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Port Authorities Act 1999

## **Port Authorities Amendment Regulations (No. 2) 2014**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Port Authorities Amendment Regulations (No. 2) 2014*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) the rest of the regulations —
  - (i) if gazettal day is before 1 July 2014 — on 1 July 2014; or
  - (ii) if gazettal day is, or is after, 1 July 2014 — on the day after gazettal day.

### **3. Regulations amended**

These regulations amend the *Port Authorities Regulations 2001*.

**4. Regulation 3 amended**

In regulation 3 in the definition of *port authority delete* “established for” and insert:

that controls and manages

**5. Regulation 27 amended**

In regulation 27(a) after “licence” insert:

in relation to that port

**6. Regulation 28 amended**

(1) In regulation 28(2) after “licence” insert:

in relation to that port

(2) Delete regulation 28(4) and insert:

(4) The fees referred to in subregulations (1) and (3)(a) are not payable by a person in relation to —

- (a) an application for a pilotage provider’s licence in relation to the Port of Ashburton or the Port of Dampier that is made to the Pilbara Ports Authority; or
- (b) a pilotage provider’s licence in relation to the Port of Ashburton or the Port of Dampier issued by the Pilbara Ports Authority.

**7. Part 3 Division 5 deleted**

Delete Part 3 Division 5.

**8. Regulation 121 replaced**

Delete regulation 121 and insert:

**121. Provisions for particular ports and port authorities**

(1) If a Division of Schedule 1 applies to a port and a port authority, the provisions of that Division have effect in relation to —

- (a) that port; and
- (b) that port authority’s control and management of that port.

- (2) The provisions referred to in subregulation (1) have effect even though they override, are inconsistent with or are additional to other provisions of these regulations.
- (3) A provision of these regulations mentioned in the Table does not apply to —
- (a) the Port of Ashburton; or
  - (b) the Port of Dampier; or
  - (c) the Pilbara Ports Authority's control and management of the ports referred to in paragraphs (a) and (b).

**Table**

regulation 5	regulation 7
regulation 8	regulation 10
regulation 13	regulation 15
regulation 17	regulation 18
regulation 19	regulation 32
regulation 33	regulation 60
regulation 61	regulation 62
regulation 66	regulation 67
regulation 70	regulation 72
regulation 73	regulation 74
regulation 77	regulation 78
regulation 79	regulation 83
regulation 84	regulation 85
regulation 86	regulation 87
regulation 89	regulation 90
regulation 91	regulation 93
regulation 94	regulation 95
regulation 96	regulation 97
regulation 98	regulation 103
regulation 104	regulation 105
regulation 106	regulation 114
regulation 119	

- (4) Subregulation (3) does not limit the application of subregulation (1) to Schedule 1 Division 4.

**9. Schedule 1 amended**

- (1) Delete the heading to Schedule 1 and insert:

**Schedule 1 — Provisions for particular ports and  
port authorities**

- (2) Delete the heading to Schedule 1 Division 1 and insert:

**Division 1 — Port of Albany**

- (3) Delete the heading to Schedule 1 Division 2 and insert:

**Division 2 — Port of Broome**

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

**6. Application of this Division**

This Division applies to the Port of Broome and the  
Kimberley Ports Authority.

- (5) In Schedule 1 clause 26(1) delete “authority.” and insert:

authority in the port.

- (6) In Schedule 1 clause 28(1) delete “authority,” and insert:

authority in the port,

- (7) Delete Schedule 1 clause 29 and insert:

**29. Unauthorised entry of closed areas of port**

Unless authorised by the harbour master, a person must not enter any of the following in the port that is closed by the port authority and designated by notices or signs erected by the port authority as being closed —

- (a) an area of the port;
- (b) a port facility;
- (c) a wharf, or an area of a wharf, operated by the port authority.

Penalty: a fine of \$2 000.

- (8) Delete the heading to Schedule 1 Division 3 and insert:

**Division 3 — Port of Bunbury**

- (9) Delete the heading to Schedule 1 Division 4 and insert:

**Division 4 — Port of Ashburton and Port of Dampier**

- (10) Delete Schedule 1 clause 35 and insert:

**35. Application of this Division**

This Division applies to the Port of Ashburton, the Port of Dampier and the Pilbara Ports Authority.

- (11) Delete Schedule 1 clause 38(1) and insert:

- (1) In this clause —

*boating safety exclusion zone* means the areas shaded in red on the map bearing the logo of the Pilbara Ports Authority, or the Dampier Port Authority, and titled “Boating Safety Exclusion Zone” held at the offices of the Pilbara Ports Authority and accessible on the website of the Pilbara Ports Authority.

- (12) In Schedule 1 clause 62(1) delete “authority.” and insert:

authority in the port.

- (13) In Schedule 1 clause 63(1) delete “authority,” and insert:

authority in the port,

- (14) Delete Schedule 1 clause 64 and insert:

**64. Unauthorised entry of closed areas of port**

Unless authorised by the harbour master, a person must not enter any of the following in the port that is closed by the port authority and designated by notices or signs erected by the port authority as being closed —

- (a) an area of the port;
- (b) a port facility;

- (c) a wharf, or an area of a wharf, operated by the port authority.

Penalty: a fine of \$2 000.

- (15) Delete the heading to Schedule 1 Division 4A and insert:

**Division 4A — Port of Esperance**

- (16) Delete the heading to Schedule 1 Division 5 and insert:

**Division 5 — Port of Fremantle**

- (17) In Schedule 1 clause 66 delete “Division and in Schedule 2 Division 4 —” and insert:

Division —

- (18) Delete the heading to Schedule 1 Division 6 and insert:

**Division 6 — Port of Geraldton**

- (19) Delete Schedule 1 clause 102 and insert:

**102. Application of this Division**

This Division applies to the Port of Geraldton and the Mid West Ports Authority.

- (20) In Schedule 1 clause 103(2) delete “Geraldton Port Authority” and insert:

Mid West Ports Authority

- (21) Delete the heading to Schedule 1 Division 7 and insert:

**Division 7 — Port of Port Hedland**

- (22) Delete Schedule 1 clause 107 and insert:

**107. Application of this Division**

This Division applies to the Port of Port Hedland and the Pilbara Ports Authority.

**10. Schedule 2 deleted**

Delete Schedule 2.

**11. Schedule 3 amended**

- (1) In Schedule 3 delete “**Dampier Port Authority**” and insert:

**Port of Ashburton and Port of Dampier**

- (2) In Schedule 3 delete “**Esperance Port Authority**” and insert:

**Port of Esperance**

- (3) In Schedule 3 delete “**Fremantle Port Authority**” and insert:

**Port of Fremantle**

N. HAGLEY, Clerk of the Executive Council.