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**TRANSPORT**

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**PORT HEDLAND PORT AUTHORITY ACT 1970  
PORTS (FUNCTIONS) ACT 1993****PORT HEDLAND PORT AUTHORITY AMENDMENT REGULATIONS  
(No. 3) 1996**

Made by the Port Hedland Port Authority with the approval of His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Port Hedland Port Authority Amendment Regulations (No. 3) 1996*.

**Principal regulations**

2. In these regulations the *Port Hedland Port Authority Regulations\** are referred to as the principal regulations.

[\* *Reprinted in Gazette 29 April 1976.*  
*For amendments to 21 October 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 223-5, and Gazette 17 May 1996.*]

**Regulation 9 repealed and a regulation substituted**

3. Regulation 9 of the principal regulations is repealed and the following regulation is substituted —

“

**Withdrawals from Port Hedland Port Authority Account**

9. (1) Moneys may be withdrawn from the Port Hedland Port Authority Account only —

- (a) by cheque signed by 2 approved persons; or
- (b) by electronic transfer of funds authorized by 2 approved persons.

(2) For the purposes of subregulation (1), the approved persons are each member and deputy member and the persons for the time being holding office with the Port Authority as the —

- (a) General Manager;
- (b) Manager, Finance and Administration;
- (c) Harbour Master;
- (d) Personnel Officer; and
- (e) Administration Officer.

”

**Regulation 37 amended**

4. Regulation 37 of the principal regulations is amended by deleting the portion of the regulation from and including “Master, and generally follow” to the end of the regulation and substituting the following —

“ Master. ”

**Regulation 38 amended**

5. Regulation 38 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) The Harbour Master has the entire control of the anchoring, mooring, berthing and movement of all vessels within the Port and shall appoint —

- (a) the place where and the time at which, or period during which, any vessel is to anchor, moor or lie in the Port; and
- (b) if a vessel is permitted to berth at the Port, the berth that the vessel is to occupy.

”

**Regulation 38A inserted**

6. After regulation 38 of the principal regulations the following regulation is inserted —

“

**Sequence in which vessels are to berth at Port to be at Harbour Master's absolute discretion**

**38A.** (1) Subject to regulation 59, and without limiting regulation 38 (1), the sequence in which vessels are to berth at the Port is to be determined at the Harbour Master's absolute discretion.

(2) Without limiting subregulation (1), the Harbour Master may direct a vessel (“**the priority vessel**”) to berth at the Port before another vessel, or other vessels, that arrived at the Port before the priority vessel arrived.

(3) When determining the sequence in which vessels are to berth at the Port, the Harbour Master is not required to consult with the master of any vessel that may be affected by the determination or with any person who may be so affected.

(3) The Port Authority is exempt from liability for any delay in the delivery of goods caused by a determination made by the Harbour Master under this regulation.

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Passed by a resolution of the Port Hedland Port Authority at a meeting of the Authority held on 20th November 1996.

The common seal of the Port Hedland Authority was at the time of the abovementioned resolution affixed in the presence of—

PETER G. HARDIE.  
JACK HAUNOLD.  
IAN BAIRD.

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Approved by His Excellency the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.