

PORT AUTHORITIES

PH301

**FREMANTLE PORT AUTHORITY ACT 1902
FREMANTLE PORT AUTHORITY AMENDMENT REGULATIONS 1995**

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

Citation

1. These regulations may be cited as the *Fremantle Port Authority Amendment Regulations 1995*.

Commencement

2. These regulations come into operation on 1 July 1995.

Principal regulations

3. 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 29 May 1995 see *1994 Index to Legislation of Western Australia, Table 4, pp. 97-103.*]

Regulation 68 amended

4. Regulation 68 of the principal regulations is amended —
 - (a) in subregulation (1), by deleting "Subject to subregulation (3), the" and substituting the following —

" The "; and
 - (b) by repealing subregulation (3).

Regulation 68A inserted

5. After regulation 68 of the principal regulations the following regulation is inserted —

“

Vessels within the port to maintain radio contact with Port Authority

68A. (1) The master of a vessel, other than an Australian fishing vessel or a pleasure vessel, that enters the port —

- (a) shall inform the Port Authority of the vessel's movements within the port by maintaining radio contact with the Port Authority; and
- (b) shall ensure the vessel proceeds within the port as directed by the Port Authority.

(2) In subregulation (1) —

“**Australian fishing vessel**” means a fishing vessel that is registered, or entitled to be registered, in Australia or in relation to which an instrument under section 4 (2) of the *Fisheries Act 1952* of the Commonwealth is in force;

“**pleasure vessel**” means a vessel operated solely for the purpose of recreational or sporting activities and not for hire or reward.

”

Regulation 70A repealed and a regulation substituted

6. Regulation 70A of the principal regulations is repealed and the following regulation is substituted —

“

Berth hire charges

70A. (1) Subject to subregulation (2), a charge of \$100.00 for each hour or part of an hour applies to the period that a vessel, having occupied a port berth for the purpose of loading or discharging cargo, does not commence to do so.

(2) The charge under subregulation (1) does not apply to the first 2 hours that the vessel occupies the port berth and only then applies if another vessel requires the use of the port berth occupied by the vessel.

(3) Subject to subregulations (4) and (7), a charge of \$100.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth after the completion of loading or discharging cargo if another vessel requires the use of the port berth occupied by the vessel.

(4) The charge under subregulation (3) does not apply to the first 2 hours that the vessel occupies the port berth after the completion of loading or discharging cargo.

(5) Subject to subregulation (6), a charge of \$100.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth for the purpose of embarking or disembarking passengers.

(6) The charge under subregulation (5) does not apply to the first 24 hours that the vessel occupies the port berth.

(7) A charge of \$50.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth if the vessel occupies the berth solely because —

- (a) the vessel is laid up;

- (b) the vessel requires supplies, including fuel (bunkers), for its own use;
- (c) the vessel requires electrical or mechanical repairs; or
- (d) the vessel is in distress or under duress.

(8) Subject to subregulation (9), a charge of \$50.00 for each hour or part of an hour applies to the period that a vessel occupies a port berth otherwise than as specifically provided for in this regulation.

(9) The charge under subregulation (8) does not apply to the first 7 days that the vessel occupies the port berth.

(10) In this regulation —

“port berth” means a berth at the port that is not privately owned and operated.

Regulation 102 amended

7. The Table to regulation 102 of the principal regulations is amended —

- (a) in item (a) (i), by deleting “619” and substituting the following —
“ 550 ”;
- (b) in item (a) (ii) —
 - (i) by deleting “2 103” and substituting the following —
“ 1 800 ”;
 - (ii) by deleting “1 421” and substituting the following —
“ 1 250 ”;
 - (iii) by deleting “1 237” and substituting the following —
“ 1 100 ”;
 - (iv) by deleting “2 534” and substituting the following —
“ 2 200 ”; and
 - (v) by deleting “2 720” and substituting the following —
“ 2 400 ”;
- (c) in item (b), by deleting “577” and substituting the following —
“ 550 ”;
- (d) in item (c), by deleting “289” and substituting the following —
“ 250 ”;
- (e) in item (d), by deleting “519” and substituting the following —
“ 500 ”;
- (f) in item (e), by deleting “153” and substituting the following —
“ 150 ”;
- (g) in item (f), by deleting “152” and substituting the following —
“ 150 ”; and
- (h) in item (g), by deleting “152” and substituting the following —
“ 150 ”.

Regulation 106 amended

8. Regulation 106 of the principal regulations is amended —

- (a) in subregulation (1), by deleting "\$289" and substituting the following —
 " \$280 ";
- (b) in subregulation (2), by deleting "\$289" and substituting the following —
 " \$250 "; and
- (c) in subregulation (3), by deleting "\$289" and substituting the following —
 " \$250 ".

Regulation 123 repealed and a regulation substituted

9. Regulation 123 of the principal regulations is repealed and the following regulation is substituted —

"

Master, owner or agent of vessel to pay tonnage rate

123. The master, owner or agent of a vessel that enters the port shall pay the tonnage rate that applies to the vessel under regulation 127.

"

Regulation 126 amended

10. Regulation 126 (1) of the principal regulations is amended by deleting "Tonnage Rates payable" and substituting the following —

"

charges that apply to the period that a vessel occupies a berth at the port

"

Regulations 127 and 128 repealed and regulations 127 and 128 substituted

11. Regulations 127 and 128 of the principal regulations are repealed and the following regulations are substituted —

"

Tonnage rates

127. (1) Subject to this regulation and regulations 124 and 128, the tonnage rate that applies to —

- (a) a vessel with an inboard incinerator that berths in the Inner Harbour is \$0.14 per ton;
- (b) a vessel without an inboard incinerator that berths in the Inner Harbour is \$0.147 per ton;
- (c) a vessel with an inboard incinerator that berths in the Outer Harbour is \$0.29 per ton; or
- (d) a vessel without an inboard incinerator that berths in the Outer Harbour is \$0.297 per ton.

(2) The tonnage rate that applies to a vessel that enters the port and occupies a berth in both the Outer Harbour and Inner

Harbour before the vessel leaves the port, is the rate set out in subregulation (1) (c) or (d), according to whether or not the vessel has an inboard incinerator.

(3) The tonnage rate that applies to a vessel that occupies a berth in the Outer Harbour north of Success Bank for the purpose of loading or discharging cargo is the rate set out in subregulation (1) (a) or (b), according to whether or not the vessel has an inboard incinerator.

(4) The tonnage rate that applies to a vessel that berths anywhere in the port solely for fuel (bunkers) for its own use is \$0.04 per ton.

(5) The tonnage rate that applies to a vessel for each week or part of a week that it remains at anchor in the Outer Harbour solely —

- (a) for orders or supplies, other than fuel (bunkers), for its own use;
- (b) to be refitted or repaired; or
- (c) because it is in distress or under duress,

is \$0.04 per ton.

(6) The Port Authority may, in its discretion and according to the circumstances of each case, allow any rebates of tonnage rates it considers reasonable.

Vessels exempt from tonnage rates in certain circumstances

128. (1) Tonnage rates do not apply to a vessel that enters the port for a sick, injured or deceased person to be taken ashore if the vessel remains in the port for no longer than is required for that purpose.

(2) The master, owner or agent of a vessel referred to in subregulation (1) shall submit a written report to the Port Authority, before the vessel leaves the port, of the circumstances in which the vessel entered the port.

Regulation 130 repealed

12. Regulation 130 of the principal regulations is repealed.

Regulation 131 amended

13. The Table to Regulation 131 (1) of the principal regulations is amended —

- (a) in item (a), by deleting "539" and substituting the following —
" 300 ";
- (b) in item (b), by deleting "703" and substituting the following —
" 550 "; and
- (c) in item (c), by deleting "1 406" and substituting the following —
" 700 ".

Part IV amended

14. Part IV of the principal regulations is amended by inserting before regulation 132 the following regulation —

“

Cargo landed and reshipped and transhipment cargo

131A. For the purposes of this Part, cargo is referred to as —

- (a) “**landed and reshipped cargo**” if it is intended to be delivered to a port, other than the port, on the vessel on which it arrives at the port but, without any prior arrangement with the Port Authority, the cargo is discharged and stored at the port before being loaded on to another vessel; or
- (b) “**transhipment cargo**” if it is intended to be delivered to a port, other than the port, on a vessel other than the vessel on which it arrives at the port and, in accordance with a prior arrangement with the Port Authority, the cargo is discharged and stored at the port before being loaded on to another vessel.

”

Regulation 138 amended

15. (1) Regulation 138 (1) of the principal regulations is amended by deleting “pay the wharfage prescribed in regulations 139 and 140B respectively.” and substituting the following —

“

pay —

- (a) the appropriate wharfage charge in regulation 139; and
- (b) if applicable, the appropriate cargo berth hire charge in regulation 139A.

”

(2) Regulation 138 (2) is repealed and the following subregulation is substituted —

“

(2) No wharfage charge or cargo berth hire charge applies to cargo discharged at the port from a vessel in distress, or for the convenience of a vessel, if the cargo is subsequently loaded on to the same vessel before the vessel leaves the port.

”

(3) Regulation 138 (3) is amended —

- (a) by deleting “140B” and substituting the following —
“ 139 or 139A ”; and
- (b) by deleting “have wharfage charged in relation to it” and substituting the following —
“ be charged ”.

Regulation 139 repealed and regulations 139, 139A and 140 substituted

16. Regulation 139 of the principal regulations is repealed and the following regulations are substituted —

“

Wharfage charges for cargo

139. (1) The wharfage charge that applies to —

- (a) sheep, pigs or goats is \$0.19 for each animal;

- (b) water is \$0.74 for each kilolitre;
- (c) a 20' full container is \$49.79;
- (d) a 40' full container is \$99.58;
- (e) a 20' empty container is \$8.10;
- (f) a 40' empty container is \$16.20; or
- (g) any other cargo is \$2.97 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo.

Cargo berth hire charges

139A. (1) Cargo berth hire charges apply to cargo loaded on to or discharged from a vessel berthed at a heavy duty berth in the port.

(2) The cargo berth hire charge that applies to —

- (a) a 20' full container is \$14.63;
- (b) a 40' full container is \$29.27; or
- (c) subject to subregulation (3), any other cargo is \$1.12 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo.

(3) A cargo berth hire charge does not apply to an empty container or to cargo referred to in regulation 139 (1) (a) or (b).

(4) In subregulation (1) —

“heavy duty berth” means a berth at the port that is designated by the Port Authority as a heavy duty berth.

Hazardous cargo charge

140. (1) The master, owner or agent of a vessel on which there is bulk hazardous cargo shall pay a charge of \$0.0497 for each tonne, kilolitre or cubic metre, as applicable to the particular type of cargo, whether —

- (a) the cargo is loaded on to, or discharged from, the vessel at the port; or
- (b) the cargo is loaded on to the vessel before the vessel arrives at the port, remains on the vessel while the vessel is at the port and is on the vessel when the vessel leaves the port.

(2) In subregulation (1) —

“bulk hazardous cargo” means goods to which any of classes 1 to 9 of the International Maritime Dangerous Goods Code applies that are not in a container or otherwise packaged.

Regulation 140B repealed

17. Regulation 140B of the principal regulations is repealed.

Regulation 183 amended

18. (1) Regulation 183 (1) of the principal regulations is amended —

- (a) by deleting “two working” and substituting the following —

“ 4 ”; and

- (b) by deleting "charges, but transhipment cargo, or cargo landed from a vessel, and subsequently reshipped, shall be allowed a free storage period of four working days." and substituting the following —

" charges. "

- (2) Regulation 183 (2) and (3) are repealed.

- (3) Regulation 183 (4) is amended by deleting "general rate of storage" and substituting the following —

" appropriate rate in regulation 185 (1) (a) "

Regulation 185 amended

19. Regulation 185 of the principal regulations is amended —

- (a) by inserting after the regulation designation "185" the subregulation designation "(1)";
- (b) by deleting paragraph (a) and substituting the following paragraph —

"

- (a) for transit cargo (all cargo other than transhipment cargo or cargo landed and reshipped), a charge for each day or part of a day of —

- (i) \$1.28 for each tonne, or part of a tonne, for all cargo other than motor vehicles; or
- (ii) \$13.00 for each motor vehicle;

”;

and

- (c) by inserting the following subregulation —

"

- (2) In this regulation —

“motor vehicle” means a multi-purpose passenger car, omnibus, passenger car or passenger car derivative;

“multi-purpose passenger car” means a motor vehicle designed to carry not more than 8 adult persons that is constructed on a truck chassis or has special features for off road operation;

“omnibus” means a motor vehicle designed to carry more than 8 adult persons that is used to carry passengers for hire or reward;

“passenger car” means a motor vehicle, other than a motor cycle, omnibus or multi-purpose passenger car, that is designed principally to carry persons;

“passenger car derivative” means a motor vehicle of the kind known as a utility or panel van that is of the same make as a factory produced passenger car, the forward part of the body and the greater

part of the mechanical equipment of
which are the same as in a factory
produced passenger car.

”

Passed by a resolution of the Fremantle Port Authority at a meeting of the Authority held on 15th day of June 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—

A. R. CARTER, Commissioner.
KERRY G. SANDERSON, Commissioner.
ALEC MEYER, Secretary.

Approved by His Excellency the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.