



Western Australia

Jetties Regulations 1940

Compare between:

[01 Aug 2020, 09-n0-00] and [05 Dec 2020, 09-o0-00]

Jetties Regulations 1940

Part 1A — Preliminary

[Heading inserted: Gazette 25 May 2018 p. 1669.]

1. Citation

These regulations may be cited as the *Jetties Regulations 1940*.

[Regulation 1 amended: Gazette 24 Aug 2004 p. 3659.]

2. Liability for dues and charges

Unless otherwise stated in a specific regulation, the owner and the master of a vessel are jointly and severally liable for the dues and charges incurred by, or in relation to, the vessel or its cargo under these regulations.

[Regulation 2 inserted: Gazette 14 Jun 2002 p. 2799; amended: Gazette 25 Jul 2014 p. 2607.]

3. Terms used

- (1) In the construction and for the purposes of these regulations, the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them:

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

commercial vessel has the meaning assigned to it in the *Western Australian Marine Act 1982*;

Department means the Department concerned, subject to the control of the Minister, with the administration of the Act;

fishing vessel has the meaning given to that term in the *Western Australian Marine Act 1982* section 3(1);

jetty means any jetty, pier, wharf, grid, slip or landing place;

master means a person, other than a pilot, having command or charge of a vessel;

officer means any wharfinger or servant of the Department;

owner, in relation to a vessel, means —

- (a) if the vessel is owned by an individual, that individual;
- (b) if the vessel is owned by a body corporate or unincorporate, that body;
- (c) a person who is purchasing the vessel under a contract that is a credit sale contract for the purposes of the *Credit Act 1984*;
- (d) a person who is the purchaser or hirer of the vessel under a contract that for the purposes of the *Consumer Credit (Western Australia) Code*² is a credit contract, or is to be regarded as a credit contract, to which that Code applies;
- (e) a person who has the use of the vessel under a hiring, hire purchase, lease, loan, charter or other agreement;
- (f) a person who holds a current Certificate of Survey of the vessel, or in whose name the vessel is registered, but does not include an unpaid vendor under a hire purchase agreement or the lessor under a lease;

premises means any premises appurtenant to jetties controlled by the Department;

public jetty means a jetty the property of Her Majesty and includes a jetty the property of Her Majesty vested in any person on behalf of Her Majesty;

recreational vessel has the meaning given to the term ***pleasure vessel*** in the *Western Australian Marine Act 1982* section 98(1);

swing mooring fee means an annual fee for a swing mooring under the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* regulation 7;

tourism vessel means a vessel used for commercial tourism purposes;

vessel means any ship, lighter, barge, boat, raft or craft of whatsoever description and howsoever navigated.

- (2) For the purposes of calculation of a due or charge under these regulations —

day means a period of 24 hours;

short term means up to one hour in any day;

week means 7 consecutive days.

- (3) For the purposes of calculating a due or charge prescribed in Schedule 1 or 3 —

(a) an amount payable per day is payable for any part of a day;

(b) the length of a vessel is its overall length rounded down to the nearest whole metre;

(c) the length of a pen is —

(i) unless subparagraph (ii) applies, its length as determined by the Department and set out on its website at the time the charge is calculated; or

(ii) if a vessel is allocated a pen that is longer than it needs to be due to the unavailability of a suitable-sized pen for the vessel at the place where the vessel is berthed — the length of a suitable-sized pen.

- (4) Subject to subregulation (5A), a reference in Schedule 1 or 3 to calculating a due or charge for a particular period using an annual rate is a reference to calculating the due or charge as follows —

(a) if the period is 12 months or more, at the annual rate;

- (b) if the period is less than 12 months but is at least 3 months, at a monthly rate that is 9.125% of the annual rate;
 - (c) if the period is less than 3 months but is at least one month, at a monthly rate that is 15% of the annual rate;
 - (d) if the period is less than one month, at a weekly rate that is 4.5% of the annual rate.
- (5A) Subregulation (4) does not apply when Rate 3 is the rate charged in Schedule 1 or 3.
- (5) A reference in subregulation (4) or Schedule 1 or 3 to calculating a due or charge payable for a particular period at a rate per year, month, week, day or hour (a *unit*), is a reference to the due or charge payable for each unit, or part of a unit, in the period.

[Regulation 3 amended: Gazette 17 Mar 1960 p. 777; 7 May 1993 p. 2361; 27 Jul 2001 p. 3814; 14 Jun 2002 p. 2799-800; 24 Jun 2005 p. 2815-16; 22 Jun 2007 p. 2908; 8 Feb 2008 p. 315; 13 Jul 2012 p. 3173-4; 25 Jul 2014 p. 2608-9; 22 Jul 2015 p. 2951-2; 15 Apr 2016 p. 1173; 25 May 2018 p. 1670; 31 May 2019 p. 1755; SL 2020/96 r. 4; SL 2020/128 r. 4.]

Part 1 — Regulations applying to jetties controlled by the Department

[Heading inserted: Gazette 19 May 1989 p. 1494.]

Division 1 — Application of this Part

[Heading inserted: Gazette 19 May 1989 p. 1494.]

3A. Application

This Part applies to all jetties controlled by the Department.

[Regulation 3A inserted: Gazette 19 May 1989 p. 1494.]

Division 2 — Arrival and movement of vessels

[Heading inserted: Gazette 19 May 1989 p. 1494.]

4. Master or agent to report arrival

The master or agent of a vessel shall immediately report the arrival of the vessel at any jetty to the officer in charge and make all arrangements for the discharge and receipt of cargo in accordance with these regulations, and such vessel shall not leave the jetty until all dues and charges have been paid in accordance with these regulations.

[Regulation 4 amended: Gazette 19 May 1989 p. 1494; 25 Jul 2014 p. 2610.]

5. Vessels to change berths

Vessels, after having discharged or taken in their cargo, shall be moved to any berth or anchorage pointed out by the officer in charge.

[Regulation 5 amended: Gazette 19 May 1989 p. 1494.]

Division 3 — Berthing dues

[Heading inserted: Gazette 19 May 1989 p. 1494.]

6. Berthing dues

- (1) Except as provided in subregulation (2), the berthing dues payable for the use of a pen, alongside berth, pile mooring or other jetty by a vessel at a place specified in Schedule 1 are the berthing dues set out in that Schedule in respect of that place.
- (2) The berthing dues payable for the use of a pen by a catamaran at a place specified in Schedule 1 are as follows —
 - (a) for casual daily use —
 - (i) by a commercial vessel — an amount calculated using standard Rate 1 set out in Schedule 1 clause 1;
 - (ii) by a recreational vessel — an amount calculated using standard Rate 2 set out in Schedule 1 clause 1;
 - (b) for use, other than casual daily use, an amount calculated in accordance with the following formula —
$$P \times 1.5$$
where —

P is the berthing due set out in Schedule 1 that applies to the use, other than casual daily use, at that place of a pen (of the type used by the catamaran) by a vessel of the class to which the catamaran belongs.

[(3) deleted]

- (4) In respect of a vessel lying alongside a jetty for the purposes of transshipping cargo to or from a lighter or other vessel, a berthing due is payable as if the cargo had been landed on or taken off the jetty in place of being taken from or placed in the lighter or other vessel.

*[Regulation 6 inserted: Gazette 25 Jul 2014 p. 2610-11;
amended: Gazette 22 Jul 2015 p. 2952; 25 May 2018 p. 1670;
31 May 2019 p. 1756.]*

6A. Requirement to pay berthing dues

- (1) If an alongside berth at a service jetty is used by a vessel and the berthing dues, as provided for in a Schedule, for that use of the jetty have not been paid in advance or within 7 days of that use, the chief executive officer may give the owner of the vessel a notice in writing requiring that the dues specified in the notice be paid to the Department by the day specified in the notice, which day must not be less than 28 days after the day on which the alongside berth at the service jetty was used by vessel.
- (2) A person given a notice under subregulation (1) must pay the berthing dues specified in the notice before the day specified in the notice.

Penalty: a fine of \$500.

*[Regulation 6A inserted: Gazette 7 Dec 2007 p. 5984;
amended: Gazette 25 Jul 2014 p. 2611; 22 Jul 2015 p. 2952.]*

7. Computation of berthing dues

In the computation of berthing dues for cargo carrying vessels the officer in charge shall have the option in determining the dues of proceeding on a weight basis of a tonne or a measurement basis of 1 m³ or in the case of bulk oils and fuels 1 kL for the cargo in respect of which such dues are levied except as follows:

one bullock, cow, steer, heifer or suchlike animal 1 t,
15 sheep, pigs, goats or suchlike 1 t.

*[Regulation 7 inserted: Gazette 15 Jun 1973 p. 2237; amended:
Gazette 19 May 1989 p. 1494.]*

Division 3A — Manifests

[Heading inserted: Gazette 31 May 2019 p. 1757.]

8. Inwards manifests

The master of every vessel arriving shall deliver at the office of the officer in charge, prior to commencing to discharge cargo, a true, legible, and complete copy of the manifest of the said vessel, certified to by himself as being true and complete, and shall also furnish within 48 hours a certified statement of all alterations (if any) which may be made in such manifest by reason of re-measurement of goods included therein or otherwise. In the event of a vessel not discharging any cargo, a “Nil” manifest must be furnished.

[Regulation 8 amended: Gazette 19 May 1989 p. 1494.]

9. Outwards manifests

The master of every vessel shall deliver at the office of the officer in charge, prior to the clearance of the vessel in which outward cargo is shipped, a certified copy of the manifest, giving true, legible, and complete particulars of such goods as will enable the amount of outward wharfage dues payable thereon to be readily computed. In the event of a vessel not shipping any cargo a “Nil” manifest must be furnished.

[Regulation 9 amended: Gazette 19 May 1989 p. 1494.]

Division 4 — Wharfage dues, handling and haulage charges

[Heading inserted: Gazette 19 May 1989 p. 1494.]

[10. Disallowed: Gazette 6 Sep 1940 p. 1622.]

10A. Payment of dues and charges

- (1) The appropriate wharfage dues, and handling and haulage charges as prescribed in a Schedule shall, unless otherwise

provided, be paid in respect of goods landed from or loaded into any vessel.

- (2) The dues and charges so payable shall be based, at the option of the wharfinger or officer in charge, on the measurement or weight of the goods as declared on the vessel's manifest.

[Regulation 10A inserted: Gazette 12 Jul 1957 p. 2269; amended: Gazette 19 May 1989 p. 1495; 24 Jun 2005 p. 2816; 22 Jul 2015 p. 2953.]

[10B. Deleted: Gazette 30 Jun 1995 p. 2699.]

[10C. Deleted: Gazette 24 Nov 1972 p. 4487.]

11. Charges for transhipment cargo

- (1) Full wharfage dues one way only shall be payable on cargo for transhipment if landed on a jetty, but if passed overside from one vessel to another for conveyance to destination, or temporarily, the wharfage dues shall be those set out in a Schedule; in both cases handling and haulage charges shall be payable as per rates shown for other cargo, according to the services rendered in each case.

[(2) deleted]

[Regulation 11 amended: Gazette 12 Jul 1957 p. 2270; 24 Nov 1972 p. 4487; 15 Jun 1973 p. 2237; 19 May 1989 p. 1495; 29 Jun 1993 p. 3191; 14 Jun 1994 p. 2476; 30 Jun 1995 p. 2699; 24 Jun 2005 p. 2816; 22 Jul 2015 p. 2953.]

[11A. Deleted: Gazette 24 Nov 1972 p. 4487.]

11B. Charges on vessels' stores, including fuel oil

- (1) Material and equipment passing over jetties and to be used for the repair and refitting of a vessel, its machinery or equipment whilst it is in the port, and all consumable stores loaded into a vessel for the vessel's own use, excepting fuel oil on which an

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inwards wharfage rate has not been paid at the port, shall be exempt from the payment of outwards wharfage.

- (2) The outwards wharfage rate on fuel oil loaded into a vessel as bunkers for that vessel's own use, and on which an inwards wharfage rate has not been paid, is set out in Schedule 2 and shall be paid by the supplier of the oil.
- (3) The supplier of fuel oil under subregulation (2) shall compile and forward to the Department, within 28 days of the end of each calendar month, a record of the total volume of fuel oil dispensed from each facility by that supplier during that month.

[Regulation 11B inserted as regulation 11A: Gazette 17 Mar 1960 p. 778; renumbered as regulation 11B in the reprint published: Gazette 10 Dec 1974 p. 5291-318; amended: Gazette 24 Nov 1972 p. 4487; 15 Jun 1973 p. 2237; 19 May 1989 p. 1495; 30 Jun 1992 p. 2892; 29 Jun 1993 p. 3192; 30 Jun 1995 p. 2699; 20 Jun 2000 p. 3044; 24 Jun 2005 p. 2816-17; 22 Jun 2007 p. 2908; 25 May 2018 p. 1670.]

12. Charges to be paid before delivery of cargo

All wharfage dues and handling or other charges incurred, payable in respect of cargo discharged or shipped, shall become payable to the officer in charge on the discharge or shipment of the said cargo, and shall be paid on demand, and each bill of lading, as shown on the manifest, must be cleared by one payment. No inward cargo shall be delivered to the consignee or owner thereof, nor outward cargo to the vessel in which it is intended that same shall be shipped, until the written receipt of the officer in charge shall have been presented to the consignee or owner, or to the shipper or master of the vessel, respectively, for the payment of all wharfage dues and charges as aforesaid in respect of such cargo: Provided always, that it shall be competent, but not compulsory (in the case of outward cargo) for the officer in charge to accept from the agent or the master a

guarantee in writing that such dues shall be paid to him within 24 hours of the clearance of the vessel.

[Regulation 12 amended: Gazette 19 May 1989 p. 1495.]

13. Extra charges

The officer in charge may make extra charges for handling packages over 1 t in weight, or of an exceptional shape, or where extra labour is required or unusual risk is involved.

[Regulation 13 amended: Gazette 15 Jun 1973 p. 2237; 19 May 1989 p. 1495.]

[13A. Deleted: Gazette 30 Jun 1995 p. 2699.]

Division 5 — Handling of cargo

[Heading inserted: Gazette 19 May 1989 p. 1494.]

14. Cargo not to be placed on jetties or premises without authority

No goods shall be landed or placed on any jetty or any premises appurtenant thereto or used in connection therewith without the written authority of the officer in charge. Cargo discharged without such authority having been first obtained shall not be deemed to be in the custody of the Department, nor shall the Department be held responsible for any loss or damage that may accrue to any such cargo from any cause whatsoever.

[Regulation 14 amended: Gazette 3 Nov 1950 p. 2461; 19 May 1989 p. 1495.]

15. Discharging of cargo may be stopped

If it appears that goods are being landed and cannot, in the opinion of the officer in charge, be removed in time to prevent a “block”, the officer in charge may give notice in writing to the masters or person in charge of vessels, or lighters, from which goods are being discharged, to stop discharging cargo, and upon

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such notice being given no further cargo shall be discharged until such time as the officer in charge may direct.

[Regulation 15 amended: Gazette 19 May 1989 p. 1495.]

16. Goods not to be shifted without authority

No person shall shift from one vessel to another, or from any part of a jetty to any other part thereof, any goods or luggage without the authority of the officer in charge.

[Regulation 16 amended: Gazette 19 May 1989 p. 1495.]

17. Bulk cargo not to be deposited without authority

No ballast, stone, coal, coke, timber, sand, or other goods or other materials in bulk shall be deposited on any jetty without special permission in writing of the officer in charge.

[Regulation 17 amended: Gazette 19 May 1989 p. 1495.]

18. Outward cargo advice notes

No person shall enter on any jetty with goods for shipment without first delivering to the officer in charge an outward cargo advice note, as required by the Department, containing true and full account, with gross measurements or weights of such goods then under his immediate control.

[Regulation 18 amended: Gazette 19 May 1989 p. 1495.]

19. Outward cargo

All outward cargo must be delivered into the shed at least 4 working hours prior to vessel's advertised time of arrival.

[Regulation 19 amended: Gazette 19 Jul 1956 p. 1781; 19 May 1989 p. 1495.]

20. Dangerous cargo not to be shipped without permission

No person shall carry, send or deposit, or attempt to carry, send, or deposit, or permit to be sent, carried, or deposited on any jetty or premises of the Department, any loaded firearm or

dangerous cargo which is by these regulations or any other jetty regulations now or hereafter to be in force, declared to be of a dangerous nature, or any package containing such goods, without the consent in writing of the officer in charge of such jetty, and without distinctly marking such package on the outside with a description of its contents sufficiently for its identification.

[Regulation 20 amended: Gazette 19 May 1989 p. 1495.]

21. Dangerous cargo may be refused or examined

The officer in charge of any jetty may refuse to take any parcel which he may suspect to contain goods of a dangerous nature, or may require any parcel to be opened and examined for the purpose of ascertaining its contents.

[Regulation 21 amended: Gazette 19 May 1989 p. 1495.]

22. Marking of heavy packages

- (a) Every package or article of a gross weight of 1 t or over, intended for shipment as cargo, shall, before being delivered to and received by the Department for the purpose of being loaded on to a vessel, have prominently marked thereon, or on a label securely attached thereto, in legible and non-erasable characters not less than 25 mm in height, a statement of the approximate gross weight set out in tonnes (expressed to one decimal place) of such package or article.
- (b) No package or article of cargo of a gross weight of 1 t or over shall be unloaded from any vessel on to any jetty of the Department unless and until it shall have prominently marked thereon, or upon a label securely attached thereto, in legible and non-erasable characters not less than 25 mm in height, a statement of the approximate gross weight set out in tonnes (expressed to one decimal place) of such package or article.
- (c) Provided that —
 - (i) in the case of articles such as logs, baulks of timber, or other articles, which by reason of their nature or place of

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consignment or despatch for shipment, or for any other good reason it is not practicable to weigh, but which apparently weigh more than 1 t, the gross weight of the article may be stated approximately within a limit of 1 t, that is to say, as follows: "Over 1 but under 2 t," or as the case may be;

- (ii) when it is neither practicable to weigh nor to mark or label legibly any package or article as required by paragraph (a) or paragraph (b), and such package or article is sought to be unloaded from a vessel which has conveyed the same from a place beyond Australia, and, if the package or article is not marked or labelled with the gross weight thereof to a limit of 1 t, as exemplified in subparagraph (i) then, before such package or article is unloaded from such vessel on to any jetty of the Department, the master of such vessel shall arrange for some competent person, on his behalf, to supply the officer in charge of such jetty with particulars of the approximate weight of such package or article, if the same appears to weigh more than 1 t.

[Regulation 22 amended: Gazette 15 Jun 1973 p. 2237; 19 May 1989 p. 1495.]

23. False statements

No person shall make a false statement as to the nature, quantity, weight, measurement, value or otherwise of any goods delivered upon any jetty or premises of the Department in any consignment note, waybill, exemption declaration, or other document which under any regulation now or which shall hereafter be in force he is required to deliver in respect to such goods.

[Regulation 23 amended: Gazette 19 May 1989 p. 1495.]

Division 6 — Receipt, delivery and storage of cargo

[Heading inserted: Gazette 19 May 1989 p. 1494.]

24. Removal of cargo

- (1) The officer in charge shall, as early as possible, remove all cargo landed on a jetty to the goods shed, or other convenient place.
- (2) Subject to subregulation (3) a consignee shall take delivery of and remove his cargo from the goods shed or yard within 3 days of the cargo being received into the goods shed or yard unless otherwise directed by the Minister.
- (3) Cargo consigned through the ports of Derby and Wyndham for delivery to stations or other isolated consignees outside those townsites, shall take delivery of and remove their cargo from the goods shed or yard within 7 days of it being received into the goods shed or yard.

*[Regulation 24 inserted: Gazette 19 Oct 1973 p. 3818;
amended: Gazette 19 May 1989 p. 1495; 20 Jun 2000 p. 3044.]*

25. Storage charges

- (1) Subject to these regulations, where goods have not been removed from a jetty, shed or yard within the time prescribed by these regulations the storage charges set out in a Schedule shall be payable to the officer in charge.
- (1a) For the purposes of calculating storage charges set out in a Schedule —
 - (a) a fraction of a tonne shall be deemed to be a tonne; and
 - (b) a fraction of a cubic metre shall be deemed to be a cubic metre; and
 - (c) a fraction of a kilolitre shall be deemed to be a kilolitre; and
 - (d) a part of a week shall be reckoned as one week.

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- (2) If the consignee or owner hands to the Department an indemnity in the form provided and approved by the officer in charge, relieving the Department from all liability, the storage charges on goods for which goods shed accommodation is not provided, and which are not protected from the weather, may be reduced by one-half.
- (3) Notwithstanding anything herein contained, the officer in charge may remove or order the removal of all or any goods at any time after the time hereinbefore appointed for their removal by the consignee, and in the event of such goods being removed by or on the orders of the officer in charge the Department shall not be responsible for any loss, damage or injury whatsoever or howsoever occasioned to the goods by reason of their being removed into the open.

[Regulation 25 inserted: Gazette 19 Oct 1973 p. 3818; amended: Gazette 9 Nov 1973 p. 4192; 5 Aug 1983 p. 2834; 8 Aug 1986 p. 2828; 19 May 1989 p. 1495; 30 Jun 1989 p. 917; 1 Aug 1990 p. 3633; 29 Jun 1993 p. 3192; 14 Jun 1994 p. 2476; 30 Jun 1995 p. 2699; 27 Jun 1997 p. 3152; 24 Jun 2005 p. 2817; 22 Jul 2015 p. 2953.]

[25A. Deleted: Gazette 24 Nov 1972 p. 4487.]

26. Department not bound to find storage accommodation

The Department shall not be bound to find storage room for any goods, either in any shed or on any jetty. After notification to the owners, shippers, or consignees of any goods, or to the vessel's agent, that room is not available for the storage of such goods within a shed, or that such goods are owing to their character not permitted by some authority other than the Department to be stored in a shed, the Department shall not be held responsible for any loss or damage that may accrue to the goods, by the elements or otherwise during the time they remain on the Department's premises.

[Regulation 26 amended: Gazette 19 May 1989 p. 1495.]

27. Goods may be disposed of

The officer in charge shall (unless an agreement has been made by the consignee with him to the contrary) be at liberty to sell by public auction any goods which have been left on the premises of the Department for a period exceeding 6 months, and out of the proceeds of such sale shall pay to the Department all charges due, and the balance of such proceeds, after deducting any expenses incurred by such sale, shall be paid by the officer in charge into the Trust Fund, and be refunded to the owner of the goods on demand.

[Regulation 27 amended: Gazette 19 May 1989 p. 1495.]

28. Goods to be checked before delivery

No person shall remove any goods or luggage from any jetty or shed without first satisfying the officer in charge of his right to do so; and shall, before removing same, sign for such goods or luggage to the officer in charge.

[Regulation 28 amended: Gazette 19 May 1989 p. 1495.]

29. Delay in delivery

The Department will not be responsible for any claim arising from delay in the delivery of goods from any cause whatsoever.

[Regulation 29 amended: Gazette 19 May 1989 p. 1495.]

30. Wrong delivery

The Department will not be responsible for the wrong or non-delivery of goods which are erroneously or deficiently marked, or which have numerous old or imperfectly erased marks thereon.

[Regulation 30 amended: Gazette 19 May 1989 p. 1495.]

Division 7 — Responsibility of Department

[Heading inserted: Gazette of 19 May 1989 p. 1494.]

31. Custody of cargo

- (a) Inward cargo shall not for any purpose whatever be deemed to be in the custody of the officer in charge until the sling is released from the ship's crane or hoisting hook, or deposited on the jetty or conveyance provided by the officer in charge to receive the same.
- (b) Outward cargo shall be deemed to be in the custody of the vessel when the vessel's crane, or hoisting hook, is inserted in the sling.

[Regulation 31 amended: Gazette 19 May 1989 p. 1495.]

32. Goods without receipts

No goods for which receipts have not been given by the Department shall be deemed, for any purpose, to be in the custody of the Department as wharfingers, nor shall the Department be responsible for the safe custody, or for any loss or damage that may accrue to same in any manner whatsoever.

[Regulation 32 amended: Gazette 19 May 1989 p. 1495.]

33. Goods stacked on jetties

The Department and the officer in charge shall not be liable for any loss, damage, or injury whatsoever or howsoever occasioned to any goods stacked on any jetty for the convenience of owners, consignors, or consignees, unless such loss, damage, or injury is proved to have been occasioned by the wilful misconduct of some officer of the Department.

[Regulation 33 amended: Gazette 19 May 1989 p. 1495.]

34. Cargo damaged by fire etc.

The Department shall not be responsible for loss or damage to goods while in their custody, by fire, water used in extinguishing fire, or vermin.

[Regulation 34 amended: Gazette 19 May 1989 p. 1495.]

35. Goods insufficiently packed

Whenever in the opinion of the officer in charge goods are wholly unprotected, or insufficiently packed or protected, so as, in his opinion to require additional labour in handling, or to involve the Department in additional risk in handling, an additional charge for labour shall be imposed on such goods, and the Department shall in no case be liable for damage to goods caused by or contributed to by insufficient packing or protection. The additional charge in each case shall be determined by the officer in charge.

[Regulation 35 amended: Gazette 19 May 1989 p. 1495.]

36. Claims in respect of cargo

No claim will be entertained by the Department in respect of goods landed, or alleged to be landed, unless such claim has been received by the officer in charge, in writing within 4 days of the vessel leaving the port, nor in respect of outward goods, unless received by the officer in charge within 24 hours after the vessel in which it was intended to ship such goods leaves the port. Each claim must be rendered on the form recognised by the Department, which form will be supplied on application.

[Regulation 36 amended: Gazette 24 Nov 1972 p. 4487; 19 May 1989 p. 1495.]

Division 8 — Working hours

[Heading inserted: Gazette 19 May 1989 p. 1494.]

37. Ordinary time

The working hours of any port shall be and include the hours from 8 a.m. till noon and from 1 p.m. to 5 p.m., Monday to Friday inclusive.

[Regulation 37 amended: Gazette 17 Mar 1960 p. 778; 19 May 1989 p. 1495.]

38. Overtime

The cost over and above the ordinary cost of day work, of all labour and supervision, etc., employed during any hours, not being working hours as above defined, or on holidays, shall be paid for by the vessel in addition to the usual charges. The extra cost of lighting a shed or berth to enable a vessel to work during any hours, not being working hours, or on holidays as aforesaid, shall also be paid by the vessel.

[Regulation 38 amended: Gazette 19 May 1989 p. 1495.]

38A. Wages incurred through ships' delays to be paid for

Where by reason of delay which is caused by a vessel through the breakdown of the gear, or through the time occupied in the rigging of its gear, or through the fact that more than average time is taken in handling its cargo, the Department is involved in the payment of wages to persons engaged to handle its cargo, the master or owner of the vessel shall, on demand by the Department, pay to the Department the amount of those wages.

[Regulation 38A inserted: Gazette 12 Jul 1957 p. 2271; amended: Gazette 19 May 1989 p. 1495.]

39. Master to give notice of desire to work

The master of a vessel desiring to work any hours, not being working hours as defined above, shall give to the officer in

charge, 2 hours' notice, and on holidays 12 hours' notice, of his desire to do so.

[Regulation 39 amended: Gazette 19 May 1989 p. 1495.]

Division 9 — Livestock or vehicles on jetties or premises

[Heading inserted: Gazette 19 May 1989 p. 1494.]

40. Livestock on jetties or premises

No person shall drive or negligently allow any cattle, horse, sheep, swine, or other animal to stray upon any jetty or premises of the Department.

[Regulation 40 amended: Gazette 19 May 1989 p. 1495.]

41. Riding vehicles etc. on jetties or premises

No person shall ride or drive any horse or bicycle, motor car, or other vehicle upon or along any jetty or premises, or any pathway or other way used in connection with the jetty or premises of the Department without the permission of the officer in charge of the jetty.

[Regulation 41 amended: Gazette 17 Mar 1960 p. 779; 19 May 1989 p. 1495.]

41A. Vehicles not to be parked on jetties

No person shall drive, park, stand, or leave unattended a vehicle on a jetty or the approaches to a jetty unless he is expressly authorised to do so by the officer in charge of the jetty and then only if that person drives, parks, stands, or leaves unattended, the vehicle for the purpose of loading or unloading stores or cargo on or from the vehicle.

[Regulation 41A inserted: Gazette 17 Mar 1960 p. 779; amended: Gazette 19 May 1989 p. 1495.]

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41B. Department not responsible for vehicles on jetties

Where permission has been granted under these regulations to a person to drive a vehicle on to a jetty the Department will not be responsible to any person for damage caused to the vehicle, or to any other vehicle, or to any person by that vehicle while on the jetty or the approaches to the jetty.

[Regulation 41B inserted: Gazette 17 Mar 1960 p. 779; amended: Gazette 19 May 1989 p. 1495.]

42. Drivers of vehicles to obey instructions

Every driver of a car, cart, dray, or other vehicle shall, while in or upon any jetty or premises of the Department, obey the reasonable instructions and directions of any authorised employee of the Department.

[Regulation 42 amended: Gazette 19 May 1989 p. 1495.]

42A. Charges for vehicular use of jetty

The charges (if any) payable for vehicular use of a jetty and land adjacent to it are as set out in a Schedule.

[Regulation 42A inserted: Gazette 22 Jun 2007 p. 2908-9; amended: Gazette 25 Jul 2014 p. 2611; 22 Jul 2015 p. 2953.]

43. Persons not to be on jetties when livestock is being handled

No person shall remain on or pass over any jetty while livestock is being landed or shipped, unless by the permission of the officer in charge.

[Regulation 43 amended: Gazette 19 May 1989 p. 1495.]

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[Heading inserted: Gazette 19 May 1989 p. 1494.]

44. Bill posting, defacement and obscenity

No person, unless authorised in writing by the Department, shall —

- (a) post, stick, paint, or write, or cause to be posted, stuck, painted, or written any placard, bill, advertisement, sign, or other matter within or on any jetty post, fence, gate, platform, wall, building, or other property or premises of the Department;
- (b) deface any writing or printing on or attached to any board or any notice authorised to be maintained on any jetty, or on any carriage or rolling stock, or on any fence or building upon any jetty or premises of the Department;
- (c) write any indecent words or draw any indecent or obscene picture or representation on any part of any jetty, or on any carriage or rolling stock, or on any fence or building upon any jetty or premises of the Department.

[Regulation 44 amended: Gazette 19 May 1989 p. 1495.]

45. Disorderly persons

- (a) No drunk, idle, or disorderly person shall enter or remain in or upon any jetty, shed, vehicle, or premises of the Department.
- (b) No person shall behave in a violent or offensive manner to the annoyance of others, or write or use any insulting, indecent, obscene, blasphemous, or abusive words, or wilfully interfere with the comfort of any person in or upon any jetty, shed, vehicle, or premises of the Department.

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- (c) No person shall commit any nuisance or gamble in or upon any jetty, shed, vehicle, or premises of the Department.

[Regulation 45 amended: Gazette 19 May 1989 p. 1495.]

46. Fires not to be lit

No person shall, under any pretext whatever, light, place, or keep a fire upon or so near as to endanger any jetty, shed, car, carriage, or other work of a like nature, nor in or upon any tramway or premises whatsoever of the Department constructed entirely or in part of wood.

[Regulation 46 amended: Gazette 19 May 1989 p. 1495.]

47. Gates to be shut

No person shall neglect to shut any gate or slip panel in any fence forming the boundary of or upon or adjoining any jetty or premises of the Department.

[Regulation 47 amended: Gazette 19 May 1989 p. 1495.]

48. Interference with lights

No person shall interfere with, damage, or remove any portion of any electric or other type of light or lamp or the mains or fittings thereof, on any jetty, vehicle or premises of the Department.

[Regulation 48 amended: Gazette 19 May 1989 p. 1495.]

49. Interference with or damaging property

No person shall do, attempt to do, assist or aid in doing, cause or procure to be done, any of the following things:

- (a) place any rolling stock or appliance on any tramway or premises without lawful authority so to do;
- (b) move any part of the rolling stock or appliances on any tramway or premises, or leave the same on any part of

the tramway or premises without lawful authority so to do;

- (c) move or in any way interfere with any signals, points, stop blocks, or show any signal whatsoever likely to mislead;
- (d) remove from any jetty or premises of the Department any rolling stock, tarpaulins, tools, appliances, or property of any kind, or permit any of such rolling stock, tarpaulins, tools, appliances, or property to be unlawfully in his possession or on his premises;
- (e) damage any jetty or any locomotive, carriage, wagon, rolling stock, machinery, material, or thing used upon or belonging to any jetty or premises of the Department.

[Regulation 49 amended: Gazette 19 May 1985 p. 1495.]

50. Lost property

Any person who finds any lost property upon any jetty or premises, or in any carriage or other vehicle of the Department shall immediately hand same over to the officer in charge, either of the jetty or premises, or in charge of the carriage or vehicle, as the case may be.

[Regulation 50 amended: Gazette 19 May 1985 p. 1495.]

51. Obstruction of officers, or premises

No person shall do, attempt to do, assist or aid in doing, cause or procure to be done, any of the following things:

- (a) obstruct any officer or servant employed on any jetty or premises of the Department, in the due performance of his duty;
- (b) do any act which obstructs or may obstruct the working of any jetty or premises of the Department, or endanger the lives of any person or persons travelling thereon.

[Regulation 51 amended: Gazette 19 May 1989 p. 1495.]

52. Obstruction of or damage to jetties or premises

No person, without having lawful authority or written permission from the officer in charge of any jetty, shall cause or procure to be done any of the following acts:

- (a) encroach upon any jetty or premises of the Department by making any building, fence, ditch, or other obstacle thereon;
- (b) damage, dig up, destroy, remove, or alter in any way the material or soil thereof;
- (c) fill up, divert, alter, or obstruct any drain or watercourse directly carrying water off, or made to protect the same, or do any act whereby any drain or watercourse is stopped or the flow of water therein is obstructed;
- (d) interfere with or divert or dig any such drain or watercourse;
- (e) unlawfully throw or put any stone, gravel, or timber, or any substance, whether solid or liquid, or any other matter or thing, on any jetty or premises of the Department;
- (f) cut down, break, remove, or destroy any fence, building, or bridge, or any telegraph line or post in or upon any jetty or premises of the Department.

[Regulation 52 amended: Gazette 19 May 1989 p. 1495.]

53. Rubbish etc. not to be thrown

No person shall throw or cause to be thrown at or from any car, carriage, or other vehicle of the Department, or on to any jetty, or premises vested in, used by, or under the control of the Department, any glass, stone, or other missile, or any filth, dirt, rubbish, or other matter of a similar nature.

[Regulation 53 amended: Gazette 19 May 1989 p. 1495.]

53A. Charges for rubbish removal

The charges (if any) payable for removal of rubbish by the Department are as set out in a Schedule.

[Regulation 53A inserted: Gazette 22 Jun 2007 p. 2909; amended: Gazette 25 Jul 2014 p. 2611; 22 Jul 2015 p. 2954.]

54. Sale of articles prohibited

No person, unless authorised by the Department, shall sell or attempt to sell any article on any jetty or premises, or in any car, carriage, or other vehicle of the Department.

[Regulation 54 amended: Gazette 19 May 1989 p. 1495.]

55. Smoking and loitering

No person shall smoke in, under, or near to any shed, or loiter therein or thereunder, or upon any jetty, or lounge or sleep among the cargo placed in or under any shed or upon any jetty, or play at any game, or, without the written consent of the Department, address any assemblage of persons in any shed or on any jetty or any approach thereto.

[Regulation 55 amended: Gazette 19 May 1989 p. 1495.]

56. Trespassing

No person shall trespass on any premises, or be in any vehicle or shed of the Department, unless he has business therein, and no person shall remain on such premises or in such vehicle or shed after having been directed by the officer in charge to withdraw.

[Regulation 56 amended: Gazette 19 May 1989 p. 1495.]

[57-67. Deleted: Gazette 24 Nov 1972 p. 4487.]

67A. Conditions for construction and installation of pipelines

Standard conditions for construction and installation of pipelines for transmission of liquids derived from petroleum, coal and shale on and from jetties to storage tanks:

- (1) This regulation applies to pipelines for the transmission of inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 61°C from the point of discharge from or intake of the vessel to or from the storage point.
- (2) The various directions and requirements contained in these conditions shall be read as addressed to the owner of the pipelines, valves, hoses or other appliances except where specifically stated otherwise, and he shall be entirely and solely responsible for their full and complete observance.
- (3) Any proposal for the construction or installation of a pipeline on and from any jetty shall be submitted to the Department together with full specifications and details and such construction or installation shall not be commenced and no jetty shall be used for that purpose except by licence from the Minister or chief executive officer.
- (4)(a) When an existing pipeline is to be relaid or renewed, or any major repairs are to be effected, such pipeline or such section thereof as the Department may determine shall be classified as a new pipeline and shall conform to this regulation.
 - (b) Major repairs include any repairs or alterations involving welding.
- (5) Where the Department is of the opinion that it is in the interest of public safety so to do it may by notice in writing given to the owner of a pipeline require such owner to relay, renew or repair such pipeline in such manner and within such time as the notice requires.

- (6) Pipelines, valves, flanges and fittings shall comply with the relevant requirements of British Standards, British Institute of Petroleum Safety Codes, American Petroleum Institute Specification for Line Pipe or other specifications approved by the Department.
- (7) Joints in pipelines shall be welded wherever practicable, and otherwise shall be made with flanged ends or other means approved by the Department.
- (8) Where pipelines are supported by a wharf, they shall be secured in an adequate manner, proper provision being made for expansion movement and anchorages.
- (9) Where valves and outlets in pipelines are placed below the deck of a wharf, access openings, with covers, shall be provided to them.
- (10) Pipelines on wharves shall be fitted with a stop valve at the outer or seaward end, and an approved non-return valve shall be placed immediately behind the connections between the flexible hose and the shore pipeline. Where required by the Department an approved non-return valve shall be placed in the pipeline at the shore end of the wharf or at the shore end of a submarine pipeline. Subject to the approval of the Department the requirement of a non-return valve at the seaward end of the pipeline may be dispensed with, if the distance from the outer or seaward end of the line to the non-return valve on shore does not exceed 15 m.
In special circumstances, and as approved in writing by the Department, a non-return valve may be by-passed by the installation of a rising spindle gate valve connected to an approved branch line for “Go-Devil” or product separation device operation and back loading. This valve must be kept closed and locked except when the pipeline is to be cleared of contents or back loading is taking place or the operations are such as to require insertion of a product separation device.

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- (11) Rising spindle gate valves of a type approved by the Department shall be used at pipeline control points.
- (12) Pipelines used for the transmission of inflammable liquid with a flash point less than 61°C shall be suitably bended and earthed in a manner approved by the Department. A suitably designed cathodic protection system may be accepted for the purpose of this paragraph.
- (13) The seaward end of pipelines and hoses left connected thereto on wharves shall be made liquid-tight by fitting with either blank flanges properly secured and fastened by at least 4 bolts, or screwed caps.
- (14) Pipelines and the control valves shall be marked as required by the Department.
- (15) Pipelines not situated on wharves shall be laid above ground wherever possible and shall be properly supported at a height of not less than 160 mm above ground, but shall not rest directly on wood.
- (16) Pipelines shall receive adequate protection against corrosion and other injury.
- (17) If so required by the Department any pipeline laid under water shall be afforded cathodic protection in an approved manner.
- (18) Pipelines laid under railway tracks, roads or streets, or where they may be subjected to heavy loading, shall be installed in accordance with the plans and specifications of the “Recommended practice on form of agreement and specifications for pipelines crossings under railroad tracks” issued by the American Petroleum Institute (A.P.I. Code No. 26) or other specification or proposal in regard to sleeving or culverting approved by the Department.
- (19) Pipelines laid in ground, the surface of which is subject to loading of vehicular traffic, shall have at least

610 mm of approved cover over the top of the pipe, excluding flanges; proper access pits, with covers, shall be provided for valves, and flanged joints shall be readily accessible.

- (20) When first installed, pipe lines shall be tested to a pressure of 2 MPa with water in sections over the full length of the pipeline, each section not exceeding distance between consecutive flanged joints, and full pressure shall be maintained for the period of each test with a minimum period of 30 minutes.
- (21) Provision shall be made to relieve excessive pressure due to temperature variations in pipelines left full of liquid.

[Regulation 67A inserted: Gazette 17 Mar 1960 p. 779; amended: Gazette 28 Sep 1960 p. 2987; 16 Sep 1963 p. 2829; 15 Jun 1973 p. 2237 (erratum 13 Dec 1974 p. 5344); 30 Dec 2004 p. 6953.]

67B. Maintenance and operation of pipelines

Maintenance and operation of pipelines for transmission of liquids derived from petroleum, coal and shale on or from jetties to storage tanks:

- (1) Underground pipelines between the wharf and the storage tanks shall be examined by the owner at intervals not exceeding 3 years and a certificate forwarded to the Department that the pipelines are in good order and condition and such certificate shall state the basis on which it is issued, e.g., visual examination, pressure tests or metal thickness tests.
- (2) Valves and other appliances used during pumping operations shall be inspected to ensure certainty of operation on each occasion before pumping commences.
- (3)(a) Flexible hoses used in connection with the pumping of liquids derived from inflammable liquid, liquids derived

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from petroleum, coal or shale and liquids having a flash point less than 61°C to or from a vessel shall be of approved quality with a safe working pressure of at least 700 kPa.

- (b) Such flexible hoses shall be fitted with Turk's heads of hemp or sisal rope, or other approved means of protection at intervals of 1 m.
- (c) The number of the hose, the safe working pressure and the ownership thereof, shall be indicated on each such flexible hose, by means of an engraved metallic plate incorporated in and forming part of such hose, or in such other manner as may be approved by the Department.
- (d) To prevent the flow of direct current between ship and pipeline an insulating flange shall be fitted in the shore pipeline, or one easily identifiable, non-conductive hose inserted in the hose string and the insulating flange or non-conductive hose, as the case may be, shall comply in all respects with the Association of Australian Port and Marine Authorities, Rules for the Handling of Dangerous Goods and Oils in Ports, Part 5.
- (4) Flexible hoses used in connection with the pumping of liquids derived from inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 61°C to or from a vessel shall be tested under working conditions at intervals of not more than 6 months to at least 25% in excess of the actual maximum working pressure under which it is operated and the results of such test shall be recorded in a register to be kept by the owner and such record shall be made available for examination by the Department as required. A report on tests of hoses used by an owner shall be provided to the Department in January and July of each year. Such flexible hoses shall be properly and adequately supported to prevent chafing and kinking during pumping operations.

- (5) Pipelines used in connection with the pumping to or from a vessel of liquids derived from inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 61°C and unrefined crude petroleum, shall be provided with drip trays or drums under the seaward end of the pipeline of a type approved by the Department.
- (6) Pipelines and fittings shall be inspected each time before use in loading or discharge and tested to a pressure 25% in excess of normal operating pressure at 3 monthly intervals.
- (7) Electrical equipment on oil wharves or located within 15 m of shore terminal valves in pipelines shall comply with the appropriate section of the Wiring Rules of the Standards Association of Australia³ and the requirements of the proper local electrical authority, and shall be inspected at intervals of not more than 6 months to ensure their continued compliance with such rules or requirements.
- (8) Pipelines for transmission of inflammable liquid with a flash point less than 61°C shall be tested at intervals of not more than 12 months to ensure that they are suitably bonded and earthed as required by the Department.
- (9) At the commencement of pumping of inflammable liquids having a flash point less than 61°C, and after each change of grade of liquid at which water clearance is employed, the velocity in the pipelines shall be restricted to a maximum of 1 m per second for a period of 30 minutes, or sufficient time to clear the pipeline twice, whichever is the longer, but where a change of grade of inflammable liquid is made by face to face pumping or short water plug separation the velocity need not be so restricted.
This slow pumping rate shall also be observed when filling empty tanks until the fill pipe is covered. When

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pipelines vary in bore, the limiting rate shall be applied to that part having the smallest bore.

- (10) During pumping operations, pipelines shall be regularly patrolled throughout their full length so that any leakage may be detected.
- (11) During the whole period of pumping operations, the terminal valves on wharf or jetty, and the delivery or control valve on the vessel, shall be closely watched by competent persons who shall close the valves in the event of any untoward occurrence.
- (12) Pipelines, valves, hoses and other appliances used for transferring inflammable liquids with a flash point less than 61°C shall be maintained free from leakage and gas-tight and, unless otherwise authorised by the Department, on the completion of loading or unloading shall be thoroughly freed of inflammable liquid and the hoses disconnected from the shore pipelines. Pipelines, valves, hoses and other appliances used for transferring oil with a flash point not less than 61°C shall be kept in good condition and free from leakage and all due precautions shall be taken to prevent any oil escaping into tidal water.
- (13) Necessary precautions shall be taken to ensure that boats, barges or other small craft shall not moor under or remain near the wharf where pumping operations are being carried out.
- (14) No naked light, matches or other source of ignition shall be brought within a distance of 15 m of shore terminal valves when pumping operations are being carried out, and any torch used shall be of flame-proof construction, and any artificial light used shall also be of flame-proof construction unless mounted at least 7.5 m above the level of the wharf, when it shall be of a type approved by the Department.

- (15) A reliable watchman or watchmen shall be stationed in the vicinity of the vessel during pumping operations and such watchman or watchmen shall be persons approved by the Department and in such number as it may require.
- (16) A responsible representative of the master of a vessel and a representative of the installation to which or from which the inflammable liquid is being transmitted by pipelines, shall be on duty at all times at the point of discharge from or intake of the vessel during preparation for any pumping operation.
- (17) The owner of the vessel and of the installation to or from which pumping operations will be made shall ensure, in his respective sphere, that sufficient fire-fighting equipment as approved by the Department is available for immediate use should such be required.
- (18) Any untoward occurrence shall be reported immediately to the Department or its representative.
- (19) The approval of the Department shall be obtained on each occasion in respect of each particular vessel before pumping operations commence and any additional conditions stipulated by it shall be observed.
- (20) Operations shall be discontinued should the Department consider such course necessary in the interests of safety.
- (21) When pumping operations cease temporarily valves on the vessel and on the shore pipeline shall be closed.
- (22) On completion of pumping operations pipelines outside storage installations and used for the transmission of inflammable liquids with a flash point less than 61°C shall be thoroughly cleared of the inflammable liquid by flushing with water and shall be kept full of water.
- (23) Notwithstanding the requirements of subregulation (22), the Department may grant exemption from this provision in the case of underwater pipelines used for the transmission of crude oil having a flash point of less

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than 61°C or any pipeline provided it is patrolled to the satisfaction of the Department.

- (23A) Petroleum substance that is heated above the ambient temperature shall not be pumped through a pipeline or flexible hose unless the pipeline or flexible hose is designed and constructed for use at the elevated temperature of the substance to be pumped.
- (24) Except with the approval of the Department, on completion of pumping operations pipelines shall be cleared of oil with a flash point of not less than 65°C from the point of loading or discharge to the non-return valve at the shore end of the wharf.
- (25) Subject to the written approval of the Department, liquids derived from petroleum, coal and shale may be pumped to or from a vessel after sunset, provided that the following conditions and such other conditions as may be stipulated by the Department are complied with:
- (a) Pipelines, hoses, valves and other appliances shall be coupled up and pumping commenced at least one hour before sunset, and such pipelines and hoses shall not be uncoupled or otherwise interfered with except in daylight unless with special permission of the Department and in the presence of its representative.
 - (b) Adequate lighting of an approved type shall be provided to the satisfaction of the Department.
- (26) Arrangements shall be made by the master of the vessel to ensure that there shall be sufficient staff of officers and men available at all times to ensure the efficient carrying on of the work or to remove the vessel if so required.

[Regulation 67B inserted: Gazette 17 Mar 1960 p. 780; amended: Gazette 20 Dec 1962 p. 4054; 16 Sep 1963 p. 2829; 15 Jun 1973 p. 2237; 6 Feb 1981 p. 555; 24 Aug 2004 p. 3659.]

[67C. Deleted: Gazette 14 Apr 1966 p. 918.]

67D. Penalty for failure to remove or amend pipeline

Where the Minister or chief executive officer requires a person to whom a licence has been granted or assigned under these regulations to remove or amend a pipeline on the expiration of the licence that person if he neglects or fails to comply in all respects with the direction, is guilty of an offence against these regulations.

[Regulation 67D inserted as regulation 67E: Gazette 17 Mar 1960 p. 783; renumbered 67D: Gazette 28 Sep 1960 p. 2988; amended: Gazette 30 Dec 2004 p. 6953.]

67DA. Fuelling vessels at service jetties limited

A person must not fuel a vessel from an alongside berth at a service jetty unless the person does so —

- (a) in accordance with a licence issued under the *Jetties Act 1926* section 7(1); or
- (b) with the prior written approval of the chief executive officer or an Officer appointed by the chief executive officer in writing to give that permission.

Penalty: a fine of \$500.

[Regulation 67DA inserted: Gazette 7 Dec 2007 p. 5984; amended: Gazette 25 Jul 2014 p. 2612.]

67DB. Waiving charges in emergencies

The chief executive officer may waive a due or charge payable under these regulations for the use of an alongside berth at a service jetty by a vessel in need of emergency repair.

[Regulation 67DB inserted: Gazette 31 May 2019 p. 1757; amended: SL 2020/128 r. 5.]

67DC. Controlling short term access to service jetty

An officer of the Department may direct that, in particular circumstances, a particular type of vessel, or a particular type of short term use, has precedence for short term access to a service jetty.

[Regulation 67DC inserted: Gazette 31 May 2019 p. 1757.]

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[Heading inserted: SL 2020/128 r. 6.]

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).

[Regulation 67DD inserted: SL 2020/128 r. 6.]

67DE. Application

This Division applies to Burswood Jetty.

[Regulation 67DE inserted: SL 2020/128 r. 6.]

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).

[Regulation 67DF inserted: SL 2020/128 r. 6.]

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.

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- (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.

[Regulation 67DG inserted: SL 2020/128 r. 6.]

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.

[Regulation 67DH inserted: SL 2020/128 r. 6.]

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).

[Regulation 67DI inserted: SL 2020/128 r. 6.]

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.

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- (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).

[Regulation 67DJ inserted: SL 2020/128 r. 6.]

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).

[Regulation 67DK inserted: SL 2020/128 r. 6.]

Part 2 — Regulations applying to jetties within the Port of Perth

[Heading inserted: Gazette 19 May 1989 p. 1494.]

Division 1 — Application of this Part

[Heading inserted: Gazette 19 May 1989 p. 1494.]

67E. Application

This Part applies to all jetties within the Port of Perth.

[Regulation 67E inserted: Gazette 19 May 1989 p. 1494.]

Division 2 — Management and use of jetties

[Heading inserted: Gazette 19 May 1989 p. 1494.]

68. Control of jetties

All public jetties in the Port of Perth, except the Main Ferry Jetty at Rottnest Island, shall henceforth be under the control of the Department.

*[Regulation 68 amended: Gazette 19 May 1989 p. 1495;
27 Jun 2003 p. 2502.]*

69. Use of jetties

- (a) No person shall land at, use, or enter upon any public jetty except in accordance with these regulations.
- (b) No person shall in any way whatsoever make use of any public jetty under construction, or before the same shall have been declared open to the public by notice published in the *Government Gazette*.

[Regulation 69 amended: Gazette 19 May 1989 p. 1495.]

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70. Jetties may be closed

- (a) The Department may at any time temporarily close any public jetty, because of inclemency of weather, or for any other reason whatsoever, by posting a notice on same to that effect, or by otherwise publicly declaring such public jetty to be closed.
- (b) The Minister for Transport may at any time temporarily close any public jetty for repairs, alterations, additions, or any other reason whatsoever, by posting a notice on same to that effect, or otherwise publicly declaring such public jetty to be closed.

[Regulation 70 amended: Gazette 19 May 1989 p. 1495; SL 2020/128 r. 7.]

[70A. Deleted: Gazette 27 Jun 2003 p. 2502.]

[70B. Deleted: Gazette 25 Jun 2004 p. 2270.]

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[Heading inserted: Gazette 19 May 1989 p. 1494.]

71. Permit required to moor etc. alongside jetty or buoy

No person shall moor, fasten, or take any vessel alongside any public jetty or buoy in the port, or cause or permit any vessel to be so moored, fastened, or taken, unless the owner of such vessel shall have first obtained from the Department permission in writing to make use of such public jetty or buoy.

[Regulation 71 amended: Gazette 19 May 1989 p. 1495.]

72. Duration of, and charges for, permits

- (1) A permit issued under regulation 71 shall remain in force for one year from the date of issue or such lesser time as is specified on the permit and shall have effect subject to regulation 70 and regulation 75.

- (2) Payment for a permit shall be made in advance unless, in respect of a permit to be issued for one year, the General Manager approves of payment quarterly in advance.
- (3) Subject to this regulation, permission or a permit shall not be granted under regulation 71 or 73 until the appropriate charge set out in Schedule 3, or provided for in subregulation (3A), has been paid to the Department.
- (3A) The charges payable for the use of a pen by a catamaran at a place specified in Schedule 3 are as follows —
- (a) for casual daily use —
 - (i) by a commercial vessel — an amount calculated using standard Rate 1 set out in Schedule 3 clause 2;
 - (ii) by a recreational vessel — an amount calculated using standard Rate 2 set out in Schedule 3 clause 2;
 - (b) for use, other than casual daily use, the charge calculated in accordance with the following formula —
$$P \times 1.5$$

where —

P is the charge set out in Schedule 3 that applies to the use, other than casual daily use, at that place of a pen (of the type used by the catamaran) by a vessel of the class to which the catamaran belongs.
- (4) A permit may be cancelled and the berth reallocated by the Department where payment is not made in advance.
- (5) Where a vessel permanently vacates the berth for which it holds a permit, the Department may cancel the permit.
- (6) The provisions of subregulation (3) do not apply to any vessels owned and operated by the Police Department⁴ or other Government department or instrumentality exempted in writing by the Department.

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- (7) A vessel shall not be subject to charges pursuant to this regulation where a charge is paid in respect of that vessel for the berth pursuant to regulation 57 of the *Navigable Waters Regulations 1958*⁵.

[Regulation 72 inserted: Gazette 25 Nov 1983 p. 4669-70; amended: Gazette 30 Aug 1985 p. 3077; 16 Oct 1987 p. 3893; 29 Jun 1989 p. 1917-18; 1 Aug 1990 p. 3633; 30 Jun 1992 p. 2893; 24 Jun 2005 p. 2817; 25 Jul 2014 p. 2612; 25 May 2018 p. 1670; 31 May 2019 p. 1757-8.]

73. Permit for exclusive use of berth

- (1) Subject to the payment of the charge payable under regulation 72 the Department may grant to the owner of any vessel licensed to carry passengers a permit for the exclusive use of a berth at a public jetty as a berth for such vessel, subject to accommodation for the time being available.
- (1A) A permit for the exclusive use of a berth granted under subregulation (1) remains in force for such period as is specified on the permit, which may exceed 1 year from the date of issue.
- (2) Where a permit for the exclusive use of a berth is granted under subregulation (1) for a vessel, no other vessel shall use the berth while the permit is current.
- (3) Any permit granted under this regulation may specify —
- (a) any other berth or jetty within the Port of Perth at which the vessel may berth to pick up or set down passengers;
 - (b) the time or times that the vessel may berth or pick up or set down passengers;
 - (c) other conditions which the Manager considers necessary for good order on or about a public jetty or in the interests of safety of the passengers, vessel or jetty.
- (4) Any of the conditions specified in a permit issued under this regulation may be amended or varied by notice in writing served on the person in charge of the vessel subject to the permit or

upon the owner of the vessel by letter addressed to his registered office.

- (5) A person who, by act or omission, contravenes the conditions of a permit issued under this regulation or under regulation 71 is liable on conviction to a penalty not exceeding \$200.
- (6) The Minister may cancel any permit issued under regulation 71 or this regulation if he is satisfied that the holder of a permit has failed to observe the conditions of the permit so issued or has failed to observe any regulation relating to the maintenance of good order or safety on or about a public jetty.

*[Regulation 73 inserted: Gazette 31 Mar 1978 p. 990;
amended: Gazette 25 Nov 1983 p. 4670; 26 May 2017 p. 2623.]*

74. Manner of mooring vessels

- (a) No vessel shall be moored or made fast to any public jetty or any part thereof, except to such mooring piles, ringbolts, or other fastenings as are or may be provided, and no vessel shall remain alongside any public jetty unless so fastened.
- (b) No vessel or any obstruction shall be fastened to or near any public steps or landing place for passengers in such a manner as to impede free access to such public steps or landing places.

[Regulation 74 amended: Gazette 19 May 1989 p. 1495.]

75. Vessels not to remain at jetties longer than necessary

No vessel shall be fastened to or remain alongside any public jetty longer than is necessary, and shall immediately be removed therefrom, on the master or person in charge of such vessel receiving orders to that effect from an officer of the Department.

[Regulation 75 amended: Gazette 19 May 1989 p. 1495.]

76. Mooring of rafts and boathouses

No raft or boathouse shall be moored within 91 m of any public jetty overnight; nor shall any raft or boathouse be moored in the

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fairway by day or by night, and any raft or boathouse moored overnight shall burn 2 bright lights from sunset to sunrise, one at each end, and fixed at least 2.4 m above water level.

[Regulation 76 amended: Gazette 15 Jun 1973 p. 2238; 19 May 1989 p. 1495; 24 Aug 2004 p. 3659.]

77. Vessels to be in charge of competent person

No vessel (except small rowing boats) shall come alongside or remain fastened to any public jetty unless in charge of a competent person.

[Regulation 77 amended: Gazette 19 May 1989 p. 1495.]

78. Approaching jetties after sunset

No vessel (except small rowing boats) shall approach any jetty after sunset without burning the lights usually used by steamers or sailing vessels when under way.

[Regulation 78 amended: Gazette 19 May 1989 p. 1495.]

78A. Charges for sullage removal

The charge (if any) payable for the removal of sullage from a vessel moored or made fast to a public jetty at a place specified in Schedule 3 is as set out in that Schedule.

[Regulation 78A inserted: Gazette 31 May 2019 p. 1758.]

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[Heading inserted: Gazette 19 May 1989 p. 1494.]

[79. Deleted: Gazette 30 Jun 1992 p. 2893.]

80. Vessels loading or discharging

No vessel loading or discharging cargo shall come alongside any public jetty until the cargo is ready to be loaded or vehicles are ready to receive delivery, in the case of a vessel discharging, and no vessel shall occupy a berth at any public jetty while

waiting to load or discharge cargo, but only when actually occupied in loading or discharging, and between sunrise and sunset and on week days, except by written permission of the Department.

[Regulation 80 amended: Gazette 19 May 1989 p. 1495.]

81. Cargo to be removed

- (a) When any goods, merchandise, or plant of any description are placed on any public jetty for shipment or ex ship, the removal of the same shall proceed concurrently with the delivery on such public jetty.
- (b) All cargo or other material must be removed from any public jetty within 24 hours of the time it is deposited there, or at any time, upon the receipt by the consignor or consignee of such cargo or material, of notice from an officer of the Department.
- (c) In the event of the consignor or consignee refusing or neglecting to remove any cargo or other material from any public jetty when required so to do by an officer of the Department, such cargo or material may be ordered to be removed, and the cost of removal shall be borne by the said consignor or consignee, and he shall, in addition to such cost, be liable to the penalty prescribed for breach of these regulations.

[Regulation 81 amended: Gazette 19 May 1989 p. 1495.]

82. Cargo not to remain on jetties overnight

No cargo shall remain on any public jetty overnight, without written permission from the Department, and then the said cargo shall remain at the owner's risk, and such owner will be held responsible for any damage whatsoever incurred thereby. Under no circumstances shall any dangerous cargo or volatile spirit be allowed to remain on any public jetty overnight.

[Regulation 82 amended: Gazette 19 May 1989 p. 1495.]

83. Explosives not to be handled without permission

No explosives, as defined by section 4 of the *Explosives Act 1895*⁶, shall be landed or discharged on any public jetty without the permission of the Department.

[Regulation 83 amended: Gazette 19 May 1989 p. 1495.]

84. Manner of handling cargo

All cargo carted or conveyed on to any public jetty shall be carefully removed from the vehicles carrying the same into the vessel receiving the same, and shall in no case be tipped from such vessel on to the said public jetty. Provided that this regulation shall not apply to sand, stone, gravel, soil or manure, which is carefully loaded on any such public jetty by special permission, in writing, of the Department.

[Regulation 84 amended: Gazette 19 May 1989 p. 1495.]

Division 5 — Navigation of vessels

[Heading inserted: Gazette 19 May 1989 p. 1494.]

85. Power vessels approaching jetties

- (a) In the case of 2 power vessels approaching the same public jetty at the same time from opposite directions, the power vessel bound down a river shall give way to the power vessel bound up a river.
- (b) In the case of 2 power vessels approaching the same public jetty at the same time in the same direction, the power vessel on the outer course shall give way to the power vessel on the inner course.

[Regulation 85 amended: Gazette 19 May 1989 p. 1494.]

Division 6 — Miscellaneous

[Heading inserted: Gazette 19 May 1989 p. 1494.]

86. Bathing from jetties

Bathing between the hours of 7.30 a.m. and 9.30 p.m. from any public jetty is prohibited.

[Regulation 86 amended: Gazette 19 May 1989 p. 1495.]

87. Damage to jetties

The owner or owners of every vessel shall be personally liable for all damage to any public jetty done or occasioned by any person employed in such vessel, or in loading or discharging thereof; also for any penalties incurred by the master or crew or person employed on or in connection with such vessel, and any repairs rendered necessary may be executed by the Department, and the cost of such repairs shall be paid by the owner or owners liable for such damage, within 7 days after demand, and may be recovered by the Department summarily or otherwise, and any default in payment shall render such owner or owners liable to the penalty provided for breach of these regulations.

[Regulation 87 amended: Gazette 19 May 1989 p. 1495.]

88. Fishing from certain places prohibited

No person shall fish from any portion of the road bridge over the Swan River at Fremantle, or from the Canning bridge, or from the bridge or embankment across the Swan River, at Perth, known as the Perth causeway.

[Regulation 88 amended: Gazette 19 May 1989 p. 1495.]

89. Fishing nets on jetties

No fishing nets shall be hung on or spread about any part of any public jetty.

[Regulation 89 amended: Gazette 19 May 1989 p. 1495.]

90. Gangways to be provided

Steam vessels landing or shipping passengers at any public jetty shall provide suitable gangways of not less than 770 mm in width, having a hand-rail on both sides, and, after sunset, these gangways shall be sufficiently lighted.

[Regulation 90 amended: Gazette 15 Jun 1973 p. 2239; 19 May 1989 p. 1495.]

91. Interference with jetties or approaches

No person shall remove or cause to be removed from any public jetty, or the approaches thereto, any gravel, stone, timber, trees, shrubs, grasses, or other material, without the written permission of the Minister for Transport or his representative.

[Regulation 91 amended: Gazette 19 May 1989 p. 1495.]

92. Lifebuoys on jetties

No person shall remove, damage, or destroy any lifebuoy on any public jetty or use the same for any purpose other than saving life.

[Regulation 92 amended: Gazette 19 May 1989 p. 1495.]

93. Obstruction of jetties or officers

- (a) No person shall erect any bench, shear legs, crane, stocks, or other plant whatsoever, or in any way obstruct any public jetty, without first obtaining, in writing, the permission of the Minister for Transport or his representative.
- (b) No person or persons shall obstruct any representative of the Minister for Transport in carrying out the construction of, or repairs or additions to, any public jetty.

[Regulation 93 amended: Gazette 19 May 1989 p. 1495.]

94. Rubbish not to be thrown in river etc.

No stones, rubbish, ashes, or any other substance shall be thrown into any part of the river or discharged upon a public jetty, except at such places, if any, as may be defined for such purpose by the Department.

[Regulation 94 amended: Gazette 19 May 1989 p. 1495.]

[Part 2A (r. 94A-94E) deleted: Gazette 31 May 2019 p. 1759.]

Part 3 — Special provisions applying at particular ports

[Heading inserted: Gazette 19 May 1989 p. 1494.]

Division 1 — Use of slipways

[Heading inserted: Gazette 19 May 1989 p. 1494.]

95. Management and control of departmental slipways

- (1) This Division applies to slipways under the direct control of the Department.
- (2) The officer appointed by the Director General as being in charge of a region in which any slipways under the control of the Department are situated shall have the management and control of those slipways.

[Regulation 95 inserted: Gazette 20 Jun 2000 p. 3044; amended: Gazette 4 Nov 2014 p. 4204; 31 May 2019 p. 1759.]

95A. Use of slipway

- (1) An owner or master of a vessel wanting to use a slipway may apply to the officer in charge of the region in which the slipway is situated to permit that use.
- (2) The application must be in the form of Schedule 4 Form 3.

[Regulation 95A inserted: Gazette 4 Nov 2014 p. 4204; amended: Gazette 25 May 2018 p. 1670.]

96. Charges for use of slipway

- (a) All vessels shall be charged for services rendered at or in relation to a slip as prescribed in Schedule 1.
- (b) The charges shall cover the use of the slip, the haulage of the vessel to the slip and the supply of water and electric power. The owner or master of the vessel must arrange for the proper wedging, blocking, etc., to the satisfaction of the officer in

charge of the region in which the slipway is situated. Any damage done to the structure and/or cradle shall be repaired at the expense of the owner or master of the vessel causing the damage.

- (c) The owner or master of any vessel using the slip shall be responsible for the payment of all charges which he shall pay before the vessel is removed from the slip.

[Regulation 96 inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 2 May 1952 p. 1106; 17 Mar 1960 p. 783; 24 Nov 1972 p. 4488; 19 Oct 1973 p. 3818; 19 May 1989 p. 1495; 20 Jun 2000 p. 3044; 24 Jun 2005 p. 2818; 22 Jun 2007 p. 2910; 25 Jul 2014 p. 2613; 4 Nov 2014 p. 4204.]

97. Government vessels may take precedence

Government vessels shall, when considered necessary, take precedence of all other craft, notwithstanding any previous application by private owners for the use of the slip.

[Regulation 97 inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 19 May 1989 p. 1495.]

98. Vessels may forfeit their turn

Vessels registered for and not arriving at the slip at the appointed time will be liable to the forfeiture of their turn.

[Regulation 98 inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 19 May 1989 p. 1496.]

99. Department will not undertake repairs etc.

The Department will not undertake the repairs of vessels; all parties availing themselves of the use of the slip will be required to make their own arrangements for these and provide all necessary material.

[Regulation 99 inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 19 May 1989 p. 1496.]

100. Department not responsible for damage to vessel when in use of slip

The Department will not be responsible for and shall incur no liability in respect of any damage to any vessel while being hauled up, remaining on, or being lowered from the slip, or in any way in connection with the use of the slip.

[Regulation 100 inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 19 May 1989 p. 1496.]

101. Duties of owner or master using slipway

- (1) The owner or master of a vessel using the slipway shall —
 - (a) keep it in a clean and tidy condition to the satisfaction of the officer in charge of the region in which the slipway is situated; and
 - (b) remove all barnacles and weed from the slipway area on the day that the vessel is hauled from the water.
- (2) Where the owner or master fails to comply with subregulation (1) the Department may arrange for the cleaning of the slipway area and may recover the cost thereof from the owner or master of the vessel.

[Regulation 101 inserted: Gazette 19 Oct 1973 p. 3819; amended: Gazette 20 Jun 2000 p. 3044; 4 Nov 2014 p. 4205.]

101A. Slipping of more than one vessel at a time

The officer in charge of a region may by special permission allow more than one vessel to be taken on a slipway at the one time.

[Regulation 101A inserted: Gazette 24 Nov 1972 p. 4488; amended: Gazette 19 May 1989 p. 1496; 20 Jun 2000 p. 3044; 4 Nov 2014 p. 4205.]

101B. Dispute procedure

If any dispute shall arise between the owner or master and the Department, such dispute shall be referred to and be determined

by the Minister whose decision shall be final and binding upon the Department and the owner or master of the vessel.

[Regulation 101B inserted: Gazette 11 Jan 1946 p. 13; amended: Gazette 19 May 1989 p. 1496.]

[102-105. Deleted: Gazette 24 Nov 1972 p. 4488.]

Division 2 — Use of mooring springs

[Heading inserted: Gazette 19 May 1989 p. 1494.]

[105A-105E. Deleted: Gazette 30 Jun 1995 p. 2700.]

105F. Approaching bollard or jetty to which mooring spring or rope fastened

A person shall not, unless authorised by the officer in charge, approach within 4 m of any bollard, or any other part of such public jetty to which any mooring spring or rope is fastened.

[Regulation 105F inserted: Gazette 3 Jan 1947 p. 7; amended: Gazette 15 Jun 1973 p. 2238.]

[105G, 105H, 105HA, 105HB. Deleted: Gazette 30 Jun 1995 p. 2700.]

[Division 3 (r. 105HC) deleted: Gazette 30 Jun 1995 p. 2700.]

Division 4 — Use of weighbridges at Wyndham

[Heading inserted: Gazette 19 May 1989 p. 1494; amended: Gazette 20 Jun 2000 p. 3044.]

105I. Weighbridge charges

- (1) A person making use of the 50 t weighbridges at Wyndham shall pay the charge set out in Schedule 1.
- (2) A person making use of the weighbridge outside of normal working hours shall pay the wages of the operator, in addition to the charges prescribed by subregulation (1).

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- (3) Where multi-unit vehicles are weighed, under this regulation, each unit shall be weighed separately and a ticket issued for each unit.

[Regulation 105I inserted: Gazette 11 Aug 1964 p. 2880; amended: Gazette 17 Mar 1966 p. 731; 30 Dec 1968 p. 3949; 24 Nov 1972 p. 4488; 15 Jun 1973 p. 2238; 20 Jun 1980 p. 1835; 26 Jun 1981 p. 2410; 9 Jul 1982 p. 2510; 5 Aug 1983 p. 2835; 8 Aug 1986 p. 2828; 16 Oct 1987 p. 3894; 14 Oct 1988 p. 4164; 30 Jun 1989 p. 1918; 1 Aug 1990 p. 3634; 26 Jul 1991 p. 3920; 30 Jun 1992 p. 2893; 29 Jun 1993 p. 3192; 30 Jun 1995 p. 2700; 20 Jun 2000 p. 3045; 24 Jun 2005 p. 2818; 25 Jul 2014 p. 2614.]

Part 3A — Licence fees

[Heading inserted: SL 2020/96 r. 5.]

Division 1 — Preliminary

[Heading inserted: SL 2020/96 r. 5.]

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)).

[Regulation 105J inserted: SL 2020/96 r. 5.]

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).

[Regulation 105K inserted: SL 2020/96 r. 5.]

Division 2 — Prescribed licence fees

[Heading inserted: SL 2020/96 r. 5.]

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.

[Regulation 105L inserted: SL 2020/96 r. 5.]

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.

[Regulation 105M inserted: SL 2020/96 r. 5.]

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.

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- (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.

[Regulation 105N inserted: SL 2020/96 r. 5.]

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.

[Regulation 105O inserted: SL 2020/96 r. 5.]

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.

[Regulation 105P inserted: SL 2020/96 r. 5.]

Part 4 — Breach of regulations and penalties

[Heading inserted: Gazette 19 May 1989 p. 1494.]

106. Powers of officer of Department

When the breach of these regulations is attended with any danger or annoyance to the public or any person, any officer of the Department may summarily interfere to obviate or remove such danger or annoyance or the person causing the same, without prejudice to any proceedings against the offender for any penalty to which he may be liable.

[Regulation 106 amended: Gazette 19 May 1989 p. 1496.]

107. Recovery of expenses incurred by breaches of regulations

Where any person or persons by the foregoing regulations or any of them are required to do or perform any act or thing, and any such act or thing remains undone, the Minister for Transport or the Department may cause the same to be performed, and charge the cost and expenses against such person or persons, and the amount thereof may be recovered as a debt due to the Crown in any court of competent jurisdiction.

[Regulation 107 amended: Gazette 19 May 1989 p. 1496.]

107A. Police have authority to enforce regulations

For the purpose of seeing that all or any of these regulations are carried out and to preserve order, Police officers in uniform shall have access to any jetty or premises of the Department at any hour of the day or night, and shall be allowed and authorised to ask any reasonable question of any person thereon, and any information required shall in all cases be furnished.

[Regulation 107A inserted: Gazette 17 Mar 1960 p. 784; amended: Gazette 19 May 1989 p. 1496.]

108. Penalty for offences

Every person who by any act or omission fails in any respect to observe, perform, or comply with any provision or requirement of any of the foregoing regulations shall be guilty of an offence against these regulations, and where no particular penalty is prescribed by these regulations, shall on conviction be liable to a penalty not exceeding \$200.

[Regulation 108 amended: Act No. 113 of 1965 s. 8(1); Gazette 17 Sep 1976 p. 3463; 19 May 1989 p. 1496.]

Schedule 1 — Dues and charges generally

[r. 6, 10A, 11, 25, 42A, 53A, 96 and 105I]

[Heading inserted: Gazette 31 May 2019 p. 1759.]

Division 1 — Preliminary matters

[Heading inserted: SL 2020/96 r. 6(1).]

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).

[Clause 1 inserted: SL 2020/96 r. 6(1).]

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) 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.

[Clause 2 inserted: SL 2020/96 r. 6(1); amended: SL 2020/128 r. 8.]

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.

[Clause 3 inserted: SL 2020/96 r. 6(1).]

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.

[Clause 4 inserted: SL 2020/96 r. 6(1).]

Division 2 — Dues and charges for specified places

[Heading inserted: Gazette 31 May 2019 p. 1761.]

5. Albany, Albany Waterfront Marina

- (1) This clause applies to the Albany Waterfront Marina at Albany.

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cl. 6

- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a floating pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	532.80
2.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	426.00
3.	For the use, other than casual daily use, of a floating alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	532.80
4.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2	
5.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 5 inserted: Gazette 31 May 2019 p. 1761.]

6. Albany, Emu Point Boat Harbour

- (1) This clause applies to the Emu Point Boat Harbour at Albany.
(2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	279.10

Item	Type of use	\$
2.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	336.10
3.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 6 inserted: Gazette 31 May 2019 p. 1762.]

7. Augusta Boat Harbour

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

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a floating pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	532.80
2.	For the use, other than casual daily use, of a floating alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	532.80
3.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 	

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cl. 8

Item	Type of use	\$
	<ul style="list-style-type: none">by a recreational vessel, an amount calculated using standard Rate 2	
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 7 inserted: Gazette 31 May 2019 p. 1762-3.]

8. Augusta (Ellis Street) Maritime Facility

- (1) This clause applies to the Augusta (Ellis Street) Maritime Facility.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	336.10
2.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">by a commercial vessel, an amount calculated using standard Rate 1by a recreational vessel, an amount calculated using standard Rate 2	
3.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 8 inserted: Gazette 31 May 2019 p. 1763.]

9. Bremer Bay

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

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty by a vessel for which a swing mooring fee has not been paid, an amount calculated using standard Rate 3

[Clause 9 inserted: Gazette 31 May 2019 p. 1764.]

10. Bunbury, Casuarina Boat Harbour

- (1) This clause applies to the Casuarina Boat Harbour at Bunbury.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	434.70
2.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	434.70
3.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	

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cl. 10A

Item	Type of use	\$
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 10 inserted: Gazette 31 May 2019 p. 1764-5.]

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
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	

[Clause 10A inserted: SL 2020/128 r. 9.]

11. Carnarvon Boat Harbour

- (1) This clause applies to the Carnarvon Boat Harbour.

- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	321.40
2.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	293.80
3.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	385.50
4.	For the use, other than casual daily use, of a pile mooring, an amount calculated per metre of the vessel's length using the annual rate of	180.50
5.	For the casual daily use of a pen, alongside berth or pile mooring by a commercial vessel, an amount calculated using standard Rate 1	
6.	For the casual daily use of a pen, alongside berth or pile mooring by a recreational vessel, an amount calculated using standard Rate 2	
7.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 11 inserted: Gazette 31 May 2019 p. 1765-6.]

12. Cervantes

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

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cl. 13

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3

[Clause 12 inserted: Gazette 31 May 2019 p. 1766.]

13. Coral Bay Maritime Facility

- (1) This clause applies to the Coral Bay Maritime Facility.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use
1.	For the use of an alongside berth — <ul style="list-style-type: none">• for short term use by any vessel, an amount calculated using standard Rate 3• for casual daily use by a commercial vessel, an amount calculated using standard Rate 1
2.	For the casual daily use of a pen or alongside berth by a recreational vessel, an amount calculated using standard Rate 2

[Clause 13 inserted: Gazette 31 May 2019 p. 1766-7.]

14. Denham Maritime Facility

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

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	364.10
2.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
3.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 14 inserted: Gazette 31 May 2019 p. 1767.]

15. Esperance, Bandy Creek Boat Harbour

- (1) This clause applies to the Bandy Creek Boat Harbour at Esperance.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	392.00
2.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	272.65
3.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	392.00

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Item	Type of use	\$
4.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2	
5.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 15 inserted: Gazette 31 May 2019 p. 1767-8.]

16. Exmouth

- (1) This clause applies to Exmouth.
- (2) In this clause a reference to a service vessel is a reference to any vessel other than a recreational vessel, Government vessel, tourism vessel or fishing vessel.
- (3) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the pen's length using the annual rate of	554.10
2.	For the use, other than casual daily use, of a fixed pen with a walkway by a service vessel, an amount calculated per metre of the pen's length using the annual rate of	735.30

Item	Type of use	\$
3.	For the use, other than casual daily use, of a fixed alongside berth by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the annual rate of	554.10
4.	For the use, other than casual daily use, of a fixed alongside berth by a service vessel, an amount calculated per metre of the vessel's length using the annual rate of	735.30
5.	For the use, other than casual daily use, of a floating pen with a walkway by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the pen's length using the annual rate of	785.50
6.	For the use, other than casual daily use, of a floating pen with a walkway by a service vessel, an amount calculated per metre of the pen's length using the annual rate of	1 066.00
7.	For the use, other than casual daily use, of a 25 m pen with a walkway by a vessel, an amount calculated per metre of the pen's length using the annual rate of	1 321.60
8.	For the use, other than casual daily use, of a floating alongside berth by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the annual rate of	785.50
9.	For the use, other than casual daily use, of a floating alongside berth by a service vessel, an amount calculated per metre of the vessel's length using the annual rate of	1 066.00

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Item	Type of use	\$
10.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none">• by a Government vessel, tourism vessel or fishing vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2	
11.	For the short term use of an alongside berth on a service jetty by a vessel (other than a service vessel), an amount calculated using standard Rate 3	
12.	For the casual daily use of a pen or alongside berth, other than on a service jetty, by a service vessel, an amount calculated per metre of the vessel's length using the daily rate of	11.95
13.	For the use of a service jetty, other than while refuelling, by a service vessel, an amount calculated per metre of the vessel's length using the 12-hourly rate of	18.40

[Clause 16 inserted: Gazette 31 May 2019 p. 1768-70; amended: SL 2020/96 r. 6(2).]

17. Fremantle Fishing Boat Harbour

- (1) This clause applies to the Fremantle Fishing Boat Harbour.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen without a walkway —	
	• by a commercial vessel, an amount calculated per metre of the pen's length using the annual rate of	406.75
	• by a recreational vessel, an amount calculated per metre of the pen's length using the annual rate of	546.00
2.	For the use, other than casual daily use, of a fixed alongside berth —	
	• by a commercial vessel, an amount calculated per metre of the vessel's length using the annual rate of	441.20
	• by a recreational vessel, an amount calculated per metre of the vessel's length using the annual rate of	588.20
3.	For the use, other than casual daily use, of a floating pen with a walkway by a vessel, an amount calculated per metre of the pen's length using the annual rate of	826.00
4.	For the use, other than casual daily use, of a floating alongside berth by a vessel, an amount calculated per metre of the vessel's length using the annual rate of	826.00
5.	For the casual daily use of a pen or alongside berth —	
	• by a commercial vessel, an amount calculated using standard Rate 1	
	• by a recreational vessel, an amount calculated using standard Rate 2	

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cl. 18

Item	Type of use	\$
6.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 17 inserted: Gazette 31 May 2019 p. 1771-2.]

18. Geraldton, Batavia Coast Boat Harbour

- (1) This clause applies to the Batavia Coast Boat Harbour at Geraldton.
- (2) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a floating pen with a walkway by a vessel, an amount calculated per metre of the pen's length using the annual rate of	706.00
2.	For the use, other than casual daily use, of a floating alongside berth by a vessel, an amount calculated per metre of the vessel's length using the annual rate of	706.00
3.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2	
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 18 inserted: Gazette 31 May 2019 p. 1772-3.]

19. Green Head

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

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3

[Clause 19 inserted: Gazette 31 May 2019 p. 1773.]

20. Hopetoun

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

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3

[Clause 20 inserted: Gazette 31 May 2019 p. 1773-4.]

21. Jurien Boat Harbour

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

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Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	518.50
2.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	560.80
3.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

*[Clause 21 inserted: Gazette 31 May 2019 p. 1774.]***22. Kalbarri Boat Harbour**

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

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	357.50
2.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	357.50

Item	Type of use	\$
3.	For the casual daily use of a pen or alongside berth —	
	<ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
4.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 22 inserted: Gazette 31 May 2019 p. 1774-5.]

23. Lancelin

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

Berthing

Item	Type of use	\$
1.	For the casual daily use of an alongside berth —	
	<ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 23 inserted: Gazette 31 May 2019 p. 1775.]

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cl. 24

24. Leeman

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

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3

[Clause 24 inserted: Gazette 31 May 2019 p. 1776.]

25. Onslow, Beadon Creek Boat Harbour

- (1) This clause applies to the Beadon Creek Boat Harbour at Onslow.
- (2) In this clause a reference to a service vessel is a reference to any vessel other than a recreational vessel, Government vessel, tourism vessel or fishing vessel.
- (3) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a pile mooring by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the annual rate of	330.40

Item	Type of use	\$
2.	For the use, other than casual daily use, of a pile mooring by a service vessel, an amount calculated per metre of the vessel's length using the annual rate of	462.10
3.	For the casual daily use of an alongside berth or pile mooring — <ul style="list-style-type: none"> • by a Government vessel, tourism vessel or fishing vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
4.	For the short term use of a service jetty by a vessel (other than a service vessel), an amount calculated using standard Rate 3	
5.	For the casual daily use of a pile mooring by a service vessel, an amount calculated per metre of the vessel's length using the daily rate of	10.70
6.	For the use, other than casual daily use, of a fixed alongside berth by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the monthly rate of	87.70
7.	For the use, other than casual daily use, of a fixed alongside berth by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the weekly rate of	26.30
8.	For the use of the service jetty by a service vessel, an amount calculated per metre of the vessel's length using the 6-hourly rate of	9.20

[Clause 25 inserted: Gazette 31 May 2019 p. 1776-7; amended: SL 2020/96 r. 6(3).]

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cl. 26

26. Point Samson, Johns Creek Boat Harbour

- (1) This clause applies to the Johns Creek Boat Harbour at Point Samson.
- (2) In this clause a reference to a service vessel is a reference to any vessel other than a recreational vessel, Government vessel, tourism vessel or fishing vessel.
- (3) The berthing dues payable are set out in the Table.

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed alongside berth at a service jetty by a recreational vessel, Government vessel, tourism vessel or fishing vessel, an amount calculated per metre of the vessel's length using the annual rate of	644.80
2.	For the use, other than casual daily use, of a fixed alongside berth at a service jetty by a service vessel, an amount calculated per metre of the vessel's length using the annual rate of	908.60
3.	For the casual daily use of a berth at a service jetty by a Government vessel, tourism vessel or fishing vessel, an amount calculated using standard Rate 1	
4.	For the casual daily use of a service jetty by a recreational vessel, an amount calculated using standard Rate 2	
5.	For the short term use of a berth at a service jetty by a vessel (other than a service vessel), an amount calculated using standard Rate 3	
6.	For the use of a berth at a service jetty by a service vessel, an amount calculated per metre of the vessel's length using the 6-hourly rate of	9.20

- (4) The charges payable under regulation 96 are set out in the Table.

Careening pad

Item	Type of use	\$
1.	For the use of a careening pad by a vessel, an amount per day of —	
	• if the vessel is 15 m or less in length	219.60
	• if the vessel is over 15 m in length	320.60

[Clause 26 inserted: Gazette 31 May 2019 p. 1778-9; amended: SL 2020/96 r. 6(4) and (5).]

27. Port Denison

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

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	368.75
2.	For the casual daily use of an alongside berth by a commercial vessel, an amount calculated using standard Rate 1	
3.	For the casual daily use of a pen or alongside berth by a recreational vessel, an amount calculated using standard Rate 2	
4.	For the short term use of a service jetty by a vessel for which neither a swing mooring fee nor charge in item 1 has been paid, an amount calculated using standard Rate 3	

[Clause 27 inserted: Gazette 31 May 2019 p. 1779.]

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Schedule 1 Dues and charges generally

Division 2 Dues and charges for specified places

cl. 28

28. Port Gregory

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

Berthing

Item	Type of use
1.	For the casual daily use of an alongside berth — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2
2.	For the short term use of a service jetty, an amount calculated using standard Rate 3

[Clause 28 inserted: Gazette 31 May 2019 p. 1779-80.]

29. Two Rocks Marina

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

Berthing

Item	Type of use	\$
1.	For the use, other than casual daily use, of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	532.80
2.	For the use, other than casual daily use, of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	520.20
3.	For the use, other than casual daily use, of a floating pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	699.50

Item	Type of use	\$
4.	For the use, other than casual daily use, of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	532.80
5.	For the use, other than casual daily use, of a floating alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	699.50
6.	For the casual daily use of a pen or alongside berth — <ul style="list-style-type: none"> • by a commercial vessel, an amount calculated using standard Rate 1 • by a recreational vessel, an amount calculated using standard Rate 2 	
7.	For the short term use of a service jetty, an amount calculated using standard Rate 3	

[Clause 29 inserted: Gazette 31 May 2019 p. 1780-1.]

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

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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

Item	Goods	\$
	• 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
	• 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

Jetties Regulations 1940**Schedule 1** Dues and charges generally**Division 2** Dues and charges for specified places**cl. 30**

Item	Goods	Dues
	<ul style="list-style-type: none">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 —	
	<ul style="list-style-type: none">for first 2 weeks, per tonne, per cubic metre, per week	0.78
	<ul style="list-style-type: none">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 —	
	<ul style="list-style-type: none">for not over 10 t	15.03
	<ul style="list-style-type: none">for over 10 t but not over 30 t	17.13
	<ul style="list-style-type: none">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

[Clause 30 inserted: SL 2020/96 r. 6(6).]

Division 3 — State-wide charges

[Heading inserted: SL 2020/96 r. 6(7).]

31. Wyndham excluded

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

[Clause 31 inserted: SL 2020/96 r. 6(7).]

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

[Clause 32 inserted: SL 2020/96 r. 6(7).]

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cl. 33

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

[Clause 33 inserted: SL 2020/96 r. 6(7).]

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

[Clause 34 inserted: SL 2020/96 r. 6(7).]

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

Jetties Regulations 1940

Schedule 1 Dues and charges generally

Division 3 State-wide charges

cl. 38

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.

[Clause 38 inserted: SL 2020/96 r. 6(7).]

Schedule 2 — Fuel oil wharfage

[r. 11B(2)]

[Heading inserted: SL 2020/96 r. 7.]

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

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Schedule 2 Fuel oil wharfage

cl. 1

Item	Place	\$/L
17.	Jurien	0.06
18.	Kalbarri	0.06
19.	Lancelin	0.06
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

[Schedule 2 inserted: SL 2020/96 r. 7.]

Schedule 3 — Port of Perth charges

[r. 72(3) and 78A]

[Heading inserted: Gazette 31 May 2019 p. 1789.]

Division 1 — Preliminary matters

[Heading inserted: SL 2020/96 r. 8.]

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.

[Clause 1 inserted: SL 2020/96 r. 8.]

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.

[Clause 2 inserted: SL 2020/96 r. 8.]

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

Jetties Regulations 1940

Schedule 3 Port of Perth charges

Division 1 Preliminary matters

cl. 4

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).
- (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.

[Clause 3 inserted: SL 2020/96 r. 8; amended: SL 2020/128 r. 10.]

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.

[Clause 4 inserted: SL 2020/96 r. 8.]

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.

[Clause 5 inserted: SL 2020/96 r. 8.]

Division 2 — Charges for jetties on Swan and Canning Rivers

[Heading inserted: SL 2020/96 r. 8.]

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 <u>689.20</u> and the result of the following calculation — <ul style="list-style-type: none"> • \$66.85<u>65.55</u> 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<u>439.70</u> and \$478.25<u>468.85</u> per metre of the vessel’s length; or ◦ for a vessel 35 m long or over, \$765<u>750.30</u> per metre of the vessel’s length • minus — \$6 695.50<u>564.25</u> |
| (3) | The charge payable under regulation 78A for the removal of sullage from a vessel is set out in the Table. |

Sullage removal

Item	Service	\$
1.	For removal of sullage (per pump out)	95.60
(4)	Subclause (3) does not apply if the charge referred to in subclause (2) has been paid in respect of the vessel.	

[Clause 6 inserted: SL 2020/96 r. 88; amended: SL 2020/238 r. 4.]

Jetties Regulations 1940

Schedule 3 Port of Perth charges

Division 3 Charges for other places

cl. 7

7. Other jetties on Swan and Canning Rivers

- (1) This clause applies to jetties on the Swan and Canning Rivers, other than at Barrack Street or 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 short term use by a vessel, an amount calculated using standard Rate 3

[Clause 7 inserted: SL 2020/96 r. 8.]

Division 3 — Charges for other places

[Heading inserted: Gazette 31 May 2019 p. 1792.]

8. Fremantle, Challenger Boat Harbour

- (1) This clause applies to the Challenger Boat Harbour at Fremantle.
- (2) The charges payable under regulation 72 for a permit to use a pen or alongside berth are set out in the Table.

Pen and berth permits

Item	Type of use	\$
1.	For the use of a fixed pen with a walkway, an amount calculated per metre of the pen's length using the annual rate of	660.80
2.	For the use of a fixed pen without a walkway, an amount calculated per metre of the pen's length using the annual rate of	578.20
3.	For the use of a fixed alongside berth, an amount calculated per metre of the vessel's length using the annual rate of	660.80

Jetties Regulations 1940

Schedule 3 Port of Perth charges

Division 3 Charges for other places

cl. 10

10. Jervoise Bay

- (1) This clause applies to Jervoise Bay.
- (2) The charges payable under regulation 72 for a permit to use a pile mooring are set out in the Table.

Mooring permits

Item	Type of use	\$
1.	For the use, other than casual daily use, of a pile mooring, an amount calculated per metre of the vessel's length using the annual rate of	214.50
2.	For the casual daily use of a pile mooring — <ul style="list-style-type: none">• by a commercial vessel, an amount calculated using standard Rate 1• by a recreational vessel, an amount calculated using standard Rate 2	

[Clause 10 inserted: Gazette 31 May 2019 p. 1794.]

Schedule 4 — Forms

[r. 95A(2)]

[Heading inserted: Gazette 25 May 2018 p. 1709.]

[Forms 1 and 2 deleted: Gazette 24 Nov 1972 p. 4491.]

Form 3

Western Australia

Department of Marine and Harbours⁷

Jetties Act 1926

APPLICATION FOR USE OF SLIPWAY

The Harbour Master or Officer in Charge,

..... Slipway

Application is hereby made for the use of slipway for the purpose of slipping
....., the particulars of which are: —

Length overall metres

Beam (extreme) metres

Draught — Forward metres

— Aft metres

Deadweight tonnes

Gross tonnage tons

Particulars of keel or any peculiarity in construction to be given here

.....

.....

Date slip required 20..... Time a.m./p.m.

Date launching required 20..... Time a.m./p.m.

State work to be done when vessel is on slip

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I hereby agree that in the event of the use of the slip being granted, I shall
accept and be bound by the conditions and scale of charges prescribed in the
*Jetties Regulations 1940*⁸.

Date

Master or Owner

Form 3

THE TREASURY CASHIER,

The above vessel occupied the slip from a.m./p.m.
on to a.m./p.m. on
The charge payable is \$ Details are shown on Docket
No.

.....
Officer in Charge of Slip

*[Form 3 inserted: Gazette 6 Jul 1984 p. 2029; amended: Gazette
25 Jul 2014 p. 2661.]*

*[Schedule 4, formerly Schedule 3, amended: Gazette 24 Nov 1972
p. 4491; 6 Jul 1984 p. 2029; 25 Jul 2014 p. 2661, renumbered as
Schedule 4: Gazette 25 May 2018 p. 1709.]*



Notes

This is a compilation of the *Jetties Regulations 1940* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Jetties Act Regulations 1940</i> ^{9,10}	6 Sep 1940 p. 1622-40	6 Sep 1940 (see direction preceding regulations in <i>Gazette</i> 6 Sep 1940 p. 1622)
Untitled regulations	1 Aug 1941 p. 1073	1 Aug 1941
Untitled regulations	5 Sep 1941 p. 1244	5 Sep 1941
Untitled regulations	21 Jan 1944 p. 26	21 Jan 1944
Untitled regulations	10 Mar 1944 p. 154	10 Mar 1944
Untitled regulations	20 Oct 1944 p. 893	20 Oct 1944
Untitled regulations	11 Jan 1946 p. 13	11 Jan 1946
Untitled regulations	3 Jan 1947 p. 7	3 Jan 1947
Untitled regulations	31 Jan 1947 p. 182	31 Jan 1947
Untitled regulations	23 May 1947 p. 885	23 May 1947
Untitled regulations	29 Oct 1948 p. 2579	29 Oct 1948
Untitled regulations	31 Dec 1948 p. 3114	31 Dec 1948
Untitled regulations	3 Nov 1950 p. 2461	3 Nov 1950
Untitled regulations	2 Mar 1951 p. 470	2 Mar 1951
Untitled regulations	28 Sep 1951 p. 2575	28 Sep 1951

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Notes Compilation table

Citation	Published	Commencement
Untitled regulations	2 Nov 1951 p. 3021	2 Nov 1951
Untitled regulations	2 May 1952 p. 1106	2 May 1952
Untitled regulations	30 May 1952 p. 1335	30 May 1952
Untitled regulations	5 Dec 1952 p. 2867	5 Dec 1952
Untitled regulations	22 May 1953 p. 987	22 May 1953
Untitled regulations	23 Jul 1954 p. 1291	23 Jul 1954
Untitled regulations	19 Jul 1956 p. 1781	19 Jul 1956
Untitled regulations	16 Apr 1957 p. 1127	16 Apr 1957
Untitled regulations	12 Jul 1957 p. 2269-78	12 Jul 1957
Untitled regulations	17 Mar 1960 p. 777-92	17 Mar 1960
Untitled regulations	28 Sep 1960 p. 2987-8	28 Sep 1960
Reprint of the <i>Jetties Act Regulations 1940</i> authorised 21 Jul 1961 in <i>Gazette</i> 1 Aug 1961 p. 2323-68 (includes amendments listed above)		
Untitled regulations	26 Oct 1962 p. 3482-3	26 Oct 1962
Untitled regulations	20 Dec 1962 p. 4054	20 Dec 1962
Untitled regulations	7 Feb 1963 p. 570	7 Feb 1963
Untitled regulations	16 Sep 1963 p. 2828-31	16 Sep 1963
Untitled regulations	23 Jun 1964 p. 2500	23 Jun 1964
Untitled regulations	11 Aug 1964 p. 2880	11 Aug 1964
Untitled regulations	9 Dec 1964 p. 3907	9 Dec 1964

Citation	Published	Commencement
Untitled regulations	8 Feb 1965 p. 467	8 Feb 1965
Untitled regulations	12 May 1965 p. 1464	12 May 1965
Untitled regulations	26 May 1965 p. 1614	26 May 1965
Untitled regulations	10 Jun 1965 p. 1726	10 Jun 1965
Untitled regulations	1 Sep 1965 p. 2590-6	1 Sep 1965
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
Untitled regulations	17 Mar 1966 p. 731	17 Mar 1966
Untitled regulations	14 Apr 1966 p. 918	14 Apr 1966
Untitled regulations	4 Jun 1968 p. 1684-93	4 Jun 1968
Untitled regulations	30 Dec 1968 p. 3949	30 Dec 1968
Untitled regulations	24 Nov 1972 p. 4486-91	24 Nov 1972
Untitled regulations	15 Jun 1973 p. 2237-42 (erratum 13 Dec 1974 p. 5544)	1 Jul 1973
Untitled regulations	19 Oct 1973 p. 3818-19	19 Oct 1973
Untitled regulations	9 Nov 1973 p. 4192	9 Nov 1973
Reprint of the <i>Jetties Act Regulations 1940</i> authorised 29 Nov 1974 in <i>Gazette</i> 10 Dec 1974 p. 5291-318 (includes amendments listed above)		
Untitled regulations	22 Aug 1975 p. 3040-3	22 Aug 1975
Untitled regulations	20 Feb 1976 p. 484-7	20 Feb 1976

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Citation	Published	Commencement
Untitled regulations	17 Sep 1976 p. 3463	17 Sep 1976
Untitled regulations	13 Jan 1978 p. 149-52	13 Feb 1978
Untitled regulations r. 6 and 7	31 Mar 1978 p. 989-90	31 Mar 1978
Untitled regulations	1 Dec 1978 p. 4537-41	1 Jan 1979
Untitled regulations	13 Jul 1979 p. 1915-16	13 Aug 1979
Untitled regulations	2 Nov 1979 p. 3467	2 Nov 1979
Untitled regulations	20 Jun 1980 p. 1834-8	1 Jul 1980 (see r. 2)
<i>Jetties Act Amendment Regulations 1980</i>	28 Nov 1980 p. 4050	28 Nov 1980
<i>Jetties Act Amendment Regulations 1981</i>	6 Feb 1981 p. 555	6 Feb 1981
<i>Jetties Act Amendment Regulations (No. 2) 1981</i>	26 Jun 1981 p. 2410-11	1 Jul 1981 (see r. 2)
<i>Jetties Act Amendment Regulations (No. 3) 1981</i>	26 Jun 1981 p. 2413 (erratum 16 Oct 1981 p. 4337)	1 Jul 1981 (see r. 2)
<i>Jetties Act Amendment Regulations (No. 4) 1981</i>	14 Aug 1981 p. 3340	14 Aug 1981
<i>Jetties Act Amendment Regulations 1982</i>	9 Jul 1982 p. 2509-11	9 Jul 1982
<i>Jetties Act Amendment Regulations 1983</i>	5 Aug 1983 p. 2834-6	5 Aug 1983
<i>Jetties Act Amendment Regulations (No. 2) 1983</i>	23 Sep 1983 p. 3817	1 Oct 1983 (see r. 2)
<i>Jetties Act Amendment Regulations (No. 3) 1983</i>	25 Nov 1983 p. 4669-70	25 Nov 1983
<i>Jetties Act Amendment Regulations 1984</i>	6 Jul 1984 p. 2028-9	6 Jul 1984
<i>Jetties Act Amendment Regulations (No. 2) 1984</i>	7 Sep 1984 p. 2859	7 Sep 1984

Citation	Published	Commencement
<i>Jetties Act Amendment Regulations 1985</i>	30 Aug 1985 p. 3077-9	2 Sep 1985 (see r. 3)
<i>Jetties Amendment Regulations 1986</i>	8 Aug 1986 p. 2828-30	8 Aug 1986
<i>Jetties Amendment Regulations 1987</i>	16 Oct 1987 p. 3893-5	16 Oct 1987
<i>Jetties Amendment Regulations 1988</i>	14 Oct 1988 p. 4164-6	14 Oct 1988
<i>Jetties Amendment Regulations 1989</i>	19 May 1989 p. 1493-6	19 May 1989
<i>Jetties Amendment Regulations (No. 2) 1989</i>	30 Jun 1989 p. 1917-20	1 Jul 1989 (see r. 2)
<i>Jetties Amendment Regulations 1990</i>	1 Aug 1990 p. 3633-40	1 Aug 1990 (see r. 2)
Reprint of the <i>Jetties Act Regulations 1940</i> as at 29 Nov 1990 in <i>Gazette</i> 13 Dec 1990 p. 6069-116 (includes amendments listed above)		
<i>Jetties Amendment Regulations 1991</i>	26 Jul 1991 p. 3920-4	1 Aug 1991 (see r. 2)
<i>Jetties Amendment Regulations 1992</i>	30 Jun 1992 p. 2892-9	1 Jul 1992 (see r. 2)
<i>Jetties Amendment Regulations 1993</i>	7 May 1993 p. 2361	7 May 1993
<i>Jetties Amendment Regulations (No. 2) 1993</i>	29 Jun 1993 p. 3191-7	1 Jul 1993 (see r. 2)
<i>Jetties Amendment Regulations 1994</i>	14 Jun 1994 p. 2475-82	1 Jul 1994 (see r. 2)
<i>Jetties Amendment Regulations 1995</i>	30 Jun 1995 p. 2698-705	1 Jul 1995 (see r. 2)
<i>Jetties Amendment Regulations 1996</i>	25 Jun 1996 p. 2981-91	1 Jul 1996 (see r. 2)
<i>Jetties Amendment Regulations 1997</i>	13 May 1997 p. 2349	13 May 1997
<i>Jetties Amendment Regulations (No. 2) 1997</i>	27 Jun 1997 p. 3151-64	1 Jul 1997 (see r. 2)
<i>Miscellaneous Amendments Regulations 1997 r. 2</i>	6 Jan 1998 p. 33	6 Jan 1998
<i>Jetties Amendment Regulations 1998</i>	12 May 1998 p. 2775-90	1 Jul 1998 (see r. 2)

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Notes Compilation table

Citation	Published	Commencement
<i>Jetties Amendment Regulations 1999</i>	22 Jun 1999 p. 2678-89	1 Jul 1999 (see r. 2)
Reprint of the Jetties Act Regulations 1940 as at 10 Dec 1999 (includes amendments listed above)		
<i>Jetties Amendment Regulations 2000</i>	20 Jun 2000 p. 3043-60	1 Jul 2000 (see r. 2)
<i>Jetties Amendment Regulations (No. 2) 2000</i>	18 Aug 2000 p. 4790	18 Aug 2000
<i>Jetties Amendment Regulations 2001</i>	27 Jul 2001 p. 3813-28	1 Aug 2001 (see r. 2)
<i>Jetties Amendment Regulations 2002</i>	14 Jun 2002 p. 2299-300	14 Jun 2002
<i>Jetties Amendment Regulations (No. 2) 2002</i>	14 Jun 2002 p. 2301-18	1 Jul 2002 (see r. 2)
<i>Jetties Amendment Regulations 2003</i>	27 Jun 2003 p. 2502-19	1 Jul 2003 (see r. 2)
<i>Jetties Amendment Regulations (No. 2) 2004</i>	25 Jun 2004 p. 2270-87	1 Jul 2004 (see r. 2)
<i>Jetties Amendment Regulations (No. 3) 2004</i>	24 Aug 2004 p. 3658-9	24 Aug 2004
<i>Jetties Amendment Regulations 2004</i>	30 Dec 2004 p. 6953	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Reprint 5: The Jetties Regulations 1940 as at 15 Apr 2005 (includes amendments listed above)		
<i>Jetties Amendment Regulations (No. 2) 2005</i>	24 Jun 2005 p. 2813-47	1 Jul 2005 (see r. 2)
<i>Jetties Amendment Regulations 2006</i>	23 Jun 2006 p. 2193-204	1 Jul 2006 (see r. 2)
<i>Jetties Amendment Regulations 2007</i>	22 Jun 2007 p. 2903-40	r. 1 and 2: 22 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)(ii))
Reprint 6: The Jetties Regulations 1940 as at 9 Nov 2007 (includes amendments listed above)		
<i>Jetties Amendment Regulations (No. 2) 2007</i>	7 Dec 2007 p. 5983-4	r. 1 and 2: 7 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2007 (see r. 2(b))

Citation	Published	Commencement
<i>Jetties Amendment Regulations 2008</i>	8 Feb 2008 p. 314-15	r. 1 and 2: 8 Feb 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Feb 2008 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2008</i>	1 Jul 2008 p. 3140-53	r. 1 and 2: 1 Jul 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Reprint 7: The Jetties Regulations 1940 as at 13 Feb 2009 (includes amendments listed above)		
<i>Jetties Amendment Regulations 2009</i>	23 Jun 2009 p. 2490-1	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jun 2009 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2009</i>	31 Jul 2009 p. 3071-97	r. 1 and 2: 31 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2009 (see r. 2(b))
<i>Jetties Amendment Regulations 2010</i>	16 Jul 2010 p. 3309-54	r. 1 and 2: 16 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jul 2010 (see r. 2(b))
<i>Jetties Amendment Regulations 2011</i>	21 Jun 2011 p. 2265-303	r. 1 and 2: 21 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Jetties Amendment Regulations 2012</i>	13 Jul 2012 p. 3173-214	r. 1 and 2: 13 Jul 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jul 2012 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2012</i>	23 Oct 2012 p. 5057	r. 1 and 2: 23 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Oct 2012 (see r. 2(b))
<i>Jetties Amendment Regulations 2013</i>	7 May 2013 p. 1918-23	r. 1 and 2: 7 May 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 8 May 2013 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2013</i>	28 Jun 2013 p. 2831-85	r. 1 and 2: 28 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))

Citation	Published	Commencement
Reprint 8: The Jetties Regulations 1940 as at 11 Oct 2013 (includes amendments listed above)		
<i>Jetties Amendment Regulations 2014</i>	7 Feb 2014 p. 287-9	r. 1 and 2: 7 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Feb 2014 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2014</i> ¹¹	25 Jul 2014 p. 2607-61	r. 1 and 2: 25 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2014 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 4) 2014</i>	4 Nov 2014 p. 4204-5	r. 1 and 2: 4 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Nov 2014 (see r. 2(b))
<i>Jetties Amendment Regulations 2015</i>	22 Jul 2015 p. 2951-95	r. 1 and 2: 22 Jul 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2015 (see r. 2(b))
Reprint 9: The Jetties Regulations 1940 as at 5 Feb 2016 (includes amendments listed above)		
<i>Jetties Amendment Regulations 2016</i>	5 Apr 2016 p. 1022-5	r. 1 and 2: 5 Apr 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Apr 2016 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2016</i>	15 Apr 2016 p. 1172-81	r. 1 and 2: 15 Apr 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2016 (see r. 2(b))
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 3) 2016 Pt. 2</i>	23 Dec 2016 p. 5913-15	24 Dec 2016 (see r. 2(b))
<i>Jetties Amendment Regulations 2017</i>	26 May 2017 p. 2623-32	r. 1 and 2: 26 May 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2017 (see r. 2(b))
<i>Jetties Amendment Regulations 2018</i>	20 Mar 2018 p. 994-6	r. 1 and 2: 20 Mar 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Mar 2018 (see r. 2(b))

Citation	Published	Commencement
<i>Jetties Amendment Regulations (No. 2) 2018</i>	25 May 2018 p. 1669-709	r. 1 and 2: 25 May 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2019</i>	31 May 2019 p. 1755-94	r. 1 and 2: 31 May 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2019 (see r. 2(b))
<i>Jetties Amendment Regulations (No. 2) 2020</i>	SL 2020/96 26 Jun 2020	r. 1 and 2: 26 Jun 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2020 (see r. 2(b))
<i>Jetties Amendment Regulations 2020</i>	SL 2020/128 31 Jul 2020	r. 1 and 2: 31 Jul 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2020 (see r. 2(b))
<u><i>Jetties Amendment Regulations (No. 4) 2020</i></u>	<u>SL 2020/238</u> <u>4 Dec 2020</u>	<u>r. 1 and 2: 4 Dec 2020</u> <u>(see r. 2(a));</u> <u>Regulations other than r. 1 and 2:</u> <u>5 Dec 2020 (see r. 2(b))</u>

Other notes

- ¹ Footnote no longer applicable.
- ² The *Consumer Credit (Western Australia) Code* was repealed by the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010* Pt. 3 Div. 1.
- ³ The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.
- ⁴ Under the *Alteration of Statutory Designations Order (No. 2) 1997* a reference in any law to the department in the Public Service designated as “Police Department” is to be read and construed as a reference to the department designated as “Police Service”.
- ⁵ Formerly referred to the *Navigable Waters Regulations* the citation of which was changed to the *Navigable Waters Regulations 1958* by the *Navigable Waters Amendment Regulations (No. 2) 2005* r. 3. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ⁶ Repealed by the *Explosives and Dangerous Goods Act 1961*, which was repealed by the *Dangerous Goods Safety Act 2004*.

- ⁷ Under the *Marine and Harbours Act 1981* s. 20 a reference in a written law to the former Department of Marine and Harbours is, unless the contrary intention appears, to be read and construed as a reference to the department principally assisting the Minister in the administration of that Act. As at the date this compilation was prepared the department principally assisting the Minister in the administration of the *Marine and Harbours Act 1981* is the Department of Transport.
- ⁸ Formerly referred to the *Jetties Act Regulations 1940* the citation of which was changed to the *Jetties Regulations 1940* by the *Jetties Amendment Regulations (No. 3) 2004* r. 3. Reference changed under the *Reprints Act 1984* s. 7(3)(gb).
- ⁹ Now known as the *Jetties Regulations 1940*; citation changed (see note under r. 1).
- ¹⁰ Regulation 10 disallowed on 19 Oct 1940.
- ¹¹ The *Jetties Amendment Regulations (No. 2) 2014* r. 17 is not included because of an error in the reference to the provision to be amended. It reads as follows:

17. Regulation 95A amended

In regulation 95A(1) delete “schedule of charges.” and insert:

the requirement to pay any applicable dues or charges prescribed in Schedule 1.