

Act No. 26, 1904.

An Act to impose harbour rates for the port of Sydney; to amend the scales of wharfage and tonnage rates and to provide for berthing tolls and charges at the said port; to provide for the payment and collection of such rates, tolls, and charges; to amend the Sydney Harbour Trust Act, 1900, and the Wharfage and Tonnage Rates Act, 1901; and for purposes consequent thereon or incidental thereto. [13th December, 1904.]

SYDNEY HARBOUR
RATES (No. 2).

WHIEREAS large expenditure is annually incurred in dredging, lighting, improving, and maintaining the port of Sydney, and it is expedient that such expenditure should be borne more equitably than heretofore by those who benefit by it: 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:—

Preliminary.

1. This Act may be cited as the "Sydney Harbour Rates Act, 1904," and shall be construed with the Sydney Harbour Trust Act, 1900, hereinafter referred to as the Principal Act.

2. Sections seven, eight, nine, and ten of the Wharfage and Tonnage Rates Act, 1901, are repealed so far as they relate to the port of Sydney.

Harbour rates.

3. Towards meeting the expenditure annually incurred in dredging, lighting, improving, and maintaining the port of Sydney, the commissioners may, by regulations, fix and collect under this Act

Harbour rates fixed
by commissioners.

on

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on goods brought by sea into 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 the Wharfage and Tonnage Rates Act, 1901.

Payment of harbour rates.

4. 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 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 port, 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 commissioners, 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 commissioners 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.

Power to enter private wharfs.

5. For the purpose of carrying out the above provisions as to harbour rates, the commissioners and their officers and servants may at any time enter any place having frontage to the port of Sydney where goods are landed, and may inspect any goods landed thereon.

Tonnage rates and berthing charges.

Levy of tonnage rates.

6. (1) Tonnage rates shall be levied by and paid to the commissioners upon every vessel (except vessels under two hundred and forty tons of register tonnage and lighters) while berthed at any wharf, dock, pier, jetty, landing-stage, slip, or platform vested in the commissioners.

Charges for berthing of vessels on which tonnage rates are not payable.

(2) On vessels in respect of which tonnage rates are not payable, the commissioners may, by regulations, impose and provide for the collection of tolls or charges for berthing at any wharf, dock, pier, jetty, landing-stage, slip, or platform vested in them. Such tolls and charges may be fixed charges for berthing, or may be in the form of licenses for a fixed period.

Saving.

(3) Nothing in this section shall affect any lease or agreement for a lease of any wharf, dock, pier, jetty, landing-stage, slip, or platform granted or entered into by the commissioners.

Scale of tonnage rates.

7. Such tonnage rates shall be according to the following scale—

- (a) in respect of the first six days (exclusive of Sundays and days observed in the public offices in Sydney as holidays) after

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after the time of berthing, one half-penny 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-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 such subsequent day or part of a day, half the above rate.

8. The owner or the agent of the owner of a vessel shall pay all tonnage rates upon the vessel before she leaves the port. Payment of tonnage rates.

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.

Wharfage rates.

9. In the case of vessels engaged in the coasting or inter-state trade, and in respect of which transhipment entries are not passed at the custom house, such entries instead of being so passed shall, for the purposes of the first proviso to subsection one of section sixty-eight of the Principal Act, be lodged with the commissioners. Transhipment entries in case of inter-state and coast trade vessels.

10. The commissioners may make regulations for securing the payment of wharfage rates, and in particular prohibiting the removal of goods until such rates are paid. Regulations for securing payment of wharfage rates.

Supplemental.

11. The master of a vessel shall, within twenty-four hours after entering the port of Sydney, lodge at the office of the commissioners 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. Manifest to be lodged.

12. For the purposes of this Act the register tonnage of a vessel shall be ascertained in accordance with the Imperial Merchant Shipping Act, 1894, and any Acts amending it. Register tonnage.

The latest publication of Lloyd's Register shall be evidence of such tonnage.