

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1987, No. 30*

By-laws under the *Darwin Port Authority Act*

The Darwin Port Authority, in pursuance of sections 48 and 50 of the *Darwin Port Authority Act*, at a meeting held on 3rd June, 1987, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorized Ian Donald Gordon, its Chairman, to sign them.

Dated this third day of June, 1987.

I. D. GORDON
Chairman

AMENDMENTS OF THE PORT BY-LAWS

1. COMMENCEMENT

These By-laws shall come into operation on 1st July, 1987.

2. FEE FOR PILOTAGE EXEMPTION CERTIFICATE

By-law 36 of the Port By-laws is amended by omitting "\$48" and "\$100" and substituting "\$58" and "\$131" respectively.

3. FEE FOR RENEWAL OF PILOTAGE EXEMPTION CERTIFICATE

By-law 36C(2)(c) of the Port By-laws is amended by omitting "\$22" and substituting "\$27".

4. PILOTAGE RATES EXEMPTION FEE

By-law 36F(3) of the Port By-laws is amended by omitting "3.5" and "50" and substituting "4.25" and "60.5" respectively.

* Notified in the *Northern Territory Government Gazette* on 1 July, 1987.

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5. ALTERNATIVE METHODS OF CALCULATION OF VESSEL'S TONNAGE

By-law 49A of the Port By-laws is repealed and the following substituted:

"49A. CALCULATION OF TONNAGE

"(1) In this by-law -

- (a) 'UMS tonnage' means the tonnage of a vessel or lighter as calculated by the Universal Measurement System contained in the International Convention for Tonnage Measurement of Ships 1969 (to which the Commonwealth is a party), as affected by any amendment under Article 118 of that Convention, other than an amendment not accepted by the Commonwealth;
- (b) 'Gross Registered Tonnage' means the tonnage of a vessel or lighter calculated under the *Navigation (Tonnage Measurement) Regulations* of the Commonwealth being Statutory Rules 1976 No. 250 as amended or replaced by any subsequent rules or regulations; and
- (c) 'ITM Certificate' means an International Tonnage Measurement Certificate specifying the tonnage of a vessel or lighter and issued pursuant to the Convention referred to in paragraph (a).

"(2) For the purposes of this Chapter the tonnage of a vessel or lighter shall mean its tonnage as determined under the following clauses.

"(3) The tonnage of a vessel or lighter shall be its UMS tonnage where this can be ascertained -

- (a) from an ITM Certificate;
- (b) from a Certificate of Registry;
- (c) from a Tonnage Certificate;
- (d) from any measurement of the vessel in the latest edition of the Lloyd's Register in the Port Authority's possession;
- (e) from information received from any other port authority or like authority, whether in the Commonwealth or not; or
- (f) from any other source acceptable to the Port Authority.

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"(4) Where -

- (a) the UMS tonnage of a vessel or lighter cannot be ascertained from any source referred to in clause (3); or
- (b) the UMS tonnage ascertained under clause (3) is inaccurate in the opinion of the Port Authority,

the Port Authority may if it thinks fit make or authorize a survey or estimate of the UMS tonnage, and the tonnage so ascertained shall be the tonnage of the vessel or lighter,

"(5) In any case where the tonnage of a vessel or lighter is not ascertained under clause 3 or 4, its tonnage shall be its Gross Registered Tonnage, and that tonnage shall be ascertained from -

- (a) a Certificate of Registry;
- (b) a Tonnage Certificate;
- (c) any measurement of the vessel in the latest edition of the Lloyd's Register in the possession of the Port; or
- (d) any other source acceptable to the Port Authority,

but if the Port Authority considers the Gross Registered Tonnage so ascertained to be inaccurate, it shall itself make or authorize a survey or estimate of that tonnage.

"(6) For the purpose of ascertaining the tonnage of a vessel or lighter any person authorized for that purpose by the Port Authority may board, inspect, survey or measure the vessel or lighter, or any space or goods therein or thereon, and for that purpose may do all things reasonably necessary to enable him to carry out that function.

"(7) The owner, agent or master of a vessel or lighter shall, upon the request of a person referred to in clause (6), afford all reasonably necessary facilities to enable the vessel or lighter, or any space or goods therein or thereon, to be boarded, inspected, surveyed or measured for the purpose of ascertaining the tonnage of the vessel or lighter.

"(8) The Port Authority shall keep at its offices in Darwin copies of the Convention referred to in clause 1(a), and of the Regulations referred to in clause 1(b), and shall make those copies available for inspection during its normal office hours if so requested by the owner, agent or master of a vessel or lighter."

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6. BERTHAGE FEES

By-law 50 of the Port By-laws is amended by inserting after subclause (1) the following:

"(1A) A vessel or lighter is berthed or moored from the time it is secured at a berth until the time the last line from the vessel or lighter is cast off a berth, and berthage has a corresponding meaning.

"(1B) This By-law does not apply to any fees charged by the Port Authority for the provision of mooring facilities -

- (a) within the Darwin Fishing Harbour Mooring Basin; or
- (b) in Sadgroves Creek."

7. NEW BY-LAW 53A

The Port By-laws are amended by inserting the following after by-law 53 -

"53A. PRESCRIBED FEE FOR STEVEDORE'S LICENCE

"The prescribed fee for the issue or renewal of a licence to a stevedore shall be the fee specified in Schedule 6."

8. STORAGE CHARGE FOR INWARD CARGO

By-law 67(1) of the Port By-laws is amended by omitting "\$3.00" and substituting "\$3.60".

9. STORAGE CHARGE FOR OUTWARD CARGO

By-law 68(2) is amended by omitting "21 cents" and substituting "25 cents".

10. HIRE OF EQUIPMENT AND OTHER SERVICES

By-law 72 of the Port By-laws is amended by inserting in paragraph (b) after "such" the word "services".

11. BY-LAW 74

By-law 74(3) of the Port By-laws is amended in accordance with the following table:

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paragraph	omit	substitute
(a)	"21"	"25"
(b)	"32"	"39"
(c)	"42"	"51"
(d)	"64"	"77"
(e)	"85"	"\$1.03"
(f)	"1 dollar 7 cents"	"\$1.29"
(g)	"1 dollar 28 cents"	"\$1.55"
(h)	"1 dollar 50 cents"	"\$1.81"

12. SCHEDULE 2 FEES

Schedule 2 to the Port By-laws is repealed and the following substituted:

"SCHEDULE 2
By-law 50

BERTHAGE FEES

1. BASIC SCALE

The scale of fees is -

- (a) for a fishing vessel or passenger or tourist ferry 1.7 cents per ton of its tonnage (as ascertained under By-law 49A), for each 6 hours, or part, that it is berthed or moored
- (b) for any other vessel 13 cents per metre of its overall length, for each 6 hours, or part, that it is berthed or moored,

and the minimum fee is as for 24 hours berthage.

2. EXCEPTION

Notwithstanding paragraph 1, if the annual rental for a current mooring for a fishing vessel at the Darwin Fishing Harbour Mooring Basin has been paid, no fee shall be charged in respect of that vessel, where it is berthed outside the Mooring Basin for purposes only of unloading catch, for the first 8 hours it is so berthed.

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3. REBATE IF BUNKERING

Where a vessel or lighter (other than a fishing vessel or tourist ferry) is berthed within the Port for the purposes of loading fuel, water or supplies for its own use or for purposes other than commercial purposes, the Port Authority may grant a rebate of 75% of the berthage fees which are payable under this Schedule, in respect of the first 24 hours of the period of which the vessel or lighter is berthed within Port."

13. SCHEDULE 3

Schedule 3 of the Port By-laws is repealed and the following substituted:

"SCHEDULE 3

The scale of charges for wharfage, whether loading or unloading, is -

- (a) for imported petroleum products and oils if bulk - \$4.31 per kilolitre;
- (b) for exported bulk petroleum products and oils - \$0.65 per kilolitre;
- (c) for animals - \$1.21 per animal;
- (d) for cement and similar substances, or acids, or similar liquids, by pipeline - \$3.33 per tonne or part thereof;
- (e) for L.P. gas - \$1.86 per kilolitre or part thereof;
- (f) for bulk sulphur, clinker or similar bulk products -
 - (i) loaded or unloaded otherwise than by pipeline - \$3.39 per tonne or part thereof;
 - or
 - (ii) loaded for export - \$0.88 per tonne or part thereof.

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- (g) for containers of refrigerated export products - \$18.00 per 6.1 metre equivalent unit (T.E.U.);
- (h) for non-empty dry and reefer containers, a charge for the contents of which is not provided elsewhere in this Schedule -
- (i) import - \$91.00 per 6.1 metre equivalent unit (T.E.U.)
\$181.00 per 12.2m.
- (ii) export - \$61.00 per 6.1 metre equivalent unit (T.E.U.)
\$121.00 per 12.2m.
- (i) for empty containers - \$12 per 6.1 metre equivalent unit (T.E.U.)
- (j) non-standard containers; (not 6.1/12.2) 50 cents per cubic metre;
- (k) for yellow cake - \$490 per 6.1 metre equivalent unit (T.E.U.)
- (m) for goods a charge for which is not provided elsewhere in this Schedule - \$3.45 per tonne or cubic metre or part thereof, whichever is the greater charge and, in addition, for every heavy lift other than a lift of a container or a unitized cargo, \$8.50 per tonne, or part thereof, in excess of 20 tonnes;
- (n) a prescribed goods levy applies to yellow cake shipped by barge. The rate shall be assessed at \$398 per 6.1 metre equivalent unit (T.E.U.);

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- (p) for cargo landed within the Port and for trans-shipment by sea to another place -
- (i) wharfage fee for outward bound cargo - 50% of the fee specified in this Schedule and appropriate for the particular cargo being trans-shipped; and
- (ii) wharfage fee for inward bound cargo - the fee specified in this Schedule and appropriate for the particular cargo being trans-shipped."

14. SCHEDULE 4

Schedule 4 of the Port By-laws is repealed and the following substituted:

"SCHEDULE 4

By-law 52

PILOTAGE FEES

1. Where a vessel is piloted from Charles Point Patches Buoy to Channel Rock or vice versa - \$260
2. Where a vessel is piloted from Channel Rock Buoy to Quarantine Anchorage or vice versa - 2.5 cents per ton of its tonnage, or \$135, whichever is the greater amount
3. Where a vessel is piloted from Anchorage to a main Port berth or vice versa - 4 cents per ton of its tonnage, or \$200, whichever is the greater amount
4. Where a vessel is piloted from Quarantine Anchorage to a remote berth, buoy moving or anchorage in any of the Harbour Areas or vice versa - As in Item 3, plus an additional charge of \$265
5. Where a vessel is piloted from a berth at a berth to another berth at the same wharf - \$135

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6. Where a vessel is piloted from one wharf to another wharf - 4 cents per ton of its tonnage, or \$195, whichever is the greater amount
7. 'Tonnage' in Items 2, 3 and 6 refers to tonnage as ascertained under By-law 49A."

15. SCHEDULE 5

Schedule 5 of the Port By-laws is repealed and the following substituted:

"SCHEDULE 5

By-law 53

PORT DUES

Port dues payable in respect of a vessel or lighter are 22 cents per ton of its tonnage, as ascertained under by-law 49A, or \$151, whichever is the greater amount."

16. SCHEDULE 6

The Port By-laws are amended by inserting at the end:

"SCHEDULE 6

Section 38
By-law 53A

STEVEDORE'S LICENCE FEE

The licence fee shall be \$10,000."
