

Port Authorities Act 1999

Port Authorities Amendment Regulations 2021

SL 2021/52

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Port Authorities Amendment Regulations 2021*.

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*;
- (b) the rest of the regulations — on the day on which the *Ports Legislation Amendment Act 2019* section 50(2)(d) and (3) comes into operation.

3. Regulations amended

These regulations amend the *Port Authorities Regulations 2001*.

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4. Regulation 120A inserted

After regulation 120 insert:

120A. Jetty licences to which Schedule 8 clause 66(9) of Act applies

For the purposes of Schedule 8 clause 66(6) of the Act, each of the following is a jetty licence to which Schedule 8 clause 66(9) of the Act applies —

- (a) jetty licence LM4198 to Santos WA Energy Limited (ABN 39 009 301 964) relating to 2 jetties and 2 barge ramps on a site within the Indian Ocean adjacent to Varanus Island, part of the Lowendal group of islands;
- (b) jetty licence LM4917 to Cockatoo Is Pty Ltd (ACN 621 370 429) relating to a jetty and barge ramp on a site within the Indian Ocean adjacent to Cockatoo Island;
- (c) jetty licence LM3386 to Koolan Iron Ore Pty Ltd (ABN 87 099 455 277) relating to the Koolan Island Iron Ore Mine Jetty, Koolan Island.

5. Regulation 121 amended

Delete regulation 121(3) and insert:

- (3) A provision of these regulations mentioned in the Table does not apply to —
 - (a) the Port of Ashburton; or
 - (b) the Port of Balla Balla; or
 - (c) the Port of Dampier; or
 - (d) the Port of Varanus Island; or

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- (e) the Pilbara Ports Authority's control and management of the ports referred to in paragraphs (a) to (d).

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6. Schedule 1 Division 1AA inserted

At the beginning of Schedule 1 insert:

Division 1AA — Preliminary**1A. Terms used**

In this Schedule —

commercial vessel means a vessel other than a private vessel;

dangerous goods has the meaning given in the *Dangerous Goods Safety Act 2004* section 3(1);

explosives has the meaning given in the *Western Australian Marine Act 1982* section 3(1);

mooring means a structure or apparatus used, or proposed to be used, to secure a vessel in a port;

motor boat —

- (a) means a vessel propelled otherwise than by oars or sail; and
- (b) includes a personal watercraft as defined in the *Navigable Waters Regulations 1958* regulation 46(2);

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prohibited anchorage area means an area of a port designated by notices or signs erected by the port authority as an area where a vessel is prohibited from anchoring;

water ski includes water ski using only the feet for support on the water.

7. Schedule 1 clause 3A inserted

After Schedule 1 clause 3 insert:

3A. Notice of dangerous cargoes

- (1) When notifying the harbour master under clause 3(1)(a), the master of a vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

8. Schedule 1 clause 5D amended

In Schedule 1 clause 5D delete the definition of **commercial vessel**.

Note: The heading to amended Schedule 1 clause 5D is to read:

Term used: fishing vessel

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9. Schedule 1 clause 5I amended

Delete Schedule 1 clause 5I(1).

10. Schedule 1 clause 5J amendedIn Schedule 1 clause 5J delete the definition of *mooring*.**11. Schedule 1 Division 2 heading amended**In the heading to Schedule 1 Division 2 delete “**Port of Broome**” and insert:**Port of Broome, Port of Derby, Port of Wyndham and Port of Yampi Sound****12. Schedule 1 clause 6 replaced**

Delete Schedule 1 clause 6 and insert:

6. Application of this Division

This Division applies to the following —

- (a) the Port of Broome;
- (b) the Port of Derby;
- (c) the Port of Wyndham;
- (d) the Port of Yampi Sound;
- (e) the Kimberley Ports Authority.

13. Schedule 1 clause 7 amended

Delete Schedule 1 clause 7(2).

14. Schedule 1 clause 8 amended

Delete Schedule 1 clause 8(4).

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15. Schedule 1 clause 8A inserted

After Schedule 1 clause 8 insert:

8A. Private vessels with length overall of 10 m or more to maintain contact with port authority

The master of a private vessel with a length overall of 10 m or more that enters a port is to inform the port authority of the vessel's movements while it is in the port by —

- (a) maintaining radio contact with the port authority; or
- (b) communicating with the port authority by another means approved by the port authority.

16. Schedule 1 clause 11 amended

Delete Schedule 1 clause 11(3).

17. Schedule 1 clause 13 amended

In Schedule 1 clause 13 delete the definition of *mooring*.

Note: The heading to amended Schedule 1 clause 13 is to read:

Term used: mooring owner

18. Schedule 1 clause 15 amended

Delete Schedule 1 clause 15(2)(e) and insert:

- (e) whether the mooring is a cyclone mooring or other type of mooring; and
- (f) whether the mooring is designed by a qualified naval architect; and
- (g) whether the mooring is designed with dynamic analysis or static analysis; and
- (h) the specifications for the construction of the mooring.

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After Schedule 1 clause 16(1)(b) insert:

- (ba) the mooring is designed by a qualified naval architect; and
 - (bb) the mooring is designed with —
 - (i) if the mooring is a cyclone mooring — dynamic analysis; or
 - (ii) if the mooring is any other type of mooring — dynamic analysis or static analysis;
- and

20. Schedule 1 clause 31A inserted

After Schedule 1 clause 31 insert:

31A. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

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21. Schedule 1 Division 4 heading amended

In the heading to Schedule 1 Division 4 delete “**Port of Ashburton and Port of Dampier**” and insert:

Port of Ashburton, Port of Dampier and Port of Varanus Island

22. Schedule 1 clauses 35 and 36 replaced

Delete Schedule 1 clauses 35 and 36 and insert:

35. Application of this Division

This Division applies to the following —

- (a) the Port of Ashburton;
- (b) the Port of Dampier;
- (c) the Port of Varanus Island;
- (d) the Pilbara Ports Authority.

36. Term used: fishing vessel

In this Division —

fishing vessel means a vessel that is used for commercial fishing.

23. Schedule 1 clause 36A inserted

At the beginning of Schedule 1 Division 4 Subdivision 2 insert:

36A. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.

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- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.
Penalty for this subclause: a fine of \$12 000.

24. Schedule 1 clause 37 amended

Delete Schedule 1 clause 37(1) and insert:

- (1) For the purpose of receiving communications from the harbour master, the master of a commercial vessel must —
 - (a) when the vessel is approaching or is in the Port of Ashburton — maintain a listening watch on VHF Radio Channel 14 and VHF Radio Channel 16; or
 - (b) when the vessel is approaching or is in the Port of Dampier — maintain a listening watch on VHF Radio Channel 11 and VHF Radio Channel 16; or
 - (c) when the vessel is approaching or is in the Port of Varanus Island — maintain a listening watch on VHF Radio Channel 74 and VHF Radio Channel 16.

25. Schedule 1 clause 48 amended

Delete Schedule 1 clause 48(4).

26. Schedule 1 clause 49 amendedIn Schedule 1 clause 49 delete the definition of *mooring*.

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27. Schedule 1 clause 62 amended

Delete Schedule 1 clause 62(3) and insert:

- (3) Unless otherwise directed by the harbour master, a person must not unload any goods on to, or otherwise place any goods on, a wharf in the port in a manner that obstructs or interferes with, or is likely to obstruct or interfere with, a mooring point, hose connection or electrical fixture.

Penalty for this subclause: a fine of \$5 000.

28. Schedule 1 clause 64AB inserted

After Schedule 1 clause 64AA insert:

64AB. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
- (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

29. Schedule 1 clause 70 amended

Delete Schedule 1 clause 70(4).

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Delete Schedule 1 clause 101(2).

31. Schedule 1 clause 102B inserted

After Schedule 1 clause 102A insert:

102B. Notice of dangerous cargoes

- (1) When notifying the harbour master under regulation 4, the master of the vessel must also notify the harbour master of any explosives or dangerous goods that are —
 - (a) to be loaded on to, or unloaded from, the vessel at the port; or
 - (b) to be kept on board the vessel while it is in the port.
- (2) The master of a vessel who is required to notify the harbour master in relation to explosives or dangerous goods under subclause (1) must also provide to the harbour master any information required by the harbour master about the explosives or dangerous goods.
- (3) A person who does not comply with subclause (1) or (2) commits an offence.

Penalty for this subclause: a fine of \$12 000.

32. Schedule 1 clause 105 amended

Delete Schedule 1 clause 105(2).

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33. Schedule 3 amended

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

Port of Ashburton, Port of Dampier and Port of Varanus Island

- (2) In Schedule 3 item 20 delete “less than 1 m from mooring point, hose connection, etc.” and insert:

in a manner that obstructs or interferes with, or is likely to obstruct or interfere with, a mooring point, hose connection or electrical fixture

N. HAGLEY, Clerk of the Executive Council.
