) An application for a service provider's licence is to be made to, and in the form approved by, the port authority, and is to 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, as the case requires, a towage service, pilot/line boat service, bunkering service, stevedoring service or mooring service 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.

Port Authorities Amendment Regulations 2007

r. 5

- (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 is to 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.
- (8) A person who does not comply with subclause (7) commits an offence.
- Penalty: \$2 000.

”

5. Schedule 1 Division 3 amended

Schedule 1 Division 3 clause 34 is amended by deleting subclauses (1), (2) and (3) and inserting the following subclauses instead —

“

- (1) An application for a service provider's licence is to be made to, and in the form approved by, the port authority, and is to be accompanied by a fee of an amount determined by the port authority that is not more than \$1 000.

Port Authorities Amendment Regulations 2007**r. 6**

- (2) If satisfied that an applicant has appropriate qualifications and experience to provide, as the case requires, a towage service, line boat service, bunkering service, stevedoring service or mooring service 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.

”.

6. Schedule 1 Division 4 amended

- (1) Schedule 1 Division 4 clause 59 is amended in the definition of “service provider's licence” by deleting “or bunkering” and inserting instead —
- “ , bunkering service, stevedoring service or mooring ”.
- (2) Schedule 1 Division 4 clause 60 is amended by deleting “or bunkering” and inserting instead —
- “ , bunkering service, stevedoring service or mooring ”.
- (3) Schedule 1 Division 4 clause 61 is amended by deleting subclauses (1), (2) and (3) and inserting the following subclauses instead —
- “
- (1) An application for a service provider's licence is to be made to, and in the form approved by, the port authority, and is to be accompanied by a fee of an amount determined by the port authority that is not more than \$1 000.

Port Authorities Amendment Regulations 2007

r. 7

- (2) If satisfied that an applicant has appropriate qualifications and experience to provide, as the case requires, a towage service, line boat service, bunkering service, stevedoring service or mooring service 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.

”

7. Schedule 1 Division 4A amended

- (1) Schedule 1 Division 4A is amended after clause 64A by inserting the following clause —

“

64AA. Definition

In this Division —

“**service provider's licence**” means a licence issued under clause 64F(2) to provide a towage service, line boat service, bunkering service, stevedoring service or mooring service in the port.

”

- (2) Schedule 1 Division 4A is amended after clause 64D by inserting the following clauses —

“

64E. Unlicensed persons not to provide certain services

Subject to section 143(3) of the Act, a person must not provide a towage service, line boat service, bunkering

Port Authorities Amendment Regulations 2007**r. 7**

service, stevedoring service or mooring service in the port 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 64F(3).

Penalty: \$12 000.

64F. Service providers' licences

- (1) An application for a service provider's licence is to be made to, and in the form approved by, the port authority, and is to 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, as the case requires, a towage service, line boat service, bunkering service, stevedoring service or mooring service 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.

Port Authorities Amendment Regulations 2007

r. 8

- (5) A service provider's licence is to 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.
- (8) A person who does not comply with subclause (7) commits an offence.
Penalty: \$2 000.

”

8. Schedule 1 Division 5 amended

Schedule 1 Division 5 clause 96 is amended after subclause (7) by inserting the following subclauses —

“

- (8) A person whose towage provider's licence is suspended or cancelled by notice under subclause (5) 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.
- (9) A person who does not comply with subclause (8) commits an offence.
Penalty: \$2 000.

”

Port Authorities Amendment Regulations 2007**r. 9**

9. Schedule 1 Division 6 amended

- (1) Schedule 1 Division 6 is amended after clause 102 by inserting the following clause —

“

102A. Definition

In this Division —

“**service provider’s licence**” means a licence issued under clause 106B(2) to provide a towage service, line boat service, bunkering service, stevedoring service or mooring service in the port.

”

- (2) Schedule 1 Division 6 is amended after clause 106 by inserting the following clauses —

“

106A. Unlicensed persons not to provide certain services

Subject to section 143(3) of the Act, a person must not provide a towage service, line boat service, bunkering service, stevedoring service or mooring service in the port 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 106B(3).

Penalty: \$12 000.

106B. Service providers’ licences

- (1) An application for a service provider’s licence is to be made to, and in the form approved by, the port authority, and is to 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, as the case requires, a towage service, line boat service, bunkering service, stevedoring

Port Authorities Amendment Regulations 2007

r. 9

service or mooring service 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 is to 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.
- (8) A person who does not comply with subclause (7) commits an offence.
- Penalty: \$2 000.

”

Port Authorities Amendment Regulations 2007**r. 10**

10. Schedule 1 Division 7 amended

- (1) Schedule 1 Division 7 is amended after clause 107 by inserting the following clause —

“

107A. Definition

In this Division —

“**service provider’s licence**” means a licence issued under clause 110B(2) to provide a towage service, line boat service, bunkering service, stevedoring service or mooring service in the port.

”

- (2) Schedule 1 Division 7 is amended after clause 110 by inserting the following clauses —

“

110A. Unlicensed persons not to provide certain services

Subject to section 143(3) of the Act, a person must not provide a towage service, line boat service, bunkering service, stevedoring service or mooring service in the port 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 110B(3).

Penalty: \$12 000.

110B. Service providers’ licences

- (1) An application for a service provider’s licence is to be made to, and in the form approved by, the port authority, and is to be accompanied by a fee of an amount determined by the port authority that is not more than \$1 000.

Port Authorities Amendment Regulations 2007

r. 10

- (2) If satisfied that an applicant has appropriate qualifications and experience to provide, as the case requires, a towage service, line boat service, bunkering service, stevedoring service or mooring service 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 is to 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.

Port Authorities Amendment Regulations 2007**r. 10**

- (8) A person who does not comply with subclause (7) commits an offence.

Penalty: \$2 000.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.