
MARINE/MARITIME

MA301

Jetties Act 1926

Jetties Amendment Regulations (No. 2) 2020**SL 2020/96**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Jetties Amendment Regulations (No. 2) 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2020.

3. Regulations amended

These regulations amend the *Jetties Regulations 1940*.

4. Regulation 3 amended

- (1) In regulation 3(3) delete “a Schedule —” and insert:

Schedule 1 or 3 —

- (2) In regulation 3(4) delete “a Schedule” and insert:

Schedule 1 or 3

- (3) In regulation 3(5A) delete “a Schedule.” and insert:

Schedule 1 or 3.

- (4) In regulation 3(5) delete “a Schedule” and insert:

Schedule 1 or 3

5. Part 3A inserted

After regulation 105I insert:

Part 3A — Licence fees

Division 1 — Preliminary

105J. Terms used

In this Part —

amended licence fee has the meaning given in regulation 105K(5);

annual licence fee has the meaning given in regulation 105K(6);

business includes the following —

- (a) a trade or profession;
- (b) a business not carried on for profit;
- (c) any activities of —
 - (i) a body corporate (including a local government, regional local government or regional subsidiary); or
 - (ii) any other association, society, club, institution or other body;

business licence means a licence that authorises the jetty, or 1 or more of the jetties, to which the licence relates to be used, or to be used once erected or constructed, for the purposes of a business (whether carried on by the licensee or by another person);

fuel pipeline means a pipeline for transmission of liquids derived from petroleum, coal or shale on or from a jetty;

fuel pipeline licence means a licence that —

- (a) relates to a jetty vested in, used by, or under the control of the Department; and
- (b) is granted for the purposes of regulation 67A;

jetty has the meaning given in section 3 of the Act (despite regulation 3(1));

licence means a licence granted under section 7(1) of the Act;

local government public licence means a licence —

- (a) that relates only to 1 or more jetties that are the property of a local government; and
- (b) the purpose of which is to make the jetty, or each of the jetties —
 - (i) available for use by the general public free of charge; or
 - (ii) so available once erected or constructed;

new licence fee has the meaning given in regulation 105K(3);

private licence means a licence that relates only to 1 or more private jetties;

ramp means a ramp which is, or may be, used for the purpose of launching or landing a vessel;

replacement licence fee has the meaning given in regulation 105K(4);

vessel has the meaning given in section 3 of the Act (despite regulation 3(1)).

105K. Obligation to pay licence fees

- (1) This Part —
 - (a) prescribes the fees that are payable for licences; and
 - (b) for the purposes of section 5(1)(b) of the Act, is applicable to jetties under the control of any local government.
- (2) Subregulations (3) to (6) explain the different types of fees that are prescribed by this Part.
- (3) A **new licence fee** is a fee that is payable by a licensee on the granting to them of a new licence, except in a case described in subregulation (4).
- (4) A **replacement licence fee** is a fee that is payable by a licensee on the granting to them of a licence if the licence —
 - (a) is granted to replace an earlier licence —
 - (i) of which another person is the licensee; and
 - (ii) that is cancelled on the granting;
 - and

- (b) is the same as the earlier licence except for —
 - (i) the change in licensee; and
 - (ii) the date of its coming into force.
- (5) An ***amended licence fee*** is a fee that is payable by a licensee on the granting to them of an amended licence if —
 - (a) the licensee's licence is amended on an application made by the licensee to the chief executive officer; and
 - (b) the purpose of the amendment is to authorise the licensee —
 - (i) to modify the jetty, or 1 or more of the jetties, to which the licence relates; or
 - (ii) if the licence is a fuel pipeline licence — to modify the fuel pipeline authorised by the licence.
- (6) An ***annual licence fee*** is an annual fee that is payable by a licensee —
 - (a) in respect of the 2nd year, and each subsequent year, of the licensee's licence; and
 - (b) within 30 days after the beginning of the year in question.
- (7) A licensee must pay any fee prescribed for their licence to the chief executive officer at the time the fee is payable in accordance with subregulation (3), (4), (5) or (6) (as the case requires).

Division 2 — Prescribed licence fees

105L. Private licence for certain type of ramp on freehold land

- (1) This regulation applies to a private licence if —
 - (a) the jetty, or each of the jetties, to which the licence relates is a ramp that is, or will be once erected or constructed, situated wholly —
 - (i) on land held in freehold; and
 - (ii) ordinarily out of water;
 - and
 - (b) the licence is none of the following —
 - (i) a business licence;
 - (ii) a local government public licence.
- (2) The following fees are prescribed for a private licence to which this regulation applies —
 - (a) a new licence fee of \$140.90;
 - (b) a replacement licence fee of \$140.90;

- (c) an amended licence fee of \$136.80;
- (d) an annual licence fee of \$47.60.

105M. Private licence for jetty not used for business purposes

- (1) This regulation applies to a private licence if —
 - (a) the licence is none of the following —
 - (i) a business licence;
 - (ii) a local government public licence;
 - and
 - (b) regulation 105L does not apply to the licence.
- (2) Subject to subregulations (3) and (4), the following fees are prescribed for a private licence to which this regulation applies —
 - (a) a new licence fee of \$635.00;
 - (b) a replacement licence fee of \$410.40;
 - (c) an amended licence fee of \$136.80;
 - (d) an annual licence fee of \$145.00.
- (3) Subregulation (4) applies if 2 separate private licences to which this regulation applies are, or will be, in force concurrently in relation to the same jetty.
- (4) The following fees are prescribed for each private licence —
 - (a) a new licence fee of \$565.00;
 - (b) a replacement licence fee of \$410.40;
 - (c) an amended licence fee of \$136.80;
 - (d) an annual licence fee of \$72.60.

105N. Private licence for jetty used for business purposes

- (1) This regulation applies to a private licence that is a business licence but is not a local government public licence.
- (2) Subject to subregulations (3) to (5), the following fees are prescribed for a private licence to which this regulation applies —
 - (a) a new licence fee of \$1 339.30;
 - (b) a replacement licence fee of \$1 000.90;
 - (c) an amended licence fee of \$136.80;
 - (d) an annual licence fee of \$735.00.
- (3) In subregulations (4) and (5), references to the number of berths authorised by the private licence are to —
 - (a) the number of berths that the jetty to which the licence relates is authorised by the licence to have; or

- (b) if the licence relates to 2 or more jetties — the number of berths that those jetties, taken together, are authorised by the licence to have.
- (4) If the private licence authorises more than 10 berths, but no more than 20 berths, the following fees are prescribed for the licence —
 - (a) a new licence fee of \$1 962.80;
 - (b) a replacement licence fee of \$1 000.90;
 - (c) an amended licence fee of \$136.80;
 - (d) an annual licence fee of \$1 101.90.
- (5) If the private licence authorises more than 20 berths, the following fees are prescribed for the licence —
 - (a) a new licence fee of \$2 588.50;
 - (b) a replacement licence fee of \$1 000.90;
 - (c) an amended licence fee of \$136.80;
 - (d) an annual licence fee of \$1 469.20.

105O. Fuel pipeline licence

The following fees are prescribed for a fuel pipeline licence —

- (a) a new licence fee of \$1 471.80;
- (b) a replacement licence fee of \$1 100.00;
- (c) an amended licence fee of \$150.50;
- (d) an annual licence fee of \$808.50.

105P. Local government public licence

The following fees are prescribed for a local government public licence —

- (a) a new licence fee of \$95.10;
- (b) a replacement licence fee of \$95.10;
- (c) an amended licence fee of \$136.80;
- (d) an annual licence fee of \$42.20.

6. Schedule 1 amended

- (1) Delete Schedule 1 Division 1 and insert:

Division 1 — Preliminary matters

1. Standard rates for this Schedule

In this Schedule, the following rates are standard rates —

Rate 1: a casual daily rate of \$7.80 per metre of the vessel's length

Typically used to calculate the standard daily rate for casual use of a pen or alongside berth (whether or not the alongside berth is on a service jetty) for a commercial vessel.

Rate 2: a casual daily rate of \$55.00

Typically used to calculate the standard daily rate for casual use of a pen or alongside berth (whether or not the alongside berth is on a service jetty) for a recreational vessel.

Rate 3: an annual rate of \$88.40 per metre of the vessel's length

Typically used to calculate the standard annual rate for short term use of a service jetty for a vessel (other than service vessels at certain places).

2. Transferability of annual payments

- (1) A vessel for which there has been paid an annual amount to the Department for short term use of a service jetty at a place specified in this Schedule may use a service jetty for up to an hour in a day at any other place specified in this Schedule (excluding the Port of Wyndham) or at a place specified in Schedule 3.
- (2) A vessel for which there has been paid an amount to the Department for annual use of a pen, alongside berth or mooring at a place specified in this Schedule may use a service jetty for up to an hour in a day at any other place specified in this Schedule (excluding the Port of Wyndham) or at a place specified in Schedule 3.

3. Service jetty entitlements

A vessel for which there has been paid an amount to the Department for use of a pen, alongside berth or mooring at a place specified in this Schedule (excluding the Port of Wyndham) may have access to a service jetty for up to an hour in a day for the duration of its stay at that place.

4. Active loading and unloading

A fishing vessel to which clause 2 or 3 applies may remain at a service jetty for longer than the time allowed under that clause if —

- (a) the extra time is required to complete active loading and unloading operations; and
 - (b) the active loading and unloading operations are continuously in progress; and
 - (c) the vessel vacates the berth during that extra time to facilitate other requirements or avoid adverse effects on other harbour operations, when directed to do so by an officer.
- (2) In Schedule 1 clause 16(3) in the Table —
- (a) in item 12 delete “11.75” and insert:

11.95

- (b) in item 13 delete “18.10” and insert:

18.40

- (3) In Schedule 1 clause 25(3) in the Table —

- (a) in item 5 delete “10.50” and insert:

10.70

- (b) in item 8 delete “9.05” and insert:

9.20

- (4) In Schedule 1 clause 26(3) in the Table item 6 delete “9.05” and insert:

9.20

- (5) In Schedule 1 clause 26(4) in the Table item 1 —

- (a) delete “215.30” and insert:

219.60

- (b) delete “314.35” and insert:

320.60

- (6) Delete Schedule 1 clause 30 and insert:

30. Port of Wyndham

- (1) This clause applies to the Port of Wyndham.
 (2) The berthing dues payable are set out in the Table.

Berthing

Item	Vessel	Dues	Minimum per day (\$)
1.	Vessel of 300 gross registered tonnes or over	\$1.32 per tonne, per cubic metre, or per kilolitre, at option of officer in charge, on all cargo landed or shipped	197.05
2.	Vessel under 300 gross registered tonnes	\$7.13 per metre of the vessel's length, per day	131.31

Item	Vessel	Dues	Minimum per day (\$)
3.	Vessel using berth for purposes other than handling cargo	\$7.13 per metre of the vessel's length, per day	131.31
4.	Vessel carrying containers	\$10.23 per empty container \$32.91 per loaded container	

(3) The wharfage dues payable are set out in the Table.

Wharfage

Item	Goods	\$
1.	Cargo in 20 feet equivalent unit (TEU) containers —	
	• fertiliser, per TEU	114.24
	• explosives, per TEU	141.33
	• products of the soil (not otherwise specified), per TEU	71.72
	• not otherwise specified in this item, per TEU	226.51
2.	Empty TEU containers, per TEU	65.83
3.	Cargo, whether in containers (not TEU containers) or otherwise —	
	• animals, live —	
	◦ cattle (bullocks, cows, etc.), per head	2.81
	◦ dogs, goats, pigs, sheep, per head	0.57
	• bulk, by pipeline, per kilolitre	11.97
	• bulk, by pipeline using road tanker on jetty, per kilolitre	12.47
	• containers (not TEU containers), empty, per tonne, per cubic metre	2.81
	• explosives, per tonne, per cubic metre	4.86
	• fertiliser, per tonne, per cubic metre	3.95
	• meat, chilled or frozen, per tonne, per cubic metre	4.65
	• ore, per tonne	3.84
	• products of the soil (not otherwise specified), per tonne, per cubic metre	2.64

Item	Goods	\$
•	vehicles —	
◦	commercial vehicles on own wheels, per tonne, per cubic metre	4.63
◦	other vehicles on own wheels, per tonne, per cubic metre	4.42
•	recreational vessel, per metre of the vessel's length	17.53
•	not otherwise specified in this item, per tonne, per cubic metre	7.64

- (4) The dues payable under regulation 11 are set out in the Table.

Transshipment

Item	Goods	Dues
1.	For cargo —	
•	loaded over the side of a vessel to another vessel	50% of wharfage for the cargo
•	landed on jetty	100% of wharfage for the cargo

- (5) The charges payable under regulation 25 are set out in the Table.

Storage

Item	Goods	\$
1.	Goods in transit not removed from a goods shed within 3 days after being received, per tonne, per day	0.78
2.	Goods being transhipped —	
•	for first 2 weeks, per tonne, per cubic metre, per week	0.78
•	after the first 2 weeks, per tonne, per cubic metre, per day	0.78
3.	Goods at container park, Wyndham, per loaded container	41.94

- (6) The charges payable under regulation 105I are set out in the Table.

Weighbridge use

Item	Service	\$
1.	Use of weighbridge —	
•	for not over 10 t	15.03

Item	Service	\$
	• for over 10 t but not over 30 t	17.13
	• for over 30 t	21.36

- (7) The charges payable for lighting, per hour or part of an hour, are set out in the Table.

Lighting

Item	Service	\$
1.	For jetty, shed and yard	36.27
2.	For jetty only	11.65
3.	For reduced lighting	3.84

- (7) Delete Schedule 1 Division 3 and insert:

Division 3 — State-wide charges

31. Wyndham excluded

This Division does not apply to a vessel in the Port of Wyndham.

32. Living on vessel

- (1) In this clause —
enhanced facilities means toilet, shower and laundry facilities.
- (2) The charges relating to living on a vessel in a place are set out in the Table.

Living on vessel

Item	Service	\$
1.	For living on a vessel —	
	• without enhanced facilities, an amount calculated using the monthly rate per vessel of	49.85
	• with enhanced facilities, an amount calculated using the monthly rate per vessel of	151.85

33. Electricity supply

The charges for electricity supply to a vessel in a place are set out in the Table.

Electricity supply

Item	Service	\$
1.	For electricity supply that is —	
	• single phase (metered)	Cost
	• 3-phase (whether metered or unmetered)	Cost

34. Water supply

The charge for water supply to a vessel in a place is set out in the Table.

Water supply

Item	Service	\$
1.	For water supply (metered)	Cost

35. Rubbish removal

The charges payable under regulation 53A are set out in the Table.

Rubbish removal

Item	Service	\$
1.	For rubbish removal —	
	• excess quantity, or from a source other than a vessel for which charges for using the harbour have been paid, per half skip supplied and emptied	Cost
	• waste oil from vessels in excess of 150 L	Cost
	• waste oil drum or other container not removed by owner, per drum or container	Cost
	• rubbish not put in supplied bins	Cost

36. Passengers and cargo

The charges payable for the loading and unloading of passengers and cargo are set out in the Table.

Passengers and cargo

Item	Service	\$
1.	For the use of a pen, berth or service jetty by a cruise liner transfer vessel to load or unload passengers —	
	• an amount calculated per metre of the vessel's length using the daily rate of	11.20
	• plus a charge per passenger of	4.70
2.	For the loading or unloading of general cargo from or to a vessel at a service jetty, or an appurtenant area, an amount calculated per tonne, per cubic metre, or per kilolitre, using the rate of	7.40
3.	If a vessel is lifted at a service jetty, or an appurtenant area, an amount calculated per metre of the vessel's length using the rate of	16.35

37. Floating dinghy pens

The charge payable for the use of a floating dinghy pen at a place is \$330.90 per vessel per year.

38. Use of jetty hardstand or appurtenant area

The charge payable for the use of a service jetty hardstand or appurtenant area for storage or maintenance is calculated per m² using the daily rate of \$1.90.

7. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Fuel oil wharfage

[r. 11B(2)]

1. Wharfage for fuel oil

The wharfage rate to be paid for fuel oil under regulation 11B(2) at a place listed in the Table is set out opposite the place.

Wharfage for fuel oil

Item	Place	\$/L
1.	Albany, at Albany Waterfront Marina	0.06
2.	Albany, at Emu Point Boat Harbour	0.06
3.	Augusta Boat Harbour	0.06
4.	Augusta (Ellis Street) Maritime Facility	0.06
5.	Barrack Street Jetty	0.06
6.	Bremer Bay	0.06
7.	Bunbury, at Casuarina Boat Harbour	0.06
8.	Carnarvon	0.06
9.	Cervantes	0.06
10.	Denham	0.06
11.	Esperance	0.06
12.	Exmouth	0.06
13.	Fremantle, at Fremantle Fishing Boat Harbour	0.06
14.	Green Head	0.06
15.	Hillarys Boat Harbour	0.06
16.	Hopetoun	0.06
17.	Jurien	0.06
18.	Kalbarri	0.06
19.	Lancelin	0.06

Item	Place	\$/L
20.	Leeman	0.06
21.	Onslow, at Beadon Creek Boat Harbour	0.06
22.	Point Samson, at Johns Creek Boat Harbour	0.06
23.	Port Denison	0.06
24.	Port Gregory	0.06
25.	Two Rocks Marina	0.06
26.	Wyndham	0.01197

8. Schedule 3 Divisions 1 and 2 replaced

Delete Schedule 3 Divisions 1 and 2 and insert:

Division 1 — Preliminary matters

1. Application of this Schedule

The charges in this Schedule apply to the places specified in this Schedule in addition to the charges that apply State-wide under Schedule 1 Division 3.

2. Standard rates for this Schedule

In this Schedule, the following rates are standard rates —

Rate 1: a casual daily rate of \$7.80 per metre of the vessel's length

Typically used to calculate the standard daily rate for casual use of a pen or alongside berth (whether or not the alongside berth is on a service jetty) for a commercial vessel.

Rate 2: a casual daily rate of \$55.00

Typically used to calculate the standard daily rate for casual use of a pen or alongside berth (whether or not the alongside berth is on a service jetty) for a recreational vessel.

Rate 3: an annual rate of \$88.40 per metre of the vessel's length

Typically used to calculate the standard annual rate for short term use of a service jetty for a vessel.

3. Transferability of annual payments

- (1) A vessel for which there has been paid an annual amount to the Department for short term use of a service jetty at a place specified in this Schedule, may use a service jetty for up to an hour in a day at any other place specified in this Schedule or at a place specified in Schedule 1 (excluding the Port of Wyndham).

- (2) A vessel for which there has been paid an amount to the Department for annual use of a pen, alongside berth or mooring at a place specified in this Schedule, may use a service jetty for up to an hour in a day at any other place specified in this Schedule or at a place specified in Schedule 1 (excluding the Port of Wyndham).

4. Service jetty entitlements

A vessel for which there has been paid an amount to the Department for use of a pen, alongside berth or mooring at a place specified in this Schedule may have access to a service jetty for up to an hour in a day for the duration of its stay at that place.

5. Active loading and unloading

A fishing vessel to which clause 3 or 4 applies may remain at a service jetty for longer than the time allowed under that clause if —

- (a) the extra time is required to complete active loading and unloading operations; and
- (b) the active loading and unloading operations are continuously in progress; and
- (c) the vessel vacates the berth during that extra time to facilitate other requirements or avoid adverse effects on other harbour operations, when directed to do so by an officer.

Division 2 — Charges for jetties on Swan and Canning Rivers

6. Barrack Street and Mends Street jetties

- (1) This clause applies to jetties at Barrack Street and Mends Street.
- (2) The charge payable under regulation 72 for a permit to use a jetty is set out in the Table.

Jetty permits

Item	Type of use
1.	For a vessel for 12 months — the higher of \$4 783.00 and the result of the following calculation —
	<ul style="list-style-type: none"> • \$66.85 per passenger calculated on the vessel's passenger carrying capacity under its highest class of survey • plus — <ul style="list-style-type: none"> ◦ for a vessel less than 35 m long, the higher of \$8 608.50 and \$478.25 per metre of the vessel's length; or ◦ for a vessel 35 m long or over, \$765.30 per metre of the vessel's length • minus — \$6 695.50

N. HAGLEY, Clerk of the Executive Council.