

# ACTS AMENDMENT (PORT AND MARINE REGULATIONS).

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No. 12 of 1976.

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AN ACT to amend the Albany Port Authority Act, 1926-1967, the Bunbury Port Authority Act, 1909-1967, the Esperance Port Authority Act, 1968, the Fremantle Port Authority Act, 1902-1969, the Geraldton Port Authority Act, 1968, the Jetties Act, 1926-1965, the Port Hedland Port Authority Act, 1970-1973, the Shipping and Pilotage Act, 1967 and the Western Australian Marine Act, 1948-1975.

[Assented to 27th May, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Acts Amendment (Port and Marine Regulations) Act, 1976.* Short title.

No. 12.] *Acts Amendment (Port and Marine [1976.  
Regulations).*

PART I.—ALBANY PORT AUTHORITY ACT,  
1926-1967.

Short title  
and  
citation.  
Reprinted as  
approved for  
reprint 24th  
March, 1971.

2. (1) In this Part the Albany Port Authority Act, 1926-1967 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Albany Port Authority Act, 1926-1976.

Section 62A  
added.

3. The principal Act is amended by adding after section 62 a section as follows—

Adoption of  
rules, codes,  
etc.

62A. Any regulations made under this Act may—

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

1976.] *Acts Amendment (Port and Marine [No. 12. Regulations).*

PART II.—BUNBURY PORT AUTHORITY ACT,  
1909-1967.

4. (1) In this Part the Bunbury Port Authority Act, 1909-1967 is referred to as the principal Act.

Short title and citation. Reprinted as approved for reprint 22nd January, 1970.

(2) The principal Act as amended by this Act may be cited as the Bunbury Port Authority Act, 1909-1976.

5. The principal Act is amended by adding after section 62 a section as follows—

Section 62A added.

62A. Any regulations made under this Act may—

Adoption of rules, codes, etc.

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

PART III.—ESPERANCE PORT AUTHORITY ACT, 1968.

6. (1) In this Part the Esperance Port Authority Act, 1968 is referred to as the principal Act.

Short title and citation.

No. 12.] *Acts Amendment (Port and Marine [1976. Regulations).*

(2) The principal Act as amended by this Act may be cited as the Esperance Port Authority Act, 1968-1976.

Section 84  
amended.

7. Section 84 of the principal Act is amended by adding after subsection (3) a subsection as follows—

(4) Any regulations made under this Act may—

(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and

(b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

PART IV.—FREMANTLE PORT AUTHORITY ACT,  
1902-1969.

Short title  
and  
citation.  
Reprinted  
as approved  
for reprint  
23rd July,  
1973.

8. (1) In this Part the Fremantle Port Authority Act, 1902-1969 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Fremantle Port Authority Act, 1902-1976.

1976.] *Acts Amendment (Port and Marine [No. 12. Regulations]).*

9. The principal Act is amended by adding after section 66 a section as follows—

Section 66A added.

66A. Any regulations made under this Act may—

Adoption of rules, codes, etc.

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

PART V.—GERALDTON PORT AUTHORITY ACT, 1968.

10. (1) In this Part the Geraldton Port Authority Act, 1968 is referred to as the principal Act.

Short title and citation.

(2) The principal Act as amended by this Act may be cited as the Geraldton Port Authority Act, 1968-1976.

No. 12.] *Acts Amendment (Port and Marine Regulations)* [1976.

Section 84  
amended.

11. Section 84 of the principal Act is amended by adding after subsection (3) a subsection as follows—

(4) Any regulations made under this Act may—

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

PART VI.—JETTIES ACT, 1926-1965.

Short title  
and  
citation.  
Act No. 45 of  
1926 as  
amended  
by Acts Nos.  
33 of 1957  
and 30 of  
1965.

12. (1) In this Part the Jetties Act, 1926-1965 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Jetties Act, 1926-1976.

1976.] *Acts Amendment (Port and Marine [No. 12. Regulations]).*

13. Section 4 of the principal Act is amended by adding after paragraph (1) a paragraph as follows—

Section 4 amended.

- (1a) Relating to the special precautions and measures to be taken in relation to the landing, shipping, trans-shipping, deposit, removal and keeping of flammable liquids, gunpowder and other explosive substances, or other dangerous goods at, on or from jetties or any premises appurtenant thereto or used in connection therewith; .

14. The principal Act is amended by adding after section 4 a section as follows—

Section 4A added.

4A. Any regulations made under this Act may—

Adoption of rules, codes, etc.

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the department considers valid any requirement adopted by the regulations cannot be conformed to, the department may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

No. 12.] *Acts Amendment (Port and Marine [1976. Regulations).*

PART VII.—PORT HEDLAND PORT AUTHORITY ACT,  
1970-1973.

Short title  
and  
citation.

15. (1) In this Part the Port Hedland Port Authority Act, 1970-1973 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Port Hedland Port Authority Act, 1970-1976.

Section 3  
amended.

16. Section 3 of the principal Act is amended by substituting for the passage "Ss. 82-83" in line nineteen the passage "Ss. 82-84".

Section 84  
added.

17. The principal Act is amended by adding after section 83 a section as follows—

Adoption of  
rules,  
codes, etc.

84. Any regulations made under this Act may—

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and
- (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations. .

1976.] *Acts Amendment (Port and Marine [No. 12. Regulations]).*

PART VIII.—SHIPPING AND PILOTAGE ACT, 1967.

18. (1) In this Part the Shipping and Pilotage Act, 1967 is referred to as the principal Act. Short title and citation.

(2) The principal Act as amended by this Act may be cited as the Shipping and Pilotage Act, 1967-1976.

19. Section 12 of the principal Act is amended— Section 12 amended.

- (a) by adding after the section designation “12.” the subsection designation “(1)”;
- (b) by adding after the word “liquids” in the last line of paragraph (a) the passage “, gunpowder and other explosive substances, or other dangerous goods”;
- (c) by adding at the end of the section subsections as follows—

(2) Any regulations made under this Act may—

- (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and

No. 12.] *Acts Amendment (Port and Marine [1976. Regulations).*

(b) provide that where by reason of unavailability of materials or other reason that the responsible authority considers valid any requirement adopted by the regulations cannot be conformed to, the responsible authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations.

(3) In subsection (2) of this section the term "responsible authority" means—

(a) in relation to a port under the control of a Port Authority constituted or established under an Act, that Port Authority;

(b) in relation to any other port, the Harbour and Light Department of the State. .

PART IX.—WESTERN AUSTRALIAN MARINE ACT,  
1948-1975.

Short title  
and  
citation.

20. (1) In this Part the Western Australian Marine Act, 1948-1975 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Western Australian Marine Act, 1948-1976.

Section 18  
repealed  
and  
re-enacted.

21. The principal Act is amended by repealing section 18 and re-enacting that section as follows—

Adoption of  
rules,  
codes, etc.

18. Any rules or regulations made under this Act may—

(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations,

codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the rules or regulations; and

- (b) provide that where by reason of unavailability of materials or other reason that the Department considers valid any requirement adopted by the rules or regulations cannot be conformed to, the Department may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the rules or regulations. .
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