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No. , 1910.

A BILL

To make better provision for the collection of harbour rates, wharfage and tonnage rates, and berthing charges in all ports in New South Wales other than the port of Sydney.

WHEREAS it is expedient to amend the law regulating the imposition and collection of wharfage and tonnage rates, and berthing charges, and to impose harbour rates in all ports in New South Wales other than the port of Sydney, and to embody the same in one Statute: Be it therefore 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 "Wharfage and Tonnage Rates Act, 1911," and is divided into Parts and Divisions, as follows:—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—RATES—

DIVISION 1.—*Wharfage rates*—s. 5.

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

DIVISION 3.—*Leases of wharfs*—s. 10.

PART III.—HARBOUR RATES—ss. 11-13.

PART IV.—MISCELLANEOUS MATTERS—ss. 14-18.

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 (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed.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(2) All persons appointed under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder.

Officers under Acts hereby repealed.

(3) All regulations made under the authority of the Acts hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

Regulations under Acts hereby repealed.

3. In this Act, 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.

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

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

“Wharf” includes dock, pier, jetty, landing-stage, slip, or platform.

“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 wharf vested in the Government or in any shire council or municipality, 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

Provided that such rates shall not be imposed or collected Proviso. 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 :

Provided further that, in respect of goods transhipped in any Further proviso. port, one quarter only of the rates otherwise payable shall be charged, unless the transhipment does not take place until fourteen days after the landing, in which case full rates shall be paid.

DIVISION II—*Tonnage rates and berthing charges.*

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

- (a) In respect of the first six days (exclusive of Sundays and days observed as public holidays) 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 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, Berthing charges on vessels on which tonnage rates are not payable. the Governor may, by regulations, impose and provide for the collection by the Government or the shire council or municipality, as the case may be, of tolls or charges for berthing at any wharf vested in the Government, or in any shire council or municipality. Such tolls and charges may be fixed charges for berthing, or may be in the form of licenses for a fixed period.

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

9. Section four of the Port Kembla Harbour Act, 1898, is Amendment of section 4 of the Port Kembla Harbour Act, 1898. repealed, and the following section enacted in lieu thereof:—

4. Wharfage and tonnage rates, as prescribed in the Wharfage and Tonnage Rates Act, 1910, and in the Second Schedule thereto, or in any amendment thereof, shall be levied upon all goods landed on or laden from any wharf or jetty now constructed, or hereafter to be constructed, within the deep-water harbour of Port Kembla.

DIVISION

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DIVISION 3.—Leases of wharfs.

10. The Treasurer may let, 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 the Governor may prescribe, any wharf, or any portion thereof, not vested in a shire council or municipality. Lease of wharfs.

PART III.

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 other than the port of Sydney, harbour rates, not exceeding one half of the respective amounts of the inward wharfage rates specified in the Second Schedule to this Act. Harbour rates fixed by Governor.

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: Payment of harbour rates.

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 wharf or other place vested in the Government, or in a shire council or municipality, 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 to the Government, or to a shire council or municipality, on goods on which harbour rates have been paid, 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 as 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. Power to enter private wharves.

PART IV.

MISCELLANEOUS MATTERS.

14. Any shire council or municipality may appoint wharfingers or other persons, as they may think necessary, to collect and demand all rates leviable and imposed under the authority of this Act.

15. 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, lodge at the office of the wharfinger a true and complete copy of his manifest, and, if he fails to do so he shall be liable to a penalty not exceeding one hundred pounds.

16. The Treasurer or the shire council or municipality 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 or they 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 or they have 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 Treasurer, or the shire council or municipality, 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 him or them.

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 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.

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

18. Subject to the provisions of this Act, the Governor may frame regulations for the following purposes:—

- (a) The berthing of vessels at a wharf.
- (b) The removal of vessels from a wharf.
- (c) The discharging of cargo and loading thereof on or from any wharf.
- (d) The storage or removal of goods, merchandise, packages, and articles discharged on or laden from any wharf; and the fixing of a scale of charges for storage after the first forty-eight hours.
- (e)

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- (e) The leasing of any wharf; and
- (f) For prescribing penalties, not exceeding in any case the sum of twenty pounds, for the contravention of any such regulation, and for directing the mode of their recovery and enforcement. Every such penalty may be defined by a minimum as well as a maximum limit.

All such regulations shall, upon notification in the Gazette, have the force of law, and shall be laid before Parliament within fourteen days after such notification if Parliament is then in session, and if not then within fourteen days after the commencement of the next ensuing session.

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 relates 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.

Sections

Inward wharfage rates.

All goods unshipped from a vessel berthed at a wharf vested in the Government or in any shire council or municipality, shall be subject to the payment of the following wharfage rates, viz. :—

		s.	d.
Animals—Horses and horned cattle	each	1	8
Do Sheep, goats, pigs	do	0	3
Do Calves	do	0	6
Bricks, loose, clay and fire, not exceeding in size 9" x 4½" x 3" ...	£ 500	1	6
Cocoanuts	£ 100	0	4
Coal	£ ton	0	3
Coke	do	0	6
Copra	do	1	3
Firewood	do	0	3
Fruit, green	£ pkg.	0	1
Gypsum	£ ton	1	3
			Iron

Wharfage and Tonnage Rates.

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SECOND SCHEDULE—*continued.*

Inward wharfage rates—continued.

	s.	d.
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, arriving from without the Commonwealth, and from which metal is to be extracted do	0	9
Phosphatic rock do	1	3
Pumpkins, melons, and squashes case	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
Sugar and molasses which go through a mill-refining process after importation do	1	3
Sand, gravel, stone, and soil do	0	6
Timber (sawn) imported from outside the Commonwealth 600 ft. super.	1	8
Wool bale	0	6
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
Ore from which metal is to be extracted (do do) do	0	6
Road metal and gravel (do do) do	0	1
Timber, sawn (being the produce of, shipped at, and arriving from any port within the Commonwealth) 600 ft. super.	0	10
Timber, rough (do do) 480 ft. super.	0	10
Posts, rails, and naves (do do) 100	1	0
Palings (do do) 600	1	0
Spokes, felloes, and shafts (do do) 500	1	0
Maize and returned empty casks, cases, and crates (being the produce of, shipped at, and arriving from any port within the Commonwealth)	Free.	
Goods not enumerated above ton	2	6

Unless otherwise specified, weight or measurement chargeable on all goods in the option of the Government, shire council, or municipality.

Outward wharfage rates.

All goods shipped on a vessel berthed at a wharf vested in the Government or in any shire council or municipality shall be subject to payment of rates not exceeding one-half of the foregoing inward wharfage rates.

When smaller packages, subject to a specified rate under this tariff, are enclosed or so fastened together as to form a larger package, it shall be lawful to levy the prescribed rate on each package of which the said larger package is composed, goods contained in iron tanks excepted.