
MARINE/MARITIME

MA301

Jetties Act 1926

Jetties Amendment Regulations 2020

SL 2020/128

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Jetties Amendment Regulations 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 the day after that day.

3. Regulations amended

These regulations amend the *Jetties Regulations 1940*.

4. Regulation 3 amended

In regulation 3(1) insert in alphabetical order:

Burswood Jetty means the jetty on the Swan River that is controlled by the Department and known as Burswood Jetty;

5. Regulation 67DB amended

In regulation 67DB delete “of the Department”.

6. Part 1 Division 11 inserted

At the end of Part 1 insert:

Division 11 — Burswood Jetty

67DD. Terms used

In this Division —

authorised period means the days, and the periods during those days, determined from time to time by the chief executive officer and specified by notice at Berth 1;

Berth 1, Berth 2 or *Berth 3* means the berth with that designation at Burswood Jetty;

Berth 1 permit means a permit granted under regulation 67DF(1);

commercial passenger vessel means a commercial vessel used in the business of carrying passengers;

exclusive operator has the meaning given in regulation 67DF(2);

item 1, item 2 or *item 3* means the item with that designation in the Table to Schedule 1 clause 10A(2).

67DE. Application

This Division applies to Burswood Jetty.

67DF. Permit may be granted for exclusive use of Berth 1 at certain times

- (1) Subject to the payment of the amount payable under item 1, the Department may grant a permit for the exclusive use of Berth 1, at the times described in subregulation (2), to the owner of a commercial passenger vessel.
- (2) If a Berth 1 permit is granted to a person (the *exclusive operator*) under subregulation (1), a commercial passenger vessel owned by the exclusive operator is authorised to use Berth 1 while the permit is current —
 - (a) during the authorised period; or
 - (b) at any other time when the use of Berth 1 for the commercial passenger vessel is required by the exclusive operator.
- (3) A Berth 1 permit authorises 2 or more commercial passenger vessels owned by the exclusive operator to use Berth 1 at the same time during the authorised period, if those vessels can safely do so.

- (4) A person must not cause or permit a vessel, other than a commercial passenger vessel owned by the exclusive operator, to use Berth 1 during the authorised period or at a time referred to in subregulation (2)(b).

67DG. Duration and conditions of, and payment for, Berth 1 permit

- (1) Subject to regulation 67DH, a Berth 1 permit remains in force from the date of issue for the period of 1 year or any lesser period specified in the permit.
- (2) The annual payment under item 1 for a Berth 1 permit must be made in advance, unless the chief executive officer approves, in a particular case, quarterly payments in advance.
- (3) A Berth 1 permit may specify any conditions that the chief executive officer considers necessary for good order on or about Burswood Jetty or in the interests of the safety of the passengers, vessel or jetty.
- (4) The chief executive officer may amend any condition specified in a Berth 1 permit by notice in writing served on the exclusive operator.
- (5) A person must not contravene a condition specified in a Berth 1 permit.

67DH. Cancellation of Berth 1 permit

The Department may cancel a Berth 1 permit if —

- (a) a payment referred to in regulation 67DG(2) is not made in advance; or
- (b) the chief executive officer is satisfied that the exclusive operator no longer requires the exclusive use of Berth 1; or
- (c) the chief executive officer is satisfied that the exclusive operator has contravened —
 - (i) any condition to which the permit is subject; or
 - (ii) any of these regulations relating to the maintenance of good order or safety on or about a public jetty.

67DI. Use of Berth 1 otherwise than under Berth 1 permit

- (1) In this regulation —

relevant vessel means a commercial vessel or a recreational vessel but does not include a commercial passenger vessel owned by the exclusive operator.

- (2) Subject to the payment of the relevant amount payable under item 2 or 3, a relevant vessel is authorised to use Berth 1 —
 - (a) at any time other than —
 - (i) during the authorised period; or
 - (ii) at a time when the use of Berth 1 is required by the exclusive operator under regulation 67DF(2)(b);
 - and
 - (b) for —
 - (i) a single period that does not exceed 15 minutes; or
 - (ii) a series of discrete periods, each not exceeding 15 minutes, that do not together exceed 1 hour in any period of 24 hours.
- (3) A person must not cause or permit a vessel to use Berth 1 otherwise than in accordance with this regulation, regulation 67DF, Schedule 1 clause 2(3) or Schedule 3 clause 3(3).

67DJ. Use of Berth 2 and Berth 3

- (1) Subject to the payment of the relevant amount payable under item 2 or 3 and to subregulations (2) and (4) —
 - (a) a commercial vessel is authorised to use Berth 2; and
 - (b) a recreational vessel is authorised to use Berth 3.
- (2) Subregulation (1) authorises the use of Berth 2 or Berth 3 for —
 - (a) a single period that does not exceed 15 minutes; or
 - (b) a series of discrete periods, each not exceeding 15 minutes, that do not together exceed 1 hour in any period of 24 hours.
- (3) The payment for the use of Berth 2 or Berth 3 as described in item 3 is taken to be an annual amount paid for the short term use of a service jetty for the purposes of Schedule 1 clause 2(1).
- (4) The chief executive officer may authorise a vessel to use Berth 2 or Berth 3 otherwise than in accordance with subregulations (1) and (2) in an emergency or other temporary circumstances.
- (5) A person must not cause or permit a vessel to use Berth 2 or Berth 3 otherwise than in accordance with

this regulation, Schedule 1 clause 2(3) or Schedule 3 clause 3(3).

67DK. Temporary closure of Burswood Jetty or berth

- (1) If for any reason the chief executive officer considers it is necessary or convenient to do so, the chief executive officer may temporarily close Burswood Jetty or any of its berths.
- (2) The chief executive officer must give public notification of the closure of Burswood Jetty, or a berth, and the period during which it is to be closed —
 - (a) by notice at Burswood Jetty or the berth; and
 - (b) on the Department’s website.
- (3) A person must not cause or permit a vessel to use Berth 1, Berth 2 or Berth 3 while the Burswood Jetty, or that berth, is closed under subregulation (1).

7. Regulation 70 amended

In regulation 70(a) and (b) delete “or permanently”.

8. Schedule 1 clause 2 amended

After Schedule 1 clause 2(2) insert:

- (3) If, in the exercise of the authority to use a service jetty under subclause (1) or (2), a vessel uses Burswood Jetty, that use is limited to —
 - (a) a single period that does not exceed 15 minutes; or
 - (b) a series of discrete periods, each not exceeding 15 minutes, that do not together exceed 1 hour in any period of 24 hours.

9. Schedule 1 clause 10A inserted

After Schedule 1 clause 10 insert:

10A. Burswood Jetty

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

Berthing

Item	Type of use	\$
1.	For the exclusive use of Berth 1 under a Berth 1 permit, an annual amount of	15 565.00

Item	Type of use	\$
2.	For the casual daily use of —	
	<ul style="list-style-type: none"> • Berth 1 (otherwise than under a Berth 1 permit) or Berth 2 by a commercial vessel, an amount calculated using standard Rate 1 • Berth 1 (otherwise than under a Berth 1 permit) or Berth 3 by a recreational vessel, an amount calculated using standard Rate 2 	
3.	For the casual annual use of —	
	<ul style="list-style-type: none"> • Berth 1 (otherwise than under a Berth 1 permit) or Berth 2 by a commercial vessel, an amount calculated using standard Rate 3 • Berth 1 (otherwise than under a Berth 1 permit) or Berth 3 by a recreational vessel, an amount calculated using standard Rate 3 	

10. Schedule 3 clause 3 amended

After Schedule 3 clause 3(2) insert:

- (3) If, in the exercise of the authority to use a service jetty under subclause (1) or (2), a vessel uses Burswood Jetty, that use is limited to —
- (a) a single period that does not exceed 15 minutes; or
 - (b) a series of discrete periods, each not exceeding 15 minutes, that do not together exceed 1 hour in any period of 24 hours.

R. NEILSON, Clerk of the Executive Council.