

# FREMANTLE PORT AUTHORITY ACT 1902

## FREMANTLE PORT AUTHORITY AMENDMENT REGULATIONS 1990

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 1990*.

### Commencement

2. These regulations shall come into operation on 1 July 1990.

### Principal regulations

3. 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 amendment to 11 June 1990 see pp. 248-251 of 1988 Index to Legislation of Western Australia and Gazette of 30 June 1989.]

### Part III amended

4. Part III of the principal regulations is amended in section II by deleting the heading "Berthing" after regulation 66 and substituting the following heading—

" Berthing and Berthing Charges ".

### Regulation 70A inserted

5. After regulation 70 of the principal regulations the following regulation is inserted—

#### Berthing charges

" 70A. The charges for berthing in North Quay Berths Nos. 1, 2, 4, 5, 6, 7, 8, 9, 11 and 12 at Victoria Quay Berth H, are set out in the Table.

TABLE  
BERTHING CHARGES

	Charge \$
(a) Where a vessel is not loading or unloading cargo ..... per hour	46.00
(b) Non containerized cargo as described on vessel's manifest—	
(i) per tonne .....	1.00
(ii) per kilolitre .....	1.00
(iii) per cubic metre .....	1.00
(c) Containers, loaded or unloaded—	
(i) 20' ..... each	13.00
(ii) 20' empty ..... each	2.00
(iii) 40' ..... each	26.00
(iv) 40' empty ..... each	4.00 "

**Regulation 101 amended**

6. Regulation 101 of the principal regulations is amended—

- (a) in subregulation (1) by deleting “and no charge shall be made for such service,”; and
- (b) by repealing subregulation (2).

**Regulations 102 and 104 repealed and a regulation substituted**

7. Regulations 102 and 104 of the principal regulations are repealed and the following regulation is substituted—

**Pilotage and related charges**

“ 102. The charges for the pilotage of a vessel and related matters are set out in the Table.

TABLE  
PILOTAGE AND RELATED CHARGES

(a) For the pilotage of a vessel with each movement being assessed as one service—	
(i) vessels up to 1 000 tons gross tonnage	
—from Gage Roads to Inner Harbour or vice versa .....	\$556.00
(ii) vessels over 1 000 tons gross tonnage	
—from Sea Pilot boarding ground to Gage Roads or vice versa .....	\$1 890.00
—from Gage Roads to Cockburn Sound or vice versa .....	\$1 277.00
—from Gage Roads to Inner Harbour or vice versa .....	\$1 111.00
—from Sea Pilot boarding ground to Inner Harbour or vice versa .....	\$2 278.00
—from Sea Pilot boarding ground to Cockburn Sound or vice versa .....	\$2 444.00
(b) Removal of vessel within Cockburn Sound .....	\$519.00
(c) Removal of vessel within the Inner Harbour .....	\$260.00
(d) Surcharge for Northern Anchorage Cockburn Sound .....	\$466.00
(e) For any other pilotage service for each hour or part thereof .....	\$137.00
(f) For each entry into Cockburn Sound or the Inner Harbour of a coastal or interstate vessel of which the master holds a Pilotage Exemption Certificate	\$136.00 ”.

**Regulation 106 repealed and a regulation substituted**

8. Regulation 106 of the principal regulations is repealed and the following regulation is substituted—

**Detention of pilots**

“ 106. (1) Where a pilot attends a vessel in accordance with an application referred to in regulation 105 and his services are not required at that time a charge of \$260.00 per hour or part thereof shall be paid for the period the pilot was in attendance.

(2) Where a pilot is detained on a vessel until the vessel is ready to leave the berth a charge of \$260.00 per hour or part thereof shall be paid for the period the pilot was detained.

(3) Where a pilot attends a vessel in accordance with an application to conduct the vessel over the pilotage area between the sea pilot boarding ground and Gage Roads and the vessel does not arrive at the boarding ground at the appointed time a charge of \$260.00 per hour or part thereof shall be paid for the period the pilot was detained. ”.

**Regulation 121 amended**

9. Regulation 121 of the principal regulations is amended by inserting after “issued” in subregulation (1) the following—

“ , upon payment of the fee of \$535.00, ”.

**Regulation 126 repealed and a regulation substituted**

10. Regulation 126 of the principal regulations is repealed and the following regulation is substituted—

**Computing time in berth**

“ 126. (1) For the purpose of assessing the Tonnage Rates payable, a vessel shall be deemed to occupy a berth as follows—

- (a) where a vessel uses a berth at a wharf or jetty or at a mooring buoy, from the time when the first line is made fast until the last line is let go; and
- (b) where a vessel anchors in the Outer Harbour, for the actual time occupied in shipping and discharging cargo, and embarking or disembarking passengers.

(2) A vessel which remains at anchor in the Outer Harbour, having arrived solely for orders or supplies (including bunkers) for her own use, or to be refitted or repaired, or being in distress or under duress, shall occupy a berth for the actual time the vessel remains at anchor. ”.

**Regulation 127 repealed and a regulation substituted**

11. Regulation 127 of the principal regulations is repealed and the following regulation is substituted—

**General rates payable**

“ 127. Subject to regulation 129 the tonnage rates payable shall be assessed at the rate of—

- (a) \$0.0053;
- (b) where a vessel has an inboard incinerator \$0.0045; or
- (c) where regulation 126 (2) applies to the vessel \$0.0016,

for each ton of the registered tonnage of the vessel for each hour or part thereof during which the vessel occupies a berth. ”.

**Regulation 128 repealed and a regulation substituted**

12. Regulation 128 of the principal regulations is repealed and the following regulation is substituted—

**Rebates of tonnage rates**

“ 128. (1) Where a vessel berths within the Port in any of the following circumstances—

- (a) weather conditions render it unsafe for the vessel, being ready for sea, to leave the Port;
- (b) the vessel enters the Port for the sole purpose of landing a sick, injured or deceased person and immediately thereafter leaves the Port; or
- (c) subject to subregulation (2) the vessel—
  - (i) is in distress;
  - (ii) due to mechanical or electrical fault berths for repairs under duress; or
  - (iii) is employed solely for religious mission work,

the rebate of tonnage rates allowable shall be 50% of the rates payable.

(2) The rebate referred to in subregulation (1) shall in any of the circumstances referred to in paragraph (1) (c) only be allowed for the first 7 days during which the vessel occupies a berth.

(3) The master or agent of any vessel which may, under this regulation, be qualified for a rebate of tonnage rates during the whole or any portion of the time in port shall, prior to or within 24 hours of the vessel's arrival in port, or within one hour of the commencement of the operations or delay referred to in subregulation (1), make a declaration in writing to the Secretary setting forth the circumstances applicable, and where a rebate applies for portion only of the vessel's time in port, a declaration of the actual times for which the rebate is claimed, must be lodged within 24 hours of the completion of the fitting, refitting, repairs or period under distress or duress provided that where the circumstances arise during other than ordinary working hours the declaration shall be made within 24 hours of the commencement of business on the next working day.

(4) Subject to subregulation (5), where a declaration is not lodged in accordance with subregulation (3), full tonnage rates shall be payable.

(5) The Port Authority may in its discretion, at any time and from time to time and according to the circumstances of each particular case, allow any rebates of tonnage rates it considers reasonable. ”.

**Regulation 130 amended**

13. Regulation 130 of the principal regulations is amended—

- (a) in subregulation (1) by deleting "\$168" and "\$337" and substituting the following respectively—  
" \$178 " and " \$357 "; and
- (b) in subregulation (2) by deleting "\$21.60" and substituting the following—  
" \$23 ".

**Regulation 131 repealed and a regulation substituted**

14. Regulation 131 of the principal regulations is repealed and the following regulation is substituted—

**Mooring charges**

- " 131. (1) The charges for the mooring and unmooring of a vessel in the Port are set out in the Table.

TABLE  
MOORING AND UNMOORING CHARGES

	Each Service \$
(a) Vessels under 1 000 tons in the Inner Harbour ...	484.00
(b) All other vessels in the Inner Harbour .....	632.00
(c) All vessels in the Outer Harbour .....	1 264.00

(2) Where a mooring gang is ordered or requisitioned for an unmooring service and attends a vessel for that purpose and the services of the gang for any reason whatsoever are not required at that time, a charge, equal to the cost of the mooring gang to the Port Authority, shall be paid for every hour or part thereof that the mooring gang was in attendance.

(3) For the purposes of this regulation each—

- (a) mooring; and
- (b) unmooring,

is a separate service. "

**Regulation 138 repealed and a regulation substituted**

15. Regulation 138 of the principal regulations is repealed and the following regulation is substituted—

**Wharfage charges**

- " 138. (1) Subject to regulation 142, the consignee, consignor or owner of goods discharged from, to be shipped on or transhipped out of any vessel within the Port shall subject to subregulation (2) pay the wharfage prescribed in regulations 139 and 140B respectively.

(2) Cargo landed on wharves or jetties from a vessel in distress, or for the convenience of a vessel, and subsequently reshipped shall pay wharfage at the rate of \$2.64 per ton.

(3) For the purposes of assessing charges for cargo containers under regulation 140B—

"40'" means a container the dimensions of which are 12.192 m x 2.4384 m x 2.5908 m; and

"20'" means a container the dimensions of which are 6.096 m x 2.4384 m x 2.5908 m,

and a container having an external length of less than 6.096 m shall have wharfage charged in relation to it in the same proportion that the carrying potential of that container bears to a 20' container. "

**Regulation 139 repealed and a regulation substituted**

16. Regulation 139 of the principal regulations is repealed and the following regulation is substituted—

**Wharfage charges—non-containerized cargo**

- " 139. The rates of wharfage charges on inward and outward non-containerized cargo are set out in the Table.

TABLE  
WHARFAGE CHARGES—INWARD AND OUTWARD  
NON-CONTAINERIZED CARGO

Description of Goods	Charge \$
1. Sheep ..... each	0.17
2. All other cargo as described on vessel's manifest	
.....per tonne	2.64
.....per kilolitre	2.64
.....per cubic metre	2.64 ”.

**Regulation 140B repealed and a regulation substituted**

17. Regulation 140B of the principal regulations is repealed and the following regulation is substituted—

**Wharfage charges—containerized cargo**

“ 140B. The rates of wharfage charges on inward and outward containerized cargo are set out in the Table.

TABLE  
WHARFAGE CHARGES—INWARD AND OUTWARD  
CONTAINERIZED CARGO

Description of Container	Container Size	Charges Inward/Outward \$	Charges Inward/Outward Empty \$
Open Top			
Open Sides	20' Each	44.20	14.40
Tank			
Ventilated and	40' Each	88.40	28.80
Wet Hide Units and Bulk			”.

**Regulation 142 repealed and a regulation substituted**

18. Regulation 142 of the principal regulations is repealed and the following regulation is substituted—

**Rebates of wharfage charges**

“ 142. The Port Authority may, in its discretion, and according to the circumstances of each case allow any rebates it considers reasonable on the wharfage charges prescribed in these regulations. ”.

**Regulation 146 repealed and a regulation substituted**

19. Regulation 146 of the principal regulations is repealed and the following regulation is substituted—

**Outward wharfage rates on fuel oil**

“ 146. The outward wharfage rates on fuel oil loaded into a vessel as bunkers supplied for the vessel's own use, and upon which an inward wharfage rate has not been paid, shall be \$2.64 per kilolitre, payable by the suppliers of the oil. ”.

**Regulation 147 amended**

20. Regulation 147 of the principal regulations is amended in subregulations (1), (3) and (5) by deleting “charges” wherever it occurs and substituting in each place the following—

“ services ”.

**Regulation 149 amended**

21. Regulation 149 of the principal regulations is amended by deleting “handling charges thereon at rates not exceeding those prescribed in these regulations” and substituting the following—

“ any reasonable costs incurred in handling the cargo ”.

**Regulation 150 amended**

22. Regulation 150 of the principal regulations is amended in subregulation (2) by deleting “whole, but where the cargo is for any reason handled into a shed or on to a wharf, the handling charges properly applying to that method shall be paid.” and substituting the following—

“ whole. ”.

**Regulation 152 repealed and a regulation substituted**

23. Regulation 152 of the principal regulations is repealed and the following regulation is substituted—

**Haulage of railway wagons**

“ 152. Where cargo is landed direct into or shipped out of railway wagons the haulage and other charges imposed by the Railway Department must be paid by the person ordering the wagons to the Railway Department direct, and the onus of requisitioning the Railway Department for supply of wagons shall rest with the consignee or shipper respectively. ”.

**Regulation 185 amended**

24. Regulation 185 of the principal regulations is amended—

(a) in paragraph (a) by deleting “\$1.07” and substituting the following—

“ \$1.13 ”; and

(b) in paragraph (b) by deleting “\$1.07” in both places where it occurs and substituting in each place the following—

“ \$1.13 ”.

**Regulation 193 amended**

25. Regulation 193 of the principal regulations is amended by deleting subregulation (1) (q) (iii).

**Regulation 194 amended**

26. Regulation 194 of the principal regulations is amended by repealing paragraph (h) and substituting the following paragraph—

“ (h) The Port Authority will employ watchmen to supervise—

(a) the discharge from a vessel of inflammable liquid;

(b) the loading onto a vessel of inflammable liquid, unless the quantity does not exceed 2 000 litres and is immediately placed aboard the vessel; or

(c) the storage of any quantity of inflammable liquid, in excess of 200 litres, which is permitted by the Manager, to accumulate on any wharf for shipment,

during the whole of the time the inflammable liquid is handled or remains on any wharf or other part of the premises of the Port Authority. ”.

**Regulation 229 amended**

27. Regulation 229 of the principal regulations is amended in subregulation (2) by deleting “, and shall be at the rates prescribed hereinafter”.

**Regulation 230 amended**

28. Regulation 230 of the principal regulations is amended in subregulation (3) by deleting “as prescribed in regulation 237 of these regulations”.

**Various provisions and Schedule B repealed**

29. The principal regulations are amended by repealing Schedule B and the provisions referred to in the Table to this regulation.

**TABLE**

Regulation 140	Regulation 164
Regulation 140A	Regulation 170 (2)
Regulation 141	Regulation 171
Regulation 141A	Regulation 237
Regulation 143	Regulation 238
Regulation 144	Schedule B
Regulation 145	

The Common Seal of the Fremantle Port Authority was affixed on the 11th day of June 1990 by order and in the presence of—

J. H. E. TAPLIN, Chairman of Commissioners.

TREVOR POUSTIE, Commissioner.

ALEC MEYER, Secretary.

Approved by His Excellency the Governor in Executive Council 19 June 1990.

M. WAUCHOPE, Clerk of the Council.