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No. , 1917.

A BILL

To make provision for levying and collecting harbour and tonnage rates, and berthing and buoyage charges, and for the management and control of every public wharf, and the lands, buildings, or property connected therewith, in certain ports; for regulating the berthing and removal of vessels in any of such ports, and the discharging, loading, storing, stacking, and removing of goods on or from any such wharf; to repeal the Wharfage and Tonnage Rates Act, 1901, and the Port Kembla Wharfage and Tonnage Rates Amendment Act, 1916; to amend the Port Kembla Harbour Act, 1898; and for purposes consequent thereon or incidental thereto.

[Mr. J. C. L. FITZPATRICK;— *August, 1917.*]

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:—

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PART I.

PRELIMINARY.

Repeal and interpretation.

Short title. **1.** This Act may be cited as the "Harbour and Tonnage Rates Act, 1917," and is divided into Parts 10 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. 15

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

PART III.—BUOYAGE RATES—*s.* 12.

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

SCHEDULES. 20

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

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 **3.** (1) The Acts mentioned in Schedule One to this Act are to the extent therein expressed hereby repealed.

Officers under Act hereby repealed. (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. 25

Regulations under Act hereby repealed.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. 30

4.

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

- 5 "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.
- 10 "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.
- 15 "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.
- 20 "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.
- 25 "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.
- 30 "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.
- 35 "Wharfinger" means wharfinger appointed under this Act.

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

PART II.

HARBOUR AND TONNAGE RATES AND BERTHING
CHARGES.DIVISION I.—*Harbour rates.*Harbour
rates to be
levied.

6. (1) Towards meeting the expenditure annually 5
incurred in dredging, improving, and maintaining 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, inward 10
harbour rates on all goods brought by any vessel to
any of such ports for landing or transshipment therein,
and outward harbour rates on all goods shipped on
any vessel in any of such ports, in accordance with the
scale prescribed in Schedule Three to this Act. 15

Such rates, whether inward or outward, may be by
weight or measurement, in the discretion of the Superin-
tendent of Navigation or of any person authorised by the
Colonial Treasurer in that behalf.

A minimum rate of threepence shall be paid on each 20
of any articles or packages not exceeding five having
the same owner.

Rates on
goods
transhipped.

(3) The rates on goods transhipped shall be on
the scale prescribed in Schedule Three unless the goods
are landed on a wharf or other place, and the tranship- 25
ment does not take place within fourteen days after
the landing, in which case double the amount so fixed
shall be payable.

Savings.

(4) On goods transhipped no outward harbour
rates shall be payable. 30

(5) Passengers' luggage shall be exempt from all
harbour rates.

Payment of
harbour
rates.

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

Inward harbour rates shall be paid on the vessel 35
entering the port, and before the landing or transshipment
from the vessel of any goods.

Outward

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:—One halfpenny for each ton of the gross tonnage measurement of the vessel for each complete period of twenty-four hours, and for periods of less than twenty-four hours at the rate of one-eighth of a penny for each period of six hours or part thereof :

Levy of tonnage 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.

Payment of
tonnage rates
or berthing
charges.

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*. 5

PART III.

BUOYAGE RATES.

Imposing of
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 :—

For each complete period of twenty-four hours or part thereof after the first two clear days—

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

Every vessel of over one thousand and not over two thousand register tonnage, two pounds.

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

Exemption

Exemption from buoyage rates shall be allowed—

- 5 (a) when a vessel does not occupy a Government buoy 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
- 10 (c) when any unforeseen circumstance arises which, in the opinion of the officer in charge, renders it desirable that the vessel should occupy or continue to occupy a Government mooring.
- (2) The owner, or the agent of the owner, or the master of a vessel shall pay all buoyage rates on the 15 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.
- 20 (3) The Government will not be liable for any damage, however caused, to a vessel while occupying a Government mooring buoy.

PART IV.

MISCELLANEOUS MATTERS.

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

30 **14.** After entering any port to which this Act applies, and at which goods are to be landed or transhipped, the master of a vessel shall, before any goods are landed or transhipped from his 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. Inward manifest to be lodged.

The

Outward
manifest.

The master of a vessel in any such port shall, before 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. 5

Penalty.

Every manifest, inward or outward, shall show the weight and measurement of each class of goods.

If any such master fails to comply with any of the provisions of this section, he and the agent of the vessel shall be severally liable to a penalty not exceeding *one hundred* pounds. 10

Power to sell
goods, &c.,
for payment
of rates,
charges, &c.

15. (1) Any rates and charges leviable under this Act and the regulations thereunder may be recovered as a Crown debt in any court of competent jurisdiction.

(2) The period within which any rates and charges under this Act are to be paid may, where not prescribed by this Act, be prescribed by regulations under this Act. 15

(3) Any person authorised by the Governor to collect such rates and charges may retain any goods on which rates and charges are due until such rates and charges are paid. 20

(4) If such rates and charges in respect of goods be not paid within the prescribed time, or if the owner cannot be found, the person authorised to collect such rates and charges may sell such goods by public auction, provided that such goods, if perishable, may be sold without demand after twenty-four hours. 25

(5) The proceeds of any such sale shall be applied in payment of— 30

- (i) customs duties and dues in respect of such goods ;
 - (ii) rates and charges payable under this Act in respect of such goods and any expenses of sale ;
 - (iii) freight due on such goods (in case the person claiming such freight has given notice in writing that such freight has not been paid) ; 35
 - (iv) The surplus (if any) and also such of the said goods as remain unsold (the rates and charges, &c., due in respect thereof having been discharged as aforesaid) shall be rendered to the person entitled thereto on demand. 40
- In

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, in whole or in part, 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 gross 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 carrying out the objects and purposes of this Act, and in addition may make regulations as to—

Power to make regulations.

- 25 (a) the berthing of vessels at any public wharf in any port to which this Act applies;
- (b) the removal of vessels from any such public wharf;
- 30 (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 such storage, stacking, or removing;
- 35 (e) the management and control and the cleansing of any such public wharf, 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
- 40 any of the property of the Crown used on or in connection with any such public wharf;

17—B

(g)

- (g) the collection of harbour rates ;
- (h) the fixing, levying, and collecting of tonnage rates, and berthing and buoyage charges ;
- (i) 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 ; and 5
- (j) the seizure, retention, and sale of any goods on which rates and charges have not been paid within the prescribed time. 10
- Publication of regulations.
- (2) Such regulations shall—
- (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 15
- (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. 20
- Penalty.
- 19.** (1) Where a penalty is not otherwise provided in this Act any person guilty of a breach of any of the provisions of this Act shall be liable to a penalty not exceeding *one hundred* pounds for each such breach.
- (2) 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. 25
- Proceedings to be heard summarily, &c.
- Saving.
- 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. 30

SCHEDULES.

SCHEDULE ONE.

Section 3.

Reference to Act.	Short title.	Extent of repeal.
5 No. 16, 1902 ...	Wharfage and Tonnage Rates Act, 1901.	The whole.
No. 34, 1898 ...	Port Kembla Harbour Act, 1898	Section 4.
No. 23, 1916 ...	Port Kembla Wharfage and Tonnage Rates Amendment Act, 1916.	The whole.

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SCHEDULE TWO.

Section 5.

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

SCHEDULE

Harbour and Tonnage Rates.

Section 6.

SCHEDULE THREE.

Inward Harbour and Transhipment Rates.

Article.	Column 1.	Column 2.	5
	Inward Harbour Rate.	Transhipment Rate.	
	s. d.	d.	
(A) Articles the produce of, shipped at, and arriving from, any port within the Commonwealth—			10
Bacon, bark, bones, butter, cheese, cream, eggs, fish, hams, oysters, poultry, rabbits, and tinned milk per ton	1 3	5	
Posts, rails, and naves per 100	1 3	5	
Palings per 600	1 3	5	15
Returned empties per ton	6	3	
Road metal and gravel per ton	1	$\frac{1}{2}$	
Spokes, felloes, and shafts per 500	1 3	5	
(B) General Articles—			
Animals—Calves each	6	$1\frac{1}{2}$	20
Horses and cattle each	1 8	5	
Sheep, goats, and pigs each	3	$\frac{3}{4}$	
Bricks loose, clay, and fire, not exceeding in size 9 in. x $4\frac{1}{2}$ in. x 3 in. per 500	2 0	5	
Coal per ton	6	3	25
Cocoanuts per 100	6	2	
Coke per ton	9	3	
Copper and all other crude ores, ironstone, limestone, and other fluxes per ton	$4\frac{1}{2}$	$2\frac{1}{4}$	
Copra per ton	1 8	5	30
Firewood per ton	3	$5\frac{3}{4}$	
Fruit (green)... .. per pkg.	1	per ton 5	
Gypsum per ton	1 3	5	
Hay per ton	10	5	
Iron tanks (empty) 400 gallons each	2 0	6	35
Iron tanks (empty) 200 gallons and under each	1 0	3	
Mineral oil or mineral spirit per gal.	$\frac{1}{4}$...	
Mattes, copper precipitates, blister copper, rough and refined copper concentrates and furnace products per ton	9	$2\frac{1}{4}$	40
Ore per ton	9	$2\frac{1}{4}$	
Phosphatic rock per ton	1 3	5	
Pumpkins, melons, and squashes per 100	6	$1\frac{1}{2}$	
Returned empties (excluding bags in bales, casks in shooks and tanks)... .. per ton	1 3	5	45

SCHEDULE

SCHEDULE THREE—continued.
Inward Harbour and Transhipment Rates—(continued).

Article.		Column 1. Inward Harbour Rate.	Column 2. Tranship- ment Rate.
(B) General Articles—continued.			
		s.	d.
5	Returned empties (bags in bales and casks in shooks) per ton	1 8	5
	Sand, gravel, stone-ballast, and soil per ton	6	3
	Sugar and molasses which go through a mill-refining process after impor-		
10	tation per ton	1 8	5
	Tiles (clay roofing) per ton	2 0	5
	Timber (sawn) per 600 ft. super.	1 8	5
	Timber (rough) per 480 ft. super.	1 8	5
	Wool per bale	6	2
15	Goods not enumerated above per ton	3 0	5
	Minimum charge	3	3

Outward Harbour Rates.

Article.		Outward Harbour Rate.
		d.
20	Animals—Calves each	3
	Horses and cattle each	10
	Sheep, goats, and pigs... .. each	1½
	Bones, butter, cement, copper, flour, sharps, bran, pollard, glue pieces and sinews, hides, hoofs, and horns, leather, meat (frozen) including	
25	hares and rabbits, preserved meats, skins, tallow, stearine, oleine, and tin per ton	10
	Coal (including bunker coal) per ton	3
	Coke per ton	3
30	Ore (including mattes, copper precipitates, blister copper, rough and refined copper concentrates and furnace products, copper ore, and all other crude ores, ironstone, limestone, and other fluxes per ton	4½
	Wheat per ton	6
35	Wool (greasy, scoured, and tops)... .. per bale	6
	Goods not enumerated above per ton	10
	Minimum charge	3

- 40 (a) Unless transhipment entries are passed within forty-eight (48) hours of ships reporting, and the transhipment takes place within fourteen (14) days of the landing of the goods, double the above transhipment rates will be charged.
- (b) Unless otherwise specified all goods are chargeable by weight or measurement at the option of the Superintendent of Navigation or of any person authorised by the Colonial Treasurer in that behalf.
- 45 (c) On goods transhipped outward harbour rates will not be charged.