

PORT AUTHORITIES

PH301

FREMANTLE PORT AUTHORITY ACT 1902

**FREMANTLE PORT AUTHORITY AMENDMENT REGULATIONS
(NO. 3) 1991**

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 (No. 3) 1991*.

Principal regulations

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

[* Reprinted in the Gazette on 9 August 1979 at pp. 2295-2418.
For subsequent amendments see pp. 2247-252 of 1990 Index to
Legislation of Western Australia and Gazettes of 14 June and
5 July 1991.]

Regulation 68 amended**3. Regulation 68 of the principal regulations is amended —**

- (a) by repealing subregulation (1) and substituting the following subregulations —

“ (1) The master of a vessel, which is subject to the payment of tonnage rates under regulation 127, shall notify the Port Authority of the vessel's expected arrival time —

(a) 24 hours ahead, when the vessel is in the vicinity of the Fairway Buoy marking the approach to Gage Roads; and

(b) 2 hours ahead, to confirm or alter the notification given under paragraph (a),

and this notification shall be given by either wireless telegraphy or facsimile.

(1a) The master of a vessel, which is subject to payment of tonnage rates under regulation 130, shall advise the Port Authority of the movements of the vessel through the waters of the Port and shall, in the opinion of the Port Authority, maintain sufficient radio contact with the Port Authority to do so. ”;

and

- (b) in subregulation (2) by inserting after “telegraphy” the following —

“ or facsimile ”.

Regulation 106 repealed and a regulation substituted**4. Regulation 106 of the principal regulations is repealed and the following regulation is substituted —****Detention or cancellation of pilot**

“ 106. (1) Where an application for a pilot to provide services is made in accordance with regulation 105 and his services are not required at that time, the Port Authority may charge, and the applicant shall pay, \$278.

(2) Where the master or agent of any vessel detain a pilot, who is providing services under an application referred to in regulation 105, for a period exceeding that which the application specifies, the Port Authority may charge, and the master or agent shall pay, an amount of \$278 per hour or part thereof for the period that the pilot is detained.

(3) Where the services of a pilot are available, in accordance with an application under regulation 105, to conduct a vessel from a nominated pilot boarding ground to a berth, as specified in the application, and the vessel —

(a) does not arrive at the boarding ground at the appointed time; or

(b) is not ready to proceed within half an hour of the appointed time,

the Port Authority may charge, and the master or agent shall pay, an amount of \$278 per hour or part thereof for the excess period, calculated from the appointed time. ”.

Regulation 131 amended

5. Regulation 131 of the principal regulations is amended by repealing subregulations (2) and (3) and substituting the following subregulations —

- “ (2) Where a mooring gang is ordered or requisitioned to provide a service for a vessel and the services of the gang are not required at the nominated time, the Port Authority may charge, and the ship owner or agent shall pay, the following amounts in the following circumstances —
- (a) where the mooring gang is detained for more than half an hour beyond the nominated time —
 - (i) during ordinary hours — 25% of the charge for the appropriate service for each hour or part thereof that the gang is detained after the nominated time;
 - (ii) during overtime hours — 50% of the charge for the appropriate service per 2 hours or part thereof that the gang is detained after the nominated time;
 - (b) where the request for the mooring gang is cancelled —
 - (i) during ordinary hours —
 - (A) where at least 2 hours notice is given — no charge;
 - (B) where less than 2 hours notice is given — 25% of the appropriate service charge;
 - (ii) during overtime hours — 100% of the appropriate service charge.
 - (3) For the purposes of this regulation —
 - (a) each mooring and each unmooring is a separate service;
 - (b) “ordinary hours” are the hours between 7 am and 4 pm Monday to Friday, excluding public holidays;
 - (c) “overtime hours” are any hours which are not ordinary hours;
 - (d) “service charge” means the charge set out in subregulation (1).
- ”

**Part VI repealed and
a Part substituted**

6. Part VI of the principal regulations is repealed and the following Part is substituted —

“ **PART VI — LICENCES AND PERMITS**

Baggage porters to be licensed

239. A person shall not ply or tout for hire as a baggage porter at or on any wharf or upon any vessel within the port unless the person holds a licence issued under regulation 241.

Application for licence

240. An application for a licence or renewal of a licence shall be —

- (a) submitted on a form approved by the Port Authority;
- (b) in the case of an initial application, accompanied by 2 written testimonials supporting the application;
- (c) signed by the applicant; and
- (d) lodged with the Port Authority, at least 14 days prior to the expiry of any existing licence, together with an application, or renewal, fee of \$5.

Issue of licence

241. Following an application in accordance with regulation 240, the Port Authority may issue a licence to a person allowing that person to operate as a baggage porter independently, or as the servant, agent or contractor of a business.

Terms of licence

242. A licence issued under regulation 241 —

- (a) expires on 30 June after the issue of that licence unless otherwise provided in that licence;
- (b) is subject to the terms and conditions (if any) imposed upon that licence by the Port Authority; and
- (c) may, by written notice given personally or by post to the licensee by the Port Authority, be varied or revoked by the Port Authority.

Badge to be worn by licensee

243. A licensee under this Part shall wear an identifying badge, approved by the Port Authority, whenever operating under the licence.

Transfer of licence

244. A licensee under this Part shall not assign or transfer his licence, or allow his badge to be used by another, without the written consent of the Authority.

Carriers and drivers

245. (1) A person who enters the premises of the Port Authority with a vehicle to ply for hire for the carriage of passengers or passengers' luggage, or for the carriage of goods, shall not —

- (a) park other than in a space allotted by the Port Authority and indicated as such by signs;
- (b) discharge passengers or any light luggage in the vicinity of a vessel unless —
 - (i) the vehicle is, in the opinion of the Manager, left in a safe position; and
 - (ii) the vehicle is removed immediately after the passengers or luggage have been discharged.

(2) A carrier or driver described in subregulation (1) may join a "rank" of other carriers or drivers in a space allocated by the Port Authority for that purpose and when joining that rank —

- (a) shall park in the next available position after those vehicles already parked in that rank; and
- (b) shall not accept a hiring before a carrier or driver with a prior position in that rank.

**Cancellation of licence
or refusal of entry**

246. (1) Notwithstanding anything in this Part, where a licensed baggage porter, or a carrier or driver, refuses to comply with a direction given by a Port Authority officer or a police officer, or where, in the Port Authority's opinion, misconduct is established against a porter, carrier or driver, the Port Authority may —

- (a) in the case of a licensed baggage porter, suspend or cancel the porter's licence;
- (b) in the case of a carrier or driver, refuse that person entry to the premises of the Port Authority.

(2) A licensed baggage porter shall, if his licence is cancelled under subregulation (1) (a), deliver his licence and badge to the Port Authority.

Part VIII repealed

7. Part VIII of the principal regulations is repealed.

The Common Seal of the

Fremantle Port Authority

was affixed on the 22nd

day of October 1991

by order and in presence of—

W. I. McCULLOUGH, Chairman of Commissioners.
Z. SUMICH, Commissioner.
A. W. MEYER, Secretary.

Approved by His Excellency the Governor in Executive Council.

L. M. AULD, Clerk of the Council.