

TR302

ESPERANCE PORT AUTHORITY ACT 1968

ESPERANCE PORT AUTHORITY AMENDMENT REGULATIONS
(NO. 2) 1993

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

Citation

1. These regulations may be cited as the *Esperance Port Authority Amendment Regulations (No. 2) 1993*.

Principal regulations

2. In these regulations the *Esperance Port Authority Regulations 1969** are referred to as the principal regulations.

[* Reprinted as at 2 January 1991.

For amendments to 21 July 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 68-9.]

Regulation 1 amended

3. Regulation 1 of the principal regulations is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“pilot” means a person appointed by the Governor under the *Shipping and Pilotage Act 1967*, and engaged by the Port Authority, to be a pilot at the Port;

”

“

“pilotage services” means the services provided by a pilot at the Port;

”

Part III amended

4. Part III of the principal regulations is amended by inserting after Division 2 the following Division —

“

Division 2A — Pilotage

Vessels exempt from pilotage

37A. For the purposes of section 31 (1) of the Act, pilotage is not compulsory within the boundaries of the Port for —

- (a) a vessel of less than 150 gross registered tons; or
- (b) an Australian vessel of war.

Pilotage dues

37B. The master and owner of a vessel for which pilotage services are obtained are jointly and severally liable to pay to the Port Authority the pilotage dues set out in Part A of the Fourth Schedule that are appropriate to the gross registered tonnage of the vessel and the nature of the pilotage services obtained.

Dues payable if pilot detained

37C. (1) If the services of a pilot are arranged for a vessel and the pilot is for any reason detained for any time beyond that reasonably required to provide pilotage services for the vessel, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the pilot detention dues set out in Part B of the Fourth Schedule.

(2) Without limiting the generality of subregulation (1), a pilot is detained for a time beyond that reasonably required to provide pilotage services for a vessel if the pilot is —

- (a) detained because the vessel is not ready to leave its berth at the arranged time;
- (b) detained because the vessel does not arrive at the pilot boarding ground at the arranged time;
- (c) required to be taken into and detained in quarantine, whether afloat or ashore; or
- (d) without the pilot's consent, taken to sea in the vessel.

(3) If the services of a pilot are arranged for a vessel and that arrangement, with less than 2 hours notice having been given to the pilot, is cancelled by or on behalf of the owner or master of the vessel, the owner and master of the vessel are jointly and severally liable to pay to the Port Authority the pilot cancellation dues set out in Part C of the Fourth Schedule.

”

Fourth Schedule added

5. After the Third Schedule to the principal regulations the following Schedule is added —

“

FOURTH SCHEDULE

[regulations 37B and 37C]

PART A — PILOTAGE DUES

<i>Pilotage services</i>	<i>Gross registered tonnage of vessel</i>	<i>Charge \$</i>
1. Pilotage of a vessel into and out of the Port (charge applies once for both services)	Under 1 500	1 329.00
	1 500 to 3 000	1 910.00
	3 001 to 5 000	2 160.00
	5 001 to 10 000	2 381.00
	10 001 to 20 000	2 630.00
	20 001 to 30 000	2 852.00
	30 001 to 40 000	3 100.00
	40 001 to 50 000	3 350.00
	Over 50 000	3 558.00

<i>Pilotage services</i>	<i>Gross registered tonnage of vessel</i>	<i>Charge \$</i>
2. Pilotage of a vessel from (or to) a berth within the Port to (or from) a place at or near the pilot boarding ground	Under 1 500	664.50
	1 500 to 3 000	955.00
	3 001 to 5 000	1 080.00
	5 001 to 10 000	1 190.50
	10 001 to 20 000	1 315.00
	20 001 to 30 000	1 426.00
	30 001 to 40 000	1 550.00
	40 001 to 50 000	1 675.00
	Over 50 000	1 779.00
3. Pilotage of a vessel being moved within the Port (otherwise than as mentioned in item 2)	(Irrespective of the vessel's tonnage)	400.00

PART B — PILOT DETENTION DUES

- | | |
|-----------------------|---|
| 1. Detention of pilot | \$471.00 for
each hour or
part of an hour |
|-----------------------|---|

PART C — PILOT CANCELLATION DUES

- | | | |
|--------------------------|----------|----|
| 1. Cancellation of pilot | \$471.00 | ”. |
|--------------------------|----------|----|

Passed by a resolution of the Esperance Port Authority at a meeting of the Authority held on 26 July 1993.

The Common Seal of the Esperance Port Authority was at the time of the abovementioned resolution affixed in the presence of—

R. E. BOWER, Chairman.

U. P. CAPELLE, Member.

C. A. STEWART, General Manager.

Approved by this Excellency the Governor in Executive Council.

D. G. BLIGHT, Clerk of the Council.