Citation

1. These regulations may be cited as the Albany Port Authority Amendment Regulations (No. 2) 1994.

Principal regulations

2. In these regulations the Albany Port Authority Regulations 1951* are referred to as the principal regulations.

[* Published in Gazette of 30 March 1951 at pp. 680-714. For amendments to 29 June 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 11-15, and Gazette of 10 June 1994 at pp. 2419-20.]
Regulation 1 amended
3. Regulation 1 of the principal regulations is amended by inserting before the definition of “Gross Registered Tonnage” the following definition —

“deadweight tonnage” means the weight, in tonnes, of a vessel’s cargo, stores, fuel, passengers and crew when the vessel is loaded to its maximum summer loadline;

Regulation 53A repealed
4. Regulation 53A of the principal regulations is repealed.

Regulation 54 amended
5. Regulation 54 of the principal regulations is amended by inserting after “Tonnage Rates” the following —

and berth hire charges.

Regulation 55 amended
6. Regulation 55 of the principal regulations is amended —

(a) by deleting “Tonnage Rates” and substituting the following —

berth hire charges;

(b) in paragraph (6), by deleting “25 tons gross register” and substituting the following —

35 metres length overall; and

(c) by deleting “minimum Dues as provided in Regulation 58” and substituting the following —

the minimum charge referred to in regulation 60.

Regulation 57 amended
7. Regulation 57 of the principal regulations is amended by deleting “Tonnage Rate payable” and substituting the following —

berth hire charges under regulation 59.

Regulation 58 repealed and regulations 58 and 59 substituted
8. Regulation 58 of the principal regulations is repealed and the following regulations are substituted —

Tonnage rates
58. (1) The owner and master of a vessel that occupies a berth at the Port are jointly and severally liable to pay to the Port Authority the appropriate tonnage rate set out in subregulation (2).

(2) The tonnage rate —

(a) for a vessel, other than a vessel referred to in regulation 57 (c), is 30 cents for each tonne of the deadweight tonnage of the vessel, subject to a minimum charge of $200.00; or

(b) for a vessel referred to in regulation 57 (c) is one cent for each tonne of the deadweight tonnage of the vessel, subject to a minimum charge of $100.00.
Berth hire charges

59. (1) Subject to regulations 55, 60, 61, 62 and 63 and subregulation (2) —
(a) the owner and master of a vessel that occupies a berth at the Port are jointly and severally liable to pay to the Port Authority a berth hire charge of $825 for each 8 hour period, or part of such period, during which the berth is occupied by the vessel; and
(b) if the vessel has a cargo —
(i) the consignor of the cargo (for cargo leaving the Port); or
(ii) the consignee of the cargo (for cargo arriving at the Port),
is liable to pay to the Port Authority an amount equal to the berth hire charge payable under paragraph (a).

(2) Charges under subregulation (1) are not payable in respect of a vessel referred to in regulation 57 (c).

Regulation 60 amended

9. Regulation 60 of the principal regulations is amended —
(a) by deleting “twenty four hours at the maximum rate applicable to the vessel” and substituting the following —
“ 8 hours ”;
(b) by deleting “Tonnage Rates assessed under Regulation No. 58” and substituting the following —
“ berth hire charges under regulation 59 ”;
(c) in paragraph (f), by deleting “Tonnage Rates” and substituting the following —
“ berth hire charges ”;
(d) in paragraph (g), by deleting “Tonnage Rates” in both places where it occurs and substituting in each case the following —
“ berth hire charges ”; and
(e) in paragraph (h), by deleting “tonnage rates” and substituting the following —
“ berth hire charges ”.

Regulation 61 amended

10. Regulation 61 of the principal regulations is amended by deleting “Tonnage Rates” in both places where it occurs and substituting in each case the following —
“ berth hire charges ”.

Regulation 62 amended

11. Regulation 62 of the principal regulations is amended —
(a) by deleting “Tonnage Rates” and substituting the following —
“ berth hire charges ”; and
(b) by deleting “12c” and substituting the following —
“ $1.20 ”.
Regulation 63 amended

12. Regulation 63 of the principal regulations is amended —

(a) by deleting "Tonnage Rates prescribed by regulation 58 of these regulations," and substituting the following —

"berth hire charges under regulation 59"; and

(b) in paragraph (a), by deleting "Tonnage Rates" and substituting the following —

"berth hire charges".

Regulation 73 amended

13. Regulation 73 of the principal regulations is amended —

(a) in subregulation (1), by deleting "Wharfage, handling" and substituting the following —

"Wharfage"; and

(b) in subregulation (2), by deleting "Wharfage, Handling" and substituting the following —

"Wharfage".

Regulation 73A amended

14. Regulation 73A of the principal regulations is amended by deleting "Wharfage and Handling Charges prescribed in regulations Nos. 74, 75 and 76, respectively of these regulations" and substituting the following —

"wharfage charges set out in regulation 74".

Regulation 74 repealed and a regulation substituted

15. Regulation 74 of the principal regulations is repealed and the following regulation is substituted —

"Wharfage charges

74. (1) Subject to regulation 96 and subregulation (2), the wharfage charge for cargo that arrives at or leaves the Port is $1.00 for each tonne of cargo.

(2) The wharfage charge —

(a) for horses or cattle arriving at or leaving the Port is $1.00 for each animal; and

(b) for sheep, goats or pigs arriving at or leaving the Port is $0.16 for each animal.

Regulations 77, 78, 79, 81 and 82 repealed

16. Regulations 77, 78, 79, 81 and 82 of the principal regulations are repealed.

Regulation 83 amended

17. Regulation 83 (a) of the principal regulations is amended by deleting "dues and handling".
Regulation 96 amended

18. Regulation 96 of the principal regulations is amended —

(a) in paragraph (a), by deleting “rates of handling charges prescribed in regulations Nos. 74 and 75” and substituting the following —

“wharfage charges set out in regulation 74”; and

(b) in paragraph (b), by deleting “payable” in both places where it occurs and substituting in each case the following —

“payable”.

Regulation 98a amended

19. Regulation 98a of the principal regulations is amended by deleting “handling charges” and substituting the following —

“charges”.

Regulation 101 amended

20. Regulation 101 of the principal regulations is amended —

(a) by deleting “and handling” in the first place where it occurs; and

(b) by deleting “and handling charges as ordinary cargo”.

Regulation 129B amended

21. Regulation 129B of the principal regulations is amended —

(a) by inserting after the regulation designation “129B.” the subregulation designation “(1)”;

(b) by deleting “The” and substituting the following —

“Subject to subregulation (2), the”;

(c) by deleting “gross registered” and substituting the following —

“deadweight”; and

(d) by inserting the following subregulation —

“(2) Payment of the appropriate tonnage rate set out in regulation 58 (2) in respect of a vessel includes payment for the pilotage of the vessel once into and once out of the Port.”

Regulation 141A repealed and regulations 141A and 141B substituted

22. Regulation 141A of the principal regulations is repealed and the following regulations are substituted —

Mooring and unmooring charges

141A. (1) Subject to subregulation (2), the owner and master of a vessel are jointly and severally liable to pay to the Port Authority the charge set out in Part A of Schedule D for the mooring and unmooring of the vessel in the Port.

(2) Payment of the appropriate tonnage rate set out in regulation 58 (2) in respect of a vessel includes payment for the vessel to be moored once and unmoored once in the Port.
Charges payable if providers of mooring or unmooring services are detained or services are cancelled

141B. (1) If—

(a) the service of mooring or unmooring a vessel is arranged by or on behalf of the owner or master of a vessel with the Port Authority; and

(b) the persons who are to provide the service are for any reason detained at the vessel for any time beyond that reasonably required to provide the service,

the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the appropriate detention charge set out in Part B of Schedule D.

(2) If an arrangement referred to in subregulation (1) (a), with less than 2 hours notice having been given to the Port Authority, is cancelled by or on behalf of the owner or master of the vessel in respect of which the arrangement was made, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the appropriate cancellation charge set out in Part C of Schedule D.

Schedule C repealed and a Schedule substituted

23. Schedule C to the principal regulations is repealed and the following Schedule is substituted—

SCHEDULE C

[regulations 129B and 129C]

PART A — PILOTAGE DUES

<table>
<thead>
<tr>
<th>Pilotage services</th>
<th>Deadweight tonnage of vessel</th>
<th>Charge $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pilotage of a vessel into and out of the Port (charge applies once for both services)</td>
<td>Under 5001</td>
<td>1,500.00</td>
</tr>
<tr>
<td></td>
<td>5001 to 20,000</td>
<td>2,000.00</td>
</tr>
<tr>
<td></td>
<td>20,001 to 40,000</td>
<td>2,500.00</td>
</tr>
<tr>
<td></td>
<td>40,001 to 60,000</td>
<td>3,000.00</td>
</tr>
<tr>
<td></td>
<td>Over 60,000</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

2. Pilotage of a vessel from berth to berth within the Port (Irrespective of the vessel's tonnage) | 750.00 |

PART B — PILOT DETENTION DUES

1. Detention of pilot | $450.00 |

PART C — PILOT CANCELLATION DUES

1. Cancellation of pilot | $450.00 |
Schedule D added

24. After Schedule C to the principal regulations the following Schedule is added —

SCHEDULE D

[regulations 141A and 141B]

PART A — MOORING AND UNMOORING CHARGES

1. Mooring and unmooring a vessel in the Port (charge applies once for both services) $750.00

PART B — DETENTION CHARGES

1. Detention charge — mooring a vessel $375.00 per hour
2. Detention charge — unmooring a vessel $225.00 per hour

PART C — CANCELLATION CHARGES

1. Cancellation charge — mooring a vessel $750.00
2. Cancellation charge — unmooring a vessel $450.00

Passed by a resolution of the Albany Port Authority at a meeting of the Authority held on 27 June 1994.

The Common Seal of the Albany Port Authority was at the time of the abovementioned resolution affixed in the presence of —

T. J. ENRIGHT, Chairman.
N. S. HALL, Member.
R. H. EMERY, Managing Secretary.