

## SHIPPING AND PILOTAGE.

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No. 88 of 1978.

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AN ACT to amend the Shipping and Pilotage Act,  
1967-1976.

[Assented to 8th November, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Shipping and Pilotage Act Amendment Act, 1978*.

Short  
title  
and  
citation.

(2) In this Act the Shipping and Pilotage Act, 1967-1976, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Shipping and Pilotage Act, 1967-1978.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Long  
title  
amended.

3. The long title of the principal Act is amended in line two by inserting, after the word "Ports", the passage ", Fishing Boat Harbours and Mooring Control Areas".

Section 3  
amended.

4. Section 3 of the principal Act is amended—

(a) by inserting, before the definition of "harbour master", the following definitions—

"controlling authority", when used in relation to a fishing boat harbour or a mooring control area, means the body corporate or the Harbour and Light Department of the State, as the case may be, specified as the controlling authority of the fishing boat harbour or mooring control area pursuant to subsection (2) of section 10 of this Act;

"fishing boat harbour" means any place for the time being declared to be a fishing boat harbour pursuant to subsection (2) of section 10 of this Act; ;

(b) by repealing the definition of "harbour master" and substituting the following definition—

"harbour master" means a harbour master appointed under section 4 of this Act for any port and includes a person for the time being carrying out the duties of that harbour master during any absence, illness or incapacity of that harbour master; ;  
and

- (c) by inserting, before the definition of "port", the following definition—

"mooring control area" means any place for the time being declared to be a mooring control area pursuant to subsection (2) of section 10 of this Act; .

5. Section 8 of the principal Act is amended in lines one and two of subsection (1) by deleting the passage ", there is payable" and substituting the passage "and to section 12 of this Act, there are payable".

Section 8  
amended.

6. Section 9 of the principal Act is amended in lines one and two of subsection (1) by deleting the passage ", there is payable" and substituting the passage "and to section 12 of this Act, there are payable".

Section 9  
amended.

7. The principal Act is amended by inserting, after section 9, the following section—

Section 9A  
added.

9A. (1) Subject to subsection (2) of this section, there are payable at such intervals as are prescribed to the controlling authority of—

Fishing  
boat  
harbour  
dues and  
mooring  
charges.

(a) a fishing boat harbour in respect of each fishing boat using—

(i) the facilities of the fishing boat harbour fees, known as fishing boat harbour dues; and

(ii) mooring pens within the fishing boat harbour fees, known as mooring charges; or

(b) a mooring control area in respect of each boat using a mooring site within the mooring control area fees, known as mooring charges,

at such rates as are prescribed.

(2) The regulations may provide that fishing boats or boats of a specified class, or of specified classes, are exempt from the payment of the fees referred to in subsection (1) of this section. .

Section 10  
amended.

8. Section 10 of the principal Act is amended—

(a) in subsection (2)—

(i) by inserting in line two of paragraph (a), after the word “port”, the passage “, fishing boat harbour or mooring control area”;

(ii) by repealing paragraph (b) and substituting the following paragraphs—

(b) vary the boundaries of a place declared to be—

(i) a port by subsection (1) of this section; or

(ii) a port, fishing boat harbour or mooring control area under this subsection;

or declare a port referred to in subparagraph (i) of this paragraph or a port, fishing boat harbour or mooring control area referred to in subparagraph (ii) of this paragraph to be no longer a port, fishing boat harbour or mooring control area, as the case may be, for the purposes of this Act;

(ba) in relation to a fishing boat harbour or mooring control area, specify a body corporate or the Harbour and Light Department of the State as the

controlling authority of the fishing boat harbour or mooring control area; or ;

and

(b) in subsection (3)—

(i) by repealing paragraph (a) and substituting the following paragraph—

(a) the provisions of sections 4, 5, 6, 7, 9, 9A, 10 and 11 of this Act do not apply in respect of the port of Fremantle but do apply in respect of a fishing boat harbour or mooring control area of which the controlling authority is the Fremantle Port Authority; ;

(ii) in lines three and four of paragraph (b) by deleting the words “specified in the proclamation do not apply to a port” and substituting the passage “are specified in the proclamation do not apply to a port, fishing boat harbour or mooring control area”;

(iii) in line one of subparagraph (i) of paragraph (c) by deleting the word “Port” and substituting the word “port”; and

(iv) in subparagraph (ii) of paragraph (c) by inserting, after the word “port”, wherever it occurs, the passage “, fishing boat harbour or mooring control area”.

9. Section 11 of the principal Act is amended in paragraphs (b) and (c) by inserting, after the word “port”, the passage “, fishing boat harbour or mooring control area”.

Section 11  
amended.

Section 12  
amended.

10. Section 12 of the principal Act is amended—

(a) in subsection (1) by inserting—

(i) in line two of paragraph (b), after the word “ports”, the passage “, fishing boat harbours or mooring control areas”; and

(ii) after paragraph (b), the following paragraphs—

(ba) relating to the ascertainment of the tonnage of any vessel;

(bb) relating to the provision within a mooring control area of mooring sites and the hire, sale or free allocation thereof to the owners of boats, to the registration of mooring sites and of all or any of the boats using the same, to the supervision of mooring sites and to the maintenance and use thereof by the owners or users of boats, to the maintenance of safe and unimpeded navigation within a mooring control area, to the regulation or prohibition of the use by owners or users of boats of mooring sites hired, sold or allocated to other persons and to the control, with the approval of the Department and of any body corporate having an interest in or right over the whole or any part of the mooring control area concerned, of changes in, or the development of, mooring sites within that mooring control area; ; and

- (b) by inserting, after subsection (1), the following subsections—

(1a) Regulations referred to in paragraph (ba) of subsection (1) of this section—

- (a) may be of general application or may be limited in their application to a specified class or specified classes of vessels or to all vessels other than vessels of a specified class or specified classes;
- (b) may make different provision for different classes of vessels or for the same class of vessels in different circumstances;
- (c) may make the operation of any provision of the regulations dependent on compliance with such conditions, to be evidenced in such manner, as may be prescribed;
- (d) may authorise the calculation or determination of tonnage—
  - (i) by measurement;
  - (ii) by estimation; or
  - (iii) by reference to information appearing in the certificate of registry or certificate of tonnage of a vessel or in any specified record or publication,

or partly by one of the methods referred to in subparagraphs (i) to (iii) of this paragraph and partly by either or both of the other two methods;

- (e) may make provision concerning the spaces, whether covered or closed or not, to be included and the spaces to be excluded in the ascertainment of the tonnage of any vessel and may prescribe the method by which any space to be included or excluded is to be calculated;
- (f) may confer power on an authorised person—
  - (i) to board, inspect, measure or survey the whole or any part of a vessel, or any goods therein or thereon;
  - (ii) to detain a vessel;
  - (iii) to require the unshipment of any goods in or on a vessel at the expense and risk of the owner of those goods,for the purpose of ascertaining the tonnage of the vessel or enabling that tonnage to be ascertained;
- (g) may exempt the responsible authority concerned and any authorised person from liability for any loss or damage occasioned by any act done in good faith pursuant to powers conferred by those regulations;
- (h) may require the owner or master of a vessel to produce the certificate of registry, and any certificate of tonnage, of the vessel if and when requested to do so by an authorised person;



- (i) may require the owner, master or agent of a vessel, upon request by an authorised person, to afford all necessary facilities to enable the vessel or any goods therein or thereon or both the vessel and those goods to be inspected, measured or surveyed for the purpose of ascertaining the tonnage of the vessel.

(1b) In subsection (1a) of this section—

“authorised person” means an officer or person appointed by the responsible authority concerned to ascertain the tonnage of vessels generally or to ascertain the tonnage of a particular vessel;

“specified” means specified in regulations referred to in paragraph (ba) of subsection (1) of this section. .

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