

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Repeal and interpretation.

1. This Act may be cited as the "Harbour and Tonnage Rates Act, 1915," and is divided into Parts and Divisions, as follows:—

PART I.—PRELIMINARY—ss. 1-5.

PART II.—HARBOUR AND TONNAGE RATES AND BERTHING CHARGES—

DIVISION 1.—Harbour rates—ss. 6-8.

DIVISION 2.—Tonnage rates and berthing charges—ss. 9-11.

PART III.—BUOYAGE RATES—ss. 12-13.

PART IV.—MISCELLANEOUS MATTERS—ss. 13-20.

SCHEDULES.

2. This Act shall commence and come into force on a date to be proclaimed by the Governor. Commencement.

3. (1) The Acts mentioned in Schedule One to this Act are to the extent therein expressed hereby repealed. Repeal.

(2) All persons appointed under the Wharfage and Tonnage Rates Act, 1901, and holding office at the commencement of this Act, shall be deemed to have been appointed hereunder. Officers under Act hereby repealed.

(3) All regulations made under the authority of the said Act, and in force at the commencement of this Act, shall, subject to this Act, be deemed to have been made under this Act. Regulations under Act hereby repealed.

4. In this Act and the regulations thereunder, unless ^{Inter-} the context or subject-matter otherwise indicates or ^{pretation.} requires—

- “Goods” includes wares, merchandise, and articles or things of whatsoever description.
- “Master” includes every person having lawfully or *de facto* the command, charge, or management of a vessel.
- “Officer-in-charge” means the officer charged with the control and management of any port.
- “Owner,” when used in relation to a vessel, includes any company, body corporate, or person to which or to whom the whole or a part of a vessel belongs.
- “Owner,” when used in relation to goods, includes any consignor, consignee, shipper, or agent for the sale or custody, loading or unloading of the goods, as well as the owner thereof.
- “Port” includes any harbour or haven, whether natural or artificial, and any estuary, channel, river, creek or roadstead, or any navigable water in which ships may lie for shelter, or for shipping or unshipping goods or passengers.
- “Public wharf” means and includes any wharf, dock, pier, jetty, landing-stage, slip, or platform vested in the Crown, but does not include a public wharf the control and management of which is vested in the council of a municipality or shire.
- “Ship” means vessel not ordinarily propelled by oars only.
- “Vessel” includes ship, lighter, barge, boat, raft, or any other description of craft used for any purpose on the sea or in navigation.
- “Wharfinger” means wharfinger appointed under this Act.

5. This Act shall apply only to the ports mentioned in Schedule Three to this Act: ^{Ports, to} Provided that the ^{which Act} Governor may add any other ports to such Schedule. ^{applies.}

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PART II.

HARBOUR AND TONNAGE RATES AND BERTHING CHARGES.

DIVISION 1.—*Harbour rates.*

6. (1) Towards meeting the expenditure annually incurred in dredging, improving and maintaining the ports to which this Act applies, the Governor may, by regulations, fix and impose under this Act for the use of His Majesty, and to form part of the Consolidated Revenue Fund, inward harbour rates on all goods brought by sea to such ports for landing or transshipment therein, and outward harbour rates on all goods shipped on any vessel in such ports. Harbour rates to be levied.

(2) Such rates, whether inward or outward, may be by weight or measurement, in the discretion of the Superintendent of Navigation or of any person authorised by the Colonial Treasurer in that behalf; but inward harbour rates shall not exceed four shillings per ton by weight or three shillings per ton of forty cubic feet measurement, and outward harbour rates shall not exceed half that sum. Amount of inward and outward harbour rates.

Fixed rates may be imposed by such regulations on specified articles or packages, and in such case the rate on any article or package shall be so as not to exceed the maximum rate above prescribed by weight or measurement, whichever is the larger.

A minimum rate, not exceeding threepence, may be fixed for each of any articles or packages not exceeding five having the same owner.

(3) On goods transhipped an amount, to be fixed by the Governor by regulation, not exceeding one-half of the inward harbour rates shall be payable, unless the goods are landed on a wharf or other place, and the transshipment does not take place within fourteen days after the landing, in which case double the amount so fixed shall be payable. Rates on goods transhipped.

(4) On goods transhipped no outward harbour rates shall be payable: Savings.

Provided that passengers' luggage shall be exempt from such rates: Provided

Provided also that the amount of harbour rates to be charged and paid by the Electrolytic Refining and Smelting Company of Australia, Limited, in respect of the goods mentioned in the first column of Schedule Two to this Act and landed on any wharf or jetty within the deepwater harbour of Port Kembla, shall not exceed the amounts set opposite to the same in the second column of the said Schedule.

7. Inward and outward harbour rates shall be paid by the owners of the goods. Payment of harbour rates.

Inward harbour rates shall be paid on the vessel entering the port, and before the landing or transhipment from the vessel of any goods.

Outward harbour rates shall be paid before the vessel leaves the port.

If any such rates be not so paid, the person liable to pay such rates shall, in addition to his liability for such rates, be liable to a penalty not exceeding *fifty* pounds.

8. For the purpose of carrying out the above provisions as to harbour rates, the officers and servants of the Crown may at any time board any vessel in a port and enter any place where goods are landed or shipped, and may inspect any goods thereon or therein. Power to enter private wharves.

DIVISION 2.—*Tonnage rates and berthing charges.*

9. Towards meeting the cost of construction and maintenance of public wharves in the ports to which this Act applies, there shall on and after the commencement of this Act be charged, levied, collected, and paid for the use of His Majesty, and to form part of the Consolidated Revenue Fund, tonnage rates upon every vessel (except vessels under two hundred and forty tons of register tonnage and lighters) whilst lying berthed at any public wharf in any such port, according to the following scale:— Levy of tonnage rates.

- (a) In respect of the first six days (exclusive of any Sunday and any day observed as a public holiday, unless where the vessel casts off from the wharf, or receives or delivers cargo, or embarks or lands passengers on such Sunday

Sunday or public holiday) after the time of berthing, one halfpenny for each ton of the register tonnage of the vessel up to five thousand tons, and one farthing for each such ton over five thousand tons, for each complete day of twenty-four hours, or part of a day of over eighteen hours; or one fourth, one-half, and three-fourths of such rate for parts of a day of or less than six, twelve, and eighteen hours respectively.

(b) In respect of each day, or part of a day after such six days, half the above rates :

Provided that when a vessel is detained at a berth by the officer in charge for purposes connected with the management of the port, or is allowed by him to take up or continue to occupy a berth owing to stress of weather, tonnage rates shall not be levied, but in all cases the circumstances must be fully reported to the Colonial Treasurer.

10. On vessels under two hundred and forty tons of registered tonnage and lighters, the Governor may, by regulation, impose charges for berthing at any public wharf in any port to which this Act applies, and provide for the collection of such charges. Such charges may be fixed charges for berthing, or may be in the form of licenses for a fixed period.

Berthing charges on small vessels and lighters.

11. The owner, or the agent of the owner, or the master of a vessel shall pay all tonnage rates or berthing charges on the vessel before she leaves the wharf. If any vessel leave the wharf before such rates or charges are paid such owner, agent, and master shall, in addition to liability for such rates, be severally liable to a penalty not exceeding *one hundred* pounds.

Payment of tonnage rates or berthing charges.

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PART III.

BUOYAGE RATES.

12. (1) Towards meeting the cost of providing and maintaining buoys at the ports to which this Act applies, there shall on and after the commencement of this Act be charged, levied, collected, and paid for the use of His Majesty, and to form part of the Consolidated Revenue Fund, buoyage rates upon every vessel occupying a Government mooring buoy at any such port, according to the following scale :—

Imposing of
buoyage
rates.

Every vessel of one thousand register tonnage or under, one pound per diem.

Every vessel between one thousand and one and two thousand register tonnage, two pounds per diem.

Every vessel of over two thousand register tonnage, three pounds per diem.

Exemptions from buoyage rates shall be allowed—

- (a) when a vessel does not occupy Government buoys for more than two clear days ; or
- (b) when, by permission of the officer in charge, a vessel is detained at a buoy through stress of weather rendering her departure unsafe ; or
- (c) when any unforeseen circumstance arises which, in the opinion of the officer in charge, renders it desirable that the vessel should occupy government moorings.

(2) The owner, or the agent of the owner, or the master of a vessel shall pay all buoyage rates on the vessel before she leaves the port. If any vessel leave the port before such rates are paid such owner, agent, and master shall, in addition to liability for such rates, be severally liable to a penalty not exceeding *five* pounds.

(3) The Government will not be liable for any damage to a vessel, however caused, while occupying a Government mooring buoy.

PART IV.

MISCELLANEOUS MATTERS.

13. The Governor may appoint such wharfingers or Wharfingers. other persons as may be necessary who may demand, collect, and receive rates and charges payable by or under the authority of this Act.

14. The master of a vessel shall, within twenty-four Inward manifest to be lodged. hours after entering any port to which this Act applies, and at which goods are to be landed or transhipped from such vessel, lodge or cause to be lodged at the office of a wharfinger or officer in charge a true and complete manifest of all goods intended to be so landed or transhipped. Such manifest shall show the weight and measurement of each class of goods.

The master of a vessel in any such port shall, before Outward manifest. such vessel leaves the port, lodge or cause to be lodged at the office of a wharfinger or officer in charge a true and complete outward manifest of all goods laden or transhipped on such vessel in such port.

If any such master fails to comply with any of the Penalty. provisions of this section, he and his agent shall be severally liable to a penalty not exceeding *one hundred* pounds.

15. The Colonial Treasurer may, when default is Colonial Treasurer may sell goods, &c., for payment of rates. made in the payment of any rates or charges under this Act or the regulations thereunder in respect of any goods, seize or retain and sell the said goods, or any part thereof; and, after reimbursing himself for any payment of custom duties and dues in respect of such goods, shall retain and pay in the first place the rates and charges aforesaid and the expenses of such sale, and in the next place the freight due on such goods (in case he has received written notice that such freight has not been paid), rendering the surplus (if any), and also such of the said goods as remain unsold (the rates and charges due in respect thereof having been discharged as aforesaid) to the person entitled thereto on demand.

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In lieu of selling such goods, or notwithstanding such sale if the proceeds of such sale are insufficient, the Colonial Treasurer may, by action of debt in any Court of competent jurisdiction, recover the amount of such rates, charges, expenses, and disbursements as are due to the Crown.

16. If the Superintendent of Navigation reports to the Colonial Treasurer that any goods have been seriously damaged before being unshipped, the said Treasurer may exempt such goods from inward harbour rates, subject to such conditions as he may think fit to impose.

Exemption as to damaged goods.

17. (1) For the purposes of this Act, the register tonnage of any vessel shall be determined in accordance with the provisions of the Imperial Act, the Merchant Shipping Act, 1894, and the Schedules thereto, and any enactments amending that Act, and shall in all cases be the net register tonnage.

Register tonnage, how determined.

(2) The latest publication of Lloyd's Register shall be evidence of such tonnage of all vessels mentioned therein.

18. (1) The Governor may make regulations for carrying out the objects and purposes of this Act, and in addition may make regulations as to—

Power to make regulations.

- (a) the berthing of vessels at public wharves in any port to which this Act applies;
- (b) the removal of vessels from such public wharves;
- (c) the discharging and loading of goods on or from any such public wharf;
- (d) the storing, stacking, and removing of goods which are on any such public wharf, and the fixing, levying, and collecting of charges for storage;
- (e) the management and control and the cleansing of such public wharves, and any lands, buildings, or other property connected therewith;
- (f) the fixing and collecting of charges, and imposing any necessary conditions for the use of any of the property of the Crown used on or in connection with any such public wharf; and

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(g)

- (g) the fixing, levying, and collecting of harbour and tonnage rates, and berthing and buoyage charges;
- (h) prescribing penalties, not exceeding one hundred pounds, for the contravention of any such regulation. Every such penalty may be defined by a minimum as well as a maximum limit.

(2) Such regulations shall—

Publication of regulations.

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session.

19. All penalties imposed by this Act or by the regulations thereunder may be recovered summarily before a stipendiary or a police magistrate, or before any two justices in petty sessions. Proceedings to be heard summarily, &c.

20. Nothing in this Act shall affect any lease or agreement for a lease of any public wharf granted or entered into by or on behalf of the Crown before the commencement of this Act. Saving.

SCHEDULES.

SCHEDULE ONE.

Section 3.

Reference to Act.	Short title.	Extent of repeal.
No. 16, 1902 ...	Wharfage and Tonnage Rates Act, 1901.	The whole.
No. 34, 1898 ...	Port Kembla Harbour Act, 1898	Section 4.

SCHEDULE

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Harbour and Tonnage Rates.

SCHEDULE TWO.

Description of Goods.	Harbour Rate.
Mattes copper precipitates, blister copper, rough and refined copper concentrates, and furnace products.	Inwards, 9d. per ton ; outwards, 4½d. per ton.
Copper ore, ironstone, limestone, and other fluxes.	Inwards and outwards, 4½d. per ton.

SCHEDULE THREE.

Tweed River.	Broken Bay.
Byron Bay.	Botany Bay.
Richmond River.	Wollongong.
Clarence River.	Port Kembla.
Woolgoolga.	Kiama.
Coff's Harbour.	Shoalhaven.
Bellinger River.	Crookhaven.
Nambucca River.	Ulladulla.
Macleay River.	Clyde River.
Port Macquarie.	Moruya.
Camden Haven.	Narooma.
Harrington Inlet (Manning River).	Bermagui.
Cape Hawke Harbour.	Tathra.
Port Stephens.	Merimbula.
Port Hunter (Newcastle Harbour).	Twofold Bay.
Lake Macquarie.	

