

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 “Wharfage and Tonnage Rates Act, 1911,” and is divided into Parts and Divisions, as follows:—

PART I.—PRELIMINARY—*ss.* 1-4.

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

DIVISION 1.—*Wharfage rates*—*s.* 5.

DIVISION 2.—*Tonnage rates and berthing charges*—*ss.* 6-9.

PART III.—LEASES OF WHARVES—*s.* 10.

PART IV.—HARBOUR RATES—*ss.* 11-13.

PART V.—MISCELLANEOUS MATTERS—*ss.* 14-22.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.

Repeal.
First Schedule.

(2) All persons appointed under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder.

Officers under Acts
hereby repealed.

(3) All regulations made under the authority of the Wharfage and Tonnage Rates Act, 1901, hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

Regulations under
Act hereby
repealed.

3. In this Act and the regulations thereunder, unless the context or subject-matter otherwise indicates or requires—

Interpretation.

“Goods” includes wares, merchandise, and articles of whatsoever description.

“Master” includes every person having lawfully or *de facto*, the command, charge, or management of a vessel for the time being.

“Owner,” when used in relation to a registered ship, includes any person who is the owner jointly with any other person or persons, or any joint stock company registered as the owner.

“Owner,” when used in relation to goods, includes any consignee, shipper, or agent for the sale or custody, loading or unloading of goods, as well as the owner thereof.

“Port”

“Port”

“Public wharf” means and includes any wharf, dock, pier, jetty, landing-stage, slip, or platform the property of and vested in the Government.

“Ship” includes every description of vessel used in navigation not ordinarily propelled by oars only.

“Vessel” includes ship, lighter, barge, boat, raft, craft, or vessel of whatever description and howsoever navigated.

“Wharfinger”

4. Nothing in this Act contained shall relate to the port of Sydney unless specifically mentioned. Exception of port of Sydney.

PART II.

RATES.

DIVISION 1.—*Wharfage rates.*

5. Upon all goods unshipped from or shipped on any vessel berthed at a public wharf, there may be levied rates, termed wharfage rates, not exceeding the respective rates contained in the Second Schedule hereto: Wharfage rates to be levied. Second Schedule.

Provided that in lieu of the wharfage rates in the aforesaid Second Schedule the Governor may by proclamation in the Gazette charge wharfage rates by measurement or weight, not exceeding four shillings per ton dead weight, or three shillings per ton measurement. Proviso.

Provided further that no wharfage rates shall be imposed or collected where such goods are shipped from any outport in New South Wales to the ports of Sydney or Newcastle, and pay wharfage rates at either of the said last-mentioned ports. Further proviso.

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

6. Tonnage rates may be levied upon every vessel (except vessels under two hundred and forty tons of register tonnage and lighters) whilst lying berthed at any public wharf, according to the following scale:— Levy of tonnage rates.

- (a) In respect of the first six days (exclusive of Sundays and days observed as public holidays, unless where the vessel casts off from the wharf, or receives or delivers any cargo on such Sunday or public holiday) after the time of berthing, one halfpenny for each ton of the register tonnage of the vessel

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 day of over eighteen hours; or one quarter, 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 such subsequent day, or part of a day, half the above rate.

7. On vessels in respect of which tonnage rates are not payable, the Governor may, by regulations, impose tolls or charges for berthing at any public wharf, and provide for their collection. Such tolls and charges may be fixed charges for berthing, or may be in the form of licenses for a fixed period.

Berthing charges on vessels on which tonnage rates are not payable.

8. The owner, or the agent of the owner, of a vessel shall pay all tonnage rates or berthing charges upon the vessel before she leaves the port. If any vessel leaves the port before such rates or charges are paid such owner or agent shall be liable to a penalty not exceeding *one hundred* pounds.

Payment of tonnage rates or berthing charges.

9. Section four of the Port Kembla Harbour Act, 1898, is repealed, and from the commencement of this Act all the provisions contained in this Act and the regulations thereunder shall apply to Port Kembla.

Amendment of section 4 of the Port Kembla Harbour Act, 1898.

PART III.

LEASES OF WHARVES.

10. The Colonial Treasurer may let any public wharf, or any portion thereof, for any term not exceeding _____ years, either by public auction or private contract, as he may think best in the public interest, subject to such annual rental, and other conditions and reservations as he may deem fit.

Lease of wharves.

PART IV.

HARBOUR RATES.

11. Towards meeting the expenditure annually incurred in dredging, lighting, improving, and maintaining the ports of the State other than the port of Sydney, the Governor may, by regulations, fix and collect under this Act, on goods brought by sea into any of such ports,

Harbour rates fixed by Governor.

ports, to be there landed, discharged, or transhipped, harbour rates, not exceeding one half of the respective amounts of the inward wharfage rates specified in the Second Schedule to this Act.

12. The harbour rates so fixed shall be paid by the owners or consignees of the goods within forty-eight hours after the landing or transhipment of the goods in any of such ports other than the port of Sydney; and if such rates are not so paid within the said period, the person liable to pay the same shall be liable to a penalty not exceeding *fifty* pounds:

Provided that, in respect of goods transhipped in the said ports, one half only of the said harbour rates shall be payable, unless the goods are landed on a public wharf, and the transhipment does not take place within fourteen days after the landing, in which case the full harbour rates shall be payable:

Provided also that, where wharfage rates are payable on goods on which harbour rates have been paid under this Act, the amount of such harbour rates shall be deducted from the amount payable as wharfage rates.

13. For the purpose of carrying out the above provisions to harbour rates, the officers and servants of the Government may at any time enter any place having frontage to any such port where goods are landed, and may inspect any goods landed thereon.

PART V.

MISCELLANEOUS MATTERS.

14. For all purposes in connection with this Act a vessel lying in tier outside a vessel moored to or alongside any public wharf shall, if working cargo or embarking or landing passengers, be deemed to be berthed at that wharf as if she were directly moored to it.

15. It shall be lawful for the Colonial Treasurer to demand, collect, and receive in respect and for the use of any of the property of the Government used on or in connection with any public wharf outside the port of Sydney such tolls, rates, and charges as the Governor may determine and appoint by regulations under this Act.

16. The Governor may appoint wharfingers or other persons as may be necessary, to collect and demand all rates, dues, tolls, or charges leviable and imposed under the authority of this Act.

17.

17. The master, or the agent for the master of a vessel shall, within twenty-four hours after entering any port in New South Wales other than the port of Sydney, at which goods are to be landed, discharged, or transhipped from such vessel, lodge at the office of the wharfinger a true and complete copy of the manifest of the said vessel in respect of all goods intended to be so landed, discharged, or transhipped, and, if required, shall lodge with the wharfinger a true and complete copy of his outward manifest in respect of all goods laden or transhipped at a port before he leaves such port; and, if he fails to do so, he shall for every breach of this section be liable to a penalty not exceeding *one hundred pounds*. Manifest to be lodged.

18. The Colonial Treasurer may, when default is made in the payment of any tolls, rates, or charges in respect of any goods, (first paying the customs duties and dues, if any) retain and sell the said goods, or any part thereof; and, after being reimbursed the amount of such duties and dues, he shall retain and pay in the first place the tolls, rates, and charges so unpaid as aforesaid, including 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 due in respect whereof having been discharged as aforesaid) to the person entitled thereto on demand. 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 the Supreme or a District Court, recover the amount of such tolls, rates, charges, and expenses, as are due to the Government. Colonial Treasurer may sell goods, &c., for payment of rates.

19. Notwithstanding anything in this Act contained the Governor may, by proclamation in the Gazette, whenever in his opinion it is in the public interest to do so, abolish altogether or reduce the scale of wharfage or tonnage rates or harbour rates prescribed by this Act, and leviable thereunder at any public wharf; and, in the case of any such total abolition or reduction, he may in like manner reimpose the whole or any part of such rates: Abolition of rates under certain circumstances.

Provided that the Governor may make regulations for the remission, exemption, or reduction of any rates, dues, tolls, or charges imposed by this Act in such special cases, and subject to such conditions, as he shall deem advisable. Remission, exemption, or reduction of rates in special cases.

20. (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 the same; but for ascertaining the tonnage rates leviable under this Act upon steam vessels, the gross tonnage measurement shall be deemed to be the tonnage of such vessels. Register tonnage, how determined.

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

21.

21. Subject to the provisions of this Act, the Governor may ^{Power to make regulations.} make regulations for carrying out the objects and purposes of this Act, and in particular for :—

- (a) The berthing of vessels at a public wharf.
- (b) The removal of vessels from a public wharf.
- (c) The discharging of cargo and loading thereof on or from any public wharf.
- (d) The storage or removal of goods discharged on or laden from any public wharf ; and the fixing of a scale of charges for storage after the first forty-eight hours.
- (e) The leasing of any public wharf.
- (f) The management and good government generally of all public wharves, and any lands, buildings, or other property connected therewith, outside the Port of Sydney.
- (g) The receipt and collection of wharfage rates and of tonnage rates.
- (h) The imposing, levying, and receiving of tolls or charges for berthing in respect of vessels on which tonnage rates are not payable.
- (i) The imposing, levying, and receiving of all harbour rates under this Act.
- (j) The fixing and collection of tolls, rates, or charges, and any other necessary conditions for the use of any of the property of the Government used on or in connection with any public wharf, outside the port of Sydney.
- (k) The remission, exemption, or reduction of wharfage rates in such special cases, and subject to such conditions as may be deemed advisable ; and
- (l) For prescribing penalties, not exceeding in any case the sum of 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.

All such regulations shall be published in the Gazette and shall ^{Publication of regulations.} be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the beginning of the next session, and upon publication in the Gazette all such regulations shall have the force of law.

22. All penalties imposed by this Act or by the regulations ^{Proceedings to be heard summarily, &c.} thereunder may be recovered summarily before a stipendiary or a police magistrate, or before any two justices in petty sessions ; and if the amount of such penalty be not paid within the time mentioned in the order, payment thereof may be enforced by distress and sale of the offender's goods and chattels, and in default of sufficient distress the offender shall be liable to imprisonment for any term not exceeding three calendar months, unless such penalty and costs (if any) be sooner paid.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
Act No. 16, 1902	Wharfage and Tonnage Rates Act, 1901 ...	The whole, except in so far as it may relate to the port of Sydney.
Act No. 60, 1901	Navigation Act, 1901	Section 154.
Act No. 34, 1898	Port Kembla Harbour Act, 1898	Section 4.

SECOND SCHEDULE.

Section 5.

Inward wharfage rates.

All goods unshipped from a vessel berthed at a public wharf shall be subject to the payment of the following wharfage rates, viz. :—

		s.	d.
Animals—Horses and horned cattle each	1	8
Do Calves do	0	6
Do Sheep, goats, pigs do	0	3
Bricks, loose, clay and fire, not exceeding in size 9" x 4½" x 3" ₤ 500	1	6
Coal ₤ ton	0	3
Cocoanuts ₤ 100	0	4
Coke ₤ ton	0	6
Copra do	1	3
Firewood do	0	3
Fruit, green ₤ pkg.	0	1
Gypsum ₤ ton	1	3
Iron tanks (empty), 400 gallons each	2	0
Do do 200 gallons and under do	1	0
Kerosene in case ₤ case	0	2
Liquid fuel ₤ ton	1	0
Lucerne hay do	0	10
Ore from which metal is to be extracted arriving from any port outside the Commonwealth do	0	9
Ore from which metal is to be extracted (being the produce of, shipped at, and arriving from any port within the Commonwealth) do	0	6
Phosphatic rock do	1	3
Produce—Bones, bark, butter, bacon, cream, cheese, eggs, fish, hams, oysters, poultry (being the produce of, shipped at, and arriving from any port within the Commonwealth) ₤ ton	1	0
Pumpkins, melons, and squashes ₤ 100	0	6
Returned empties (excluding bags in bales, casks in shooks, and tanks) ₤ ton	0	10
Do (bags in bales and casks in shooks) do	1	3

Wharfage and Tonnage Rates.

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SECOND SCHEDULE—*continued.*

Inward wharfage rates—continued.

		s.	d.
Returned empties, being empty casks, cases, bags, boxes, crates, and baskets (being the produce of, shipped at, and arriving from any port within the Commonwealth)	Free.		
Sand, gravel, stone, and soil	£ ton	0	6
Sugar and molasses which go through a mill-refining process after importation	do	1	3
Timber (sawn) imported from outside the Commonwealth	£ 600 ft. super.	1	8
Do sawn (being the produce of, shipped at, and arriving from any port within the Commonwealth)	£ 600 ft. super.	0	10
Do rough (do do)	£ 480 ft. super.	0	10
Do palings (do do)	£ 600	1	0
Do posts, rails, and naves (do do)	£ 100	1	0
Do spokes, felloes, and shafts (do do)	£ 500	1	0
Wool	£ bale	0	6
Ballast discharged at a ballast wharf and becoming the property of the Government	Free.		
Goods belonging to His Majesty's Government	Free.		
Passengers' luggage... ..	Free.		
Goods not enumerated above	£ ton	2	6

Unless otherwise specified, the rates on all goods shall be chargeable by weight or measurement in the option of the Government.

Outward wharfage rates.

All goods shipped on a vessel berthed at a public wharf shall be subject to payment of rates not exceeding one-half of the foregoing inward wharfage rates.