

PORT AUTHORITIES

PH301

FREMANTLE PORT AUTHORITY ACT 1902
FREMANTLE PORT AUTHORITY AMENDMENT REGULATIONS
 (No. 2) 1995

Made by the Fremantle Port Authority and approved by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fremantle Port Authority Amendment Regulations (No. 2) 1995*.

Principal regulations

2. In these regulations the *Fremantle Port Authority Regulations 1971** are referred to as the principal regulations.

[* Reprinted in Gazette of 9 August 1979 at pp. 2295-418.
 For amendments to 4 August 1995 see 1994 Index to Legislation of Western Australia, Table 4, pp. 97-103, and Gazette of 27 June 1995.]

Regulation 262 amended

3. (1) Regulation 262 (1) of the principal regulations is amended —
- (a) by deleting paragraph (c);
 - (b) in paragraph (d), by inserting after "poisons" the following —
 " (within the meaning of the *Poisons Act 1964*) "; and
 - (c) in paragraph (e) —
 - (i) by inserting after subparagraph (ii) the following —
 " or ";
 - (ii) by deleting the semicolon at the end of subparagraph (iii) and substituting a full stop; and
 - (iii) by deleting subparagraph (iv) and "or" after that subparagraph and subparagraph (v).
- (2) Regulation 262 (2) is amended —
- (a) by inserting after paragraph (a) the following —
 " and ";
 - (b) by deleting the semicolon at the end of paragraph (b) and "and" after that paragraph and substituting a full stop; and
 - (c) by deleting paragraph (c).
- (3) Regulation 262 (3) is amended by deleting "or ballast".
- (4) Regulation 262 (4) (b) is amended by deleting "ballast".

Regulation 262A inserted

4. After regulation 262 of the principal regulations the following regulation is inserted —

"
Discharge of ballast into port waters prohibited unless approved by Harbour Master

262A. (1) A person shall not except with the approval of the Harbour Master discharge, or cause or permit to be discharged, any ballast into the waters of the port.

(2) The Harbour Master may give or refuse approval under subregulation (1) or give approval subject to any conditions that the Harbour Master considers appropriate, including conditions —

- (a) that require the ballast to be inspected or tested by the Port Authority, as specified by the Harbour Master, before or while the ballast is discharged; or
- (b) that require the ballast to be discharged in places, or in quantities, as specified by the Harbour Master.

(3) In determining whether to give or refuse approval, or to give approval subject to conditions, the Harbour Master shall have regard to —

- (a) the nature of the ballast;
- (b) the means available to the Port Authority to inspect or test the ballast;
- (c) the movement of vessels in the port; and
- (d) any other matter that the Harbour Master considers relevant to the discharge of the ballast into the waters of the port.

(4) Nothing in this regulation limits the operation of section 75 of the Act.

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Passed by a resolution of the Fremantle Port Authority at a meeting of the Authority held on 29 August 1995.

The Common Seal of the Fremantle Port Authority was at the time of the abovementioned resolution affixed by order and in the presence of—

J. K. HORWOOD, Commissioner.
KERRY G. SANDERSON, Commissioner.
ALEX MEYER, Secretary.

Approved by the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.