

PORT AUTHORITIES

PH301

FREMANTLE PORT AUTHORITY ACT 1902**PORTS (FUNCTIONS) ACT 1993****FREMANTLE PORT AUTHORITY AMENDMENT REGULATIONS 1996**

Made by the Fremantle Port Authority and approved by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fremantle Port Authority Amendment Regulations 1996*.

Principal regulations

2. In these regulations the *Fremantle Port Authority Regulations 1971** are referred to as the principal regulations.

[* *Reprinted as at 9 August 1989.*
For amendments to 7 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 101-7.]

Regulation 43 amended

3. Regulation 43 of the principal regulations is amended by deleting the portion of the regulation that begins "24 hours of the departure" to the end of the regulation and substituting the following —

" the period specified by the Port Authority. "

Regulations 99A, 99B, 99C, 99D and 99E inserted

4. After regulation 99 of the principal regulations the following regulations are inserted —

"

Eligibility to be approved as a pilot for the Port

99A. A person cannot be approved by the Port Authority under section 16 of the *Ports (Functions) Act 1993* as a pilot for the Port unless the person —

- (a) has produced to the Port Authority —
 - (i) a current medical certificate providing evidence of the person's health; and

- (ii) a current certificate of visual acuity as required for seagoing masters by the Department of Transport and Communications of the Commonwealth or the State marine department;
- (b) has satisfied the Port Authority, in a written examination, that the person has an adequate knowledge of those matters considered by the Port Authority to be necessary for the safe navigation of vessels into and out of the Port; and
- (c) has satisfied the Port Authority in relation to any other matters concerning the competency of the person to perform the duties of a pilot for the Port that the Port Authority specifies in writing.

Approval may be unconditional or subject to certain conditions, and requirements for retaining unconditional approval

99B. (1) When the Port Authority approves a person as a pilot for the Port, the Port Authority may approve the person —

- (a) unconditionally; or
- (b) subject to conditions relating to sizes or types of vessels, or areas of the Port, that the Port Authority specifies in writing.

(2) If a person is approved unconditionally as a pilot for the Port, the person shall, in order to retain unconditional approval, perform the duties of a pilot for the Port —

- (a) on vessels of the sizes and types;
- (b) on the number of occasions; and
- (c) in the circumstances,

that the Port Authority specifies in writing.

(3) If a person fails to meet the requirements that the Port Authority specifies under subregulation (2), the Port Authority —

- (a) may impose conditions on the approval of the person relating to sizes or types of vessels, or areas of the Port, that the Port Authority specifies in writing; or
- (b) may revoke the approval of the person under regulation 99E.

Approval continues for specified period unless sooner revoked

99C. Approval of a person as a pilot for the Port continues for the period that the Port Authority specifies in writing when the person is approved, unless the Port Authority sooner revokes the approval of the person under regulation 99E.

Certain requirements apply to person approved during period of approval

99D. During the period that a person is approved as a pilot for the Port, the person —

- (a) shall produce to the Port Authority certificates as referred to in regulation 99A (a) every 2 years after the date when the person is approved; and

- (b) shall satisfy the Port Authority as to his or her continuing competency to perform the duties of a pilot for the Port —
- (i) at the expiry of every period of not more than 5 years after the date when the person is approved; and
- (ii) in the manner,
- that the Port Authority specifies in writing.

Port Authority may revoke approval at any time

99E. The Port Authority may at any time, in writing, revoke the approval of a person as a pilot for the Port.

Regulation 183 amended

- 5** (1) Regulation 183 (1) of the principal regulations is amended —
- (a) by deleting “otherwise provided,” and substituting the following —
- “ subregulation (2) applies, ”; and
- (b) by deleting “charges.” and substituting the following —
- “ at the appropriate rate in regulation 185 (1). ”
- (2) Regulation 183 (4) is repealed and the following subregulations are substituted —
- “
- (2) Goods referred to in subregulation (1) that are placed in a shed at a common user berth become immediately liable to storage charges at the appropriate rate in regulation 185 (1).
- (3) In subregulation (2) —
- “**common user berth**” means a berth at the Port other than a berth of or to which a person is given exclusive use or other exclusive rights under a contract with the Port Authority.
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Passed by a resolution of the Fremantle Port Authority at a meeting of the authority held on 11 June 1996.

The Common Seal of the Fremantle Port Authority was at the time of the abovementioned resolution affixed by order and in the presence of—

J. K. HORWOOD, Commissioner.
E. E. STRAHAN, Commissioner.
ALEC MEYER, Secretary.

Approved by His Excellency the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.