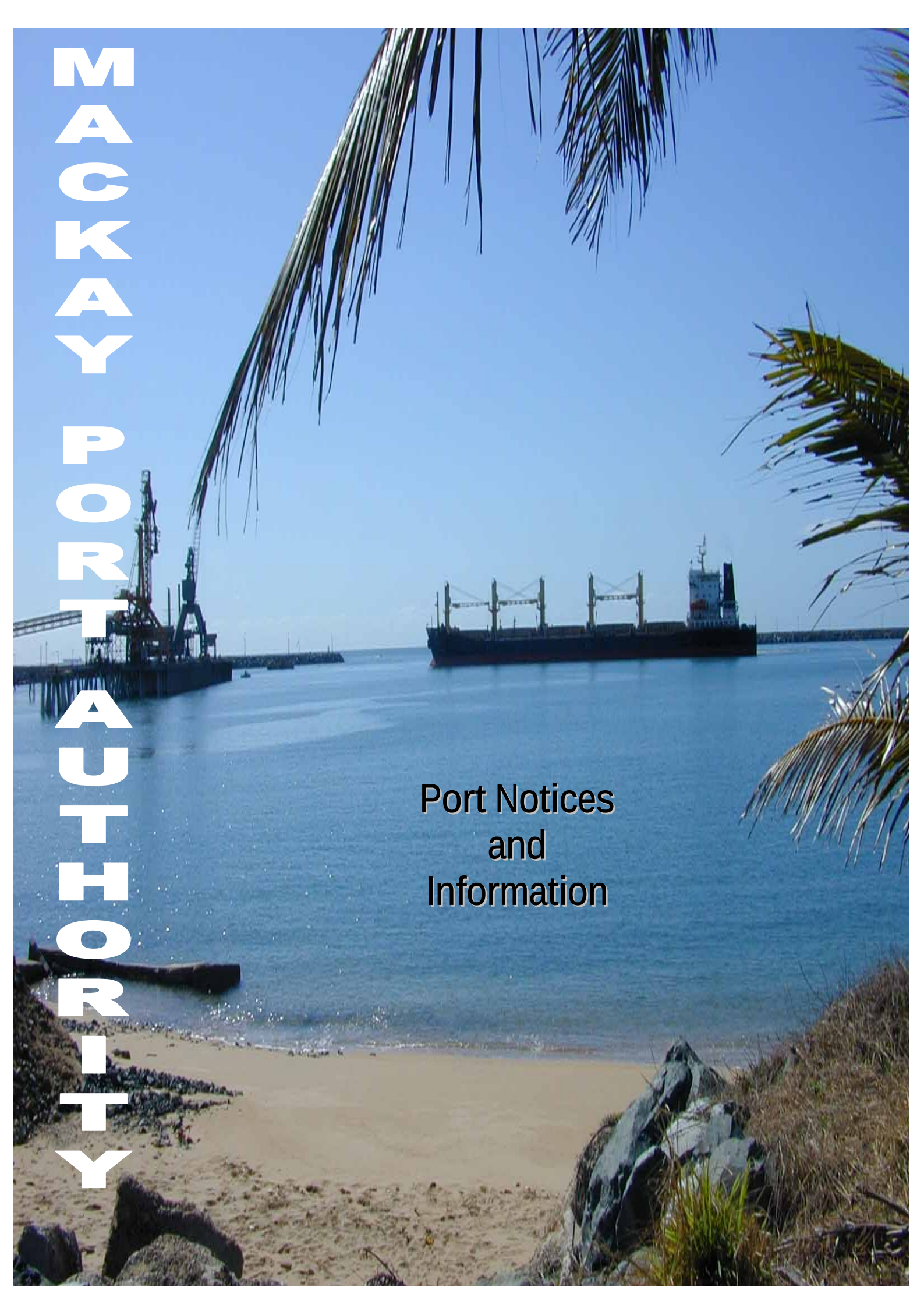


The background image is a photograph of a port scene. In the foreground, there is a sandy beach with some rocks and sparse vegetation. A large palm frond hangs down from the top left corner. In the middle ground, a large cargo ship is docked at a pier. To the left of the ship, there are several cranes and other port infrastructure. The water is a clear blue, and the sky is a pale blue. The overall scene is bright and sunny.

MACKAY PORT AUTHORITY

Port Notices
and
Information

PORT NOTICES

AND

INFORMATION

EFFECTIVE JANUARY 2003

Amended 11th November 2004



REVISIONS

- February 2003 – added section 8 – “Towage Services”
- October 2003 - added definition “Berth Operator”
- June 2004 - added definition “Berth Worksite”
- June 2004 - added section 9.0 - Refusal of Entry – No ISSC
- August 2004- added reference to the Maritime Transport Security Act 2003
- November 2004 amended section 4.8.2 restrictions on fishing in line with Security Plan

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Postal Address

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Facsimile 07 4955 2868

Emergency Response

Port Control 24hrs, 7 days

Telephone	07 4955 5107
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Mobile	0417 761 086

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MACKAY PORT AUTHORITY PORT NOTICES

Being Notices for the orderly, safe and environmentally friendly conduct of business and public safety in the Port of Mackay and its strategic land, pursuant to:

- a. The Authority's administration and enforcement of the requirements of the
 - Transport Infrastructure Act 1994
 - Transport Infrastructure (Ports) Regulations 1994
 - Transport Operations (Marine Pollution) Act 1995 and Regulations
- b. The duty of care and obligations imposed on the Authority and all clients, users of port facilities and services, the general public and all activities undertaken on or around the port and its strategic lands, pursuant to the
 - Workplace Health and Safety Act 1995 and Regulations
 - Environmental Protection Act 1994 and Regulations
 - Environmental Protection (Air) Policy
 - Environmental Protection (Noise) Policy
 - Environmental Protection (Water) Policy
 - Environmental Protection Interim Waste Regulation
 - Transport Operations (Marine Safety) Act 1994 and Regulations
 - Marine Order Part 23, Order No. 4 1994
 - Navigation Act 1912
 - Government Owned Corporations Act 1995 and Regulations
 - Penalties and Sentences Act 1992
 - The Traffic Act 1949 and Regulations
 - The Maritime Transport Security Act 2003
 - Applicable Australian Standards
 - Government Compliance / Advisory Standards, Codes of Practice
 - AS 3846 1998 The Handling and Transport of Dangerous Cargo in Port Areas
 - Integrated Planning Act 1997

(including all reprints and amendments)

CERTIFICATION

These Notices are Port Notices pursuant to the Transport Infrastructure (Ports) Regulation 1994. Contravention of these Notices is an offence under the Regulation and penalties apply.

G. MANN
CHIEF EXECUTIVE OFFICER

1. INTRODUCTION

1.1 PURPOSE

Access to and use of port lands and facilities is regulated by these Notices and by the directions of Authorised Officers in the interest of public safety and the orderly, safe, environmentally friendly and efficient conduct of the business of the port.

1.2 SCOPE

These Notices apply respectively to all areas of the Port of Mackay. They apply equally to all port users, all activities undertaken, contractors, clients, all businesses operating on or in the port, all visitors and the general public entering the port area, including port controlled / administered land and facilities.

1.3 DEFINITIONS

Act	means the Transport (Ports) Infrastructure Act 1994.
Agent	means the person who acts as an agent of a Ship; acting for the owner concerning business conducted between the port, Ship and owner, such as berthing, loading and unloading of bunkers and stores.
Authorised Officer	means a person who is appointed as an Authorised Officer of the Authority pursuant to the Regulations.
Authority	means Mackay Port Authority and its successors or assigns.
Berth	means a pocket of water beside a wharf in which a vessel moors.
Berth Operator	means that agency or those agencies directly responsible for any and all cargoes and or passengers being discharged from or loaded to any vessel across MPA berths, from the time such vessel is secured on arrival, until the time the Marine Pilot boards such vessel for departure. After the sailing of a vessel, the previous berth operator may again take charge of the berth for e.g. cleaning.
Berth Worksite	means that area of the berth being used by the Berth Operator to load or discharge cargo. This may vary from being the entire wharf deck area to those areas of the wharf deck adjacent to the after end of the after hatch of the vessel, forward to the bow of the ship.
Boat Harbour	means the Port of Mackay.
Boat Ramps	means ramps constructed across a foreshore for use by the public in the launching and retrieving of small craft.
Charges	means any charges as fees imposed by the Authority for the use of the port or imposed for the State.

Coastal Waters	means the coastal waters of the State and includes other waters within the limits of the State that are subject to the ebb and flow of the tide.
Dangerous Goods	means dangerous goods as described in the International Maritime Dangerous Goods (IMDG) Code and the Australian Dangerous Goods (ADG) Code.
Discharge Expenses	means the reasonable costs and expenses incurred by the State or a port in the containment and clean up of any discharge such as oil, oil residue, noxious liquid, sewage and garbage.
Environment	has the same definition as that prescribed in the Environmental Protection Act 1994 and includes ecosystem.
Environmental	a quality of physical characteristics of the environment that is conducive to ecological health or public amenity or safety.
Extractive Material	means sand, gravel, boulders, clay, silt, mud or other material in or on land under tidal water, but does not include a mineral within the meaning of the Mineral Resources Act 1989.
Hazardous Substance	means a designated hazardous substance under the Workplace Health and Safety Act and Regulations or a substance that is not a designated hazardous substance but meets the approved criteria as is listed on the National Occupational Health and Safety Code (NOHSC) 10005 (1994).
Heavy Lifts	any item of cargo that exceeds the operational load limits prescribed by the Authority or which, due to its size or weight, must be lifted by equipment other than that which is permanently available at a wharf.
Hot Work	has the same meaning as in the International Maritime Organisation (IMO) and other Regulations.
Incident	means a non-conforming or below required standard event.
ISSC	means International Ship Security Certificate
Jetty	has the same meaning as wharf
Land	means any land, whether above or below the ordinary high water mark at spring tides.
MARPOL	is the International Convention for the Prevention of Pollution from Ships 1973 / 78 including all Protocols and Annexes.
Master	means a person having command or charge of a ship.

Mooring Licence	means a licence to moor a vessel in the port.
Owner	means a person who owns the cargo or ship whether or not the person is registered as the owner.
Penalty Unit	as prescribed from time to time by the Penalties and Sentences Act 1992.
Permission of	means permission in writing or otherwise logged or recorded.
Port	means Mackay Harbour and includes the port areas defined by the breakwaters, excluding Reef Marina. It includes the authorities strategic port lands and port facilities, wharves, jetties etc.
Port Limits	As defined in the Act and including the port. The Authority exercises jurisdiction over the Port of Mackay. The Regional Harbour Master, Mackay, representing the Department of Transport, controls the movement of vessels within the port area whilst the allocation of wharves and moorings is controlled by the Authority. (Admiralty Chart Reference is AUS.249 and AUS 250. For further information please contact the Regional Harbour Master)
Port Notice	has the same meaning as in the Act
Proprietary Site	means any area of land or port facilities within the port which is the subject of a lease, licence or permit from the Authority.
Property	means ships, goods, vehicles or trains and includes anything attached to or contained in a ship, vehicle or train.
Requirement	of a notice includes a direction, instruction, indication, condition or other provision contained in the notice.
Regional Harbour Master, Mackay	means the Regional Harbour Master, Mackay as appointed pursuant to the Transport Operations (Marine Safety) Act 1994.
Regulation	means the Transport Infrastructure (Ports) Regulations 1994
Reportable Incident	means a discharge or probable discharge of oil, a noxious liquid substance or jettisoning of a harmful substance carried in packaged form from a ship that happens in coastal waters, but does not include discharge exempted by Regulations. Includes incidents between two ships / vessels and between a ship / vessel and a wharf.
Security Regulated Port	That part of the commercial harbour which from time to time is declared to be a security restricted area in accordance with the Port of Mackay and Port Facilities Security Plan, in compliance with

the Maritime Transport Security Act 2003.

Ship	includes any kind of boat or other vessel no matter the size or how it is propelled or moved
Small Craft Charge	means port charges imposed upon persons for the use of small craft.
Small Craft Facility	includes a boat harbour, jetty, boat ramp or landing place.
Vehicle	has the same meaning as in the Traffic Act 1949.
Wharf	includes any wharf, quay, pier, jetty, landing place or stage or premises, whether of a like description or not, from which passengers or goods may be taken on board or landed from ships.

1.4 AMENDMENTS

Revisions of these Notices will be issued by the Authority as required.

1.5 CONTROL OF ACTIVITIES AT THE PORT

1.5.1 Port Authority Power to Control

The Authority has the power to control:

- a. Access to and use of its strategic port land, port facilities and areas in its port that may affect port operations.
- b. Activities or conduct at the port area to:
 - Maintain / improve safe, secure and efficient operations;
 - Maintain / improve the convenience of port users; and,
 - Protect the environment at the port area.
- c. Movement or mooring of ships.
- d. Activities on or by ships moored at its port facilities or in its port if the activities may affect the ports operation.
- e. Movement, handling or storage of goods, including dangerous cargo.
- f. Movement of passengers.
- g. Movement, stopping or parking of vehicles including:
 - Fixing maximum speed limits;
 - Indicating pedestrian crossings; and
 - Indicating a place where driving, parking or standing of a vehicle is restricted or prohibited.
- h. Movement, stopping or parking of trains.

1.5.2 PORT AUTHORITY ADDITIONAL POWERS

The Authority also has the additional powers to:

- a. Detain ships, aircraft, goods or vehicles for which a charge is outstanding.
- b. To sell property held against charges not paid.
- c. Require documents relevant to port charges to be produced, inspected and copied.
- d. Remove ships, aircraft, vehicle, trains, goods that are abandoned or left against the Authority's direction. This includes the sale of such abandoned items.

- e. To enter and inspect ships, aircraft, goods or vehicles to ensure compliance to the legislation and these Port Notices.
- f. Provide that a breach of a Notice / Rule is an offence.
- g. Appoint Authorised Officers and provide for their function and powers including taking a person to a police officer.
- h. Confer powers of arrest on police officers.
- i. Impose charges for the use of its port and facilities.

1.5.3 Authorised Officers

An Authorised Officer has the power to give directions in exercising the powers vested in the Authority.

1.5.4 Offence

Non-compliance with these Notices (or with the directions given by an Authorised Officer) either through an act or omission, without a reasonable excuse, is an offence under the Regulation and Act.

1.5.5 Maximum Penalties

Any expenses incurred by the Authority in consequence of non-compliance with Port Notices shall be paid by the person in breach of the said Notices.

1.5.6 Requirement to Give Name and Address

It is an offence for a person to not state their name and address if an Authorised Officer requests it. It may be requested as a result of observing an offence against the Port Notices or Regulations which has occurred or if the Authorised Officer suspects on reasonable grounds that an offence has occurred. It is also an offence to not give evidence of the correctness of the person's stated name and address.

1.5.7 Enforcement Action

If an individual or organisation does not comply with or refuses to comply with these Notices or any direction given by the Authority or Authorised Officer, the following action may occur:

- a. Removal of the individual from the port.
- b. Permanent removal of individuals
- c. Court action / proceedings implemented against the individual or organisation.
- d. Limitations placed on the organisation and its activities.
- e. Handing over of the person to a police officer.
- f. Formal report to the appropriate enforcement agency

with any costs incurred by the Authority recoverable from that person or organisation.

1.5.8 Powers – Marine Pollution

Section 129 of the *Transport Operations (Marine Pollution) Act 1995 and Regulations* devolves to the Port of Mackay the power to administer and enforce the requirements of this Act and Regulations within the port. The Port of Mackay is the administering Authority and the Chief Executive Officer (CEO) is the administering executive. This Act and Regulations apply to vessel-sourced pollution.

Under the *Transport Operations (Marine Pollution) Act 1995* Mackay Port Authority has the power to:

Make additional resolutions / notices (to be consistent with the Act) concerning fees that are payable or any matter necessary or convenient for undertaking the administration and enforcement of the Act.

Appoint Authorised Officers.

Collect as a debt any expenses incurred in controlling or cleaning up any discharges as defined by the Act.

2 LIABILITY FOR AND RECOVERY OF CHARGES & EXPENSES

2.1 Charges

Mackay Port Authority levies charges for the use of facilities and services including small craft facilities. A schedule of these charges are obtainable from Mackay Port Authority.

2.2 Liable for Charges

If charges are payable with respect to a ship's mooring and services (including small craft), for goods, for passengers or for movement of ships, goods, vehicles or trains then the following are jointly and severally liable for making payment of the charges:

Ships:

- Owner
- Master
- Agent of the owner
- Any other person who has made themselves liable for the charge.

Goods:

- Owner
- Consignor
- Consignee
- Shipper
- Agent for the sale or custody of the goods
- Persons entitled to possession of the goods
- Master of the ship

Passengers:

- Owner of the ship
- Master of the ship
- Agent of the owner of the ship
- Any other person who has made themselves liable for charges

Movement of Train or Vehicle:

- Owner
- Driver

Movement of ships and Goods:

Any person who would be liable for any charges payable by the ship or goods as defined in 'a' and 'b' above.

Daily interest at the default interest rate will be applied to outstanding charges not paid within the prescribed period of time.

2.3 Evasion of Charges

Intentional or reckless evasion of charges is an offence.

2.4 Recovery of Charges and Expenses by Detention

The Authority has the following rights under the Regulation:

a. Detention

Mackay Port Authority has the power to detain any property that is in its port area as security for recovery of the charges and including any interest on the charges or other expenses accruing from non-payment.

b. Notice

If this occurs, notice of the action will be given in writing to the owner or if the owner is not known, notice shall be published in a newspaper circulated generally within the state

c. Sale

If the charges, interest and other expense remain unpaid, Mackay Port Authority has the power to sell the property to recover all costs associated with the detention and sale. Any surplus will be reimbursed to the owner. If the sale does not recover the full amount of all costs, then the balance remains as a debt and is still payable

3. GENERAL PROVISIONS ABOUT PORT MANAGEMENT

3.1 CONTROL

3.1.1 Compliance with Signs and Notices

Compliance is required, at all times, with any Port Notices physically erected in the port and all other directory signs, notices, traffic signs or other signs erected, displayed or promulgated within the port.

3.1.2 Erecting Signs

No person (other than the Authority) may erect any sign in the port, port lands, facilities, boat ramps, small craft facilities or any land / facility under the control of Mackay Port Authority without first obtaining written permission from the Authority.

3.1.3 Direction

All persons must comply with any direction or instruction given by an Authorised Officer.

3.1.4 PERMITS

Permission must be obtained from Mackay Port Authority for certain prescribed activities / works within the port including, but not limited to:

Hot work – on or within facilities or ships

Excavations / trenching

Fumigation

Diving / underwater activities

Bunkering by road tanker

Sand blasting and other types of blasting
Erection of temporary or permanent structures
Immobilising a ship
Operation of propellers at a wharf
Placing of buoys / moorings
Heavy lifts
Hull cleaning
Clean fill discharge

The requirements of the Port Notices do not absolve the need to obtain any approvals, licences or permits which may be required by law.

3.1.5 Obstruction

No person must obstruct, without a reasonable excuse, an Authorised Officer in carrying out their duties in relation to inspection of documents, ships, goods and vehicles.

3.2 ENTRY

3.2.1 Entry and Exit

No person may enter or leave the port area by land other than by the designated entrances and exits of the port.

3.2.2 Authority to Enter

No person may be in the port, including small craft facilities, without a lawful justification or excuse, or authorisation.

3.2.3 Unauthorised Access to Work Site

No person may enter any place within the port where work or construction is occurring, such as wharves, construction sites, ships being worked on, areas where plant and machinery are operating or maintenance work being undertaken etc, without authorisation of the Authority.

3.3 CONDUCT

3.3.1 Disorderly / Disturbance

No person is to be disorderly or create a nuisance within the Port of Mackay, including small craft facilities. A person who acts in a disorderly manner or creates a nuisance may be directed to leave the port. This direction may include a direction not to re-enter the port or part of the port for twenty-four (24) hours. A person having been evicted from the port may be required to show cause why previous approval to enter should not be revoked.

3.3.2 False Representation

Persons must not falsely represent themselves as officers, employees, servants or agents of the Authority.

3.3.3 General Offence

No person is to intentionally or recklessly carry out or have carried out the following:

- a. Damage to Authority work or infrastructure.
- b. Interfere with or disrupt the port's operation.

- c. Dump refuse or goods at the port and its strategic land or into port waters.
- d. Evade payment of Authority charges.

3.3.4 Alcohol – Sale or Purchase

Sale of alcohol in the port without obtaining all relevant licences required at law and without first obtaining permission in writing from Mackay Port Authority is not permitted.

3.4 GENERAL

3.4.1 Approval to Operate Fuelling Facilities

It is an offence to operate a fuelling facility or otherwise distribute fuel in the port without written permission of the Authority or to breach a condition of the Authority's approval for a fuel facility.

3.4.2 Consent to Conduct Business

No person will conduct a business, hawk, sell, offer for sale or barter goods or services on a wharf, or elsewhere within the port, without first obtaining the written permission of the Authority.

4. PORT CONTROL

4.1 RECEPTION AND ACCOMMODATION OF SHIPS & SMALL CRAFT

4.1.1 Reception and Controls Generally

An owner, Master or other person for the time being in control of a ship must comply with the Authority's procedures and the directions of Authorised Officers in relation to the allocation of wharves, mooring, movement, removal and control of ships and small craft in the port.

An Authorised Officer who has grounds to believe that a ship is moored in contravention of a Port Notice or direction of an Authorised Officer, may take steps to effect the relocation of the ship at the expense of the owner, agent, Master or person for the time being in control of the ship.

4.1.2 Agent to be Appointed

An agent is to be appointed and the Authority is to be notified, in writing, before the ship enters the port for mooring at the commercial wharves of the port.

4.1.3 Mooring Notification

An owner, Master or person for the time being in control of a ship is not to moor a ship inside the port without first notifying the Authority.

4.1.4 Gangway Access to Ships – Safety

The Master of a ship is to maintain safe and secure access to the ship for crew, passengers, visitors, contractors and Authority employees in accordance with the *Navigation Act 1912*.

4.1.5 Unusual Circumstances

An owner, Master or other person for the time being in control of a ship, shall not bring a ship into the port where any of the following circumstances pertain, unless the permission of the Regional Harbour Master and the Authority has first been obtained:

- a. The ship or any part of its cargo is on fire;

- b. The vessel is carrying cargo which includes dangerous goods and fire has occurred on the ship within the previous twenty-four (24) hours;
- c. The ship or its cargo is in a condition which may endanger safety or navigation in the port; or,
- d. The ship or its cargo is in a condition that poses a risk to the environment of the port or is causing damage to the environment.

4.1.6 Ships Leaving Port Without Clearance

An owner, Master or person for the time being in control of a ship moored to a wharf must not put to sea without first obtaining clearance from the Authority.

4.1.7 Communication

Ships moored to a wharf must have a means of communicating with the Authority's Port Control during an emergency.

4.1.8 Channels and Swing Basins

An owner, Master or other person for the time being in control of a ship including small craft, must not allow it to anchor, trawl, moor, lie or obstruct any channel, swing basin or small craft facility or other areas under the control of the Authority. This is to include trawl or stabiliser booms which must be turned in and secured at all times in the port.

4.1.9 Moorings

Mooring of ships must be to bollards, hooks, rings, dolphins or mooring piles provided for that purpose and designated by the Authority. It is an offence to moor a ship in any other manner.

4.1.10 Rafting

Ships may be rafted only with the permission of the Regional Harbour Master. The Authority is to be advised of this permission. It is an offence to raft a ship without permission and without notifying the Authority.

4.1.11 Movement without Notice

The owner, Master or other person for the time being in control of a ship that is moored to a wharf must ensure that the ship can be moved immediately if directed by an Authorised Officer or the Regional Harbour Master.

4.1.12 Ships Not to be Immobilised

An owner, Master or other person for the time being in control of a ship, must not allow the ship to be immobilised within the port without first obtaining the written permission of the Regional Harbour Master and the Authority.

4.1.13 Propellers Not to be Operated at a Wharf

An owner, Master or person for the time being in control of a ship moored at a commercial wharf, must not allow the ship's propellers to be operated while the ship is moored at a wharf without first obtaining permission of the Authority and the Regional Harbour Master.

4.1.14 Bollard Pulls (Warping)

A ship moored at a wharf is not to be moved more than sixty (60) metres from its original wharf position without first obtaining the permission of the Regional Harbour Master and the Authority.

4.1.15 Rat Guards

It is an offence for an owner, Master or person for the time being in control of a ship not to attach and maintain rat guards in place to mooring lines whilst a ship is moored to a wharf.

4.1.16 Services to Ships

Services to ships (including power and water services) are to be provided in accordance with all relevant Regulations, International Maritime Organisation conventions and agreed protocols. An owner, Master or person for the time being in control of a ship must comply with these procedures.

4.1.17 BUNKERS

An owner, Master or person for the time being in control of a ship must not permit bunkering operations without first obtaining the permission of the Authority.

4.2 WHARF RESTRICTIONS

4.2.1 No. 1 Wharf

4.2.1.1 Special Precautions During the Manoeuvre of Ships in the Harbour

Masters of ships at No. 1 Wharf shall be notified by Port Control of impending ship movements in the harbour. Having been duly notified, Masters of ships at No. 1 Wharf should:

- a. Ensure that ship moorings are secure and attended.
- b. Ensure that shore connections are secure and attended.
- c. Ensure that gangways are secure and attended.
- d. Ensure that a notice prohibiting the approach of other vessels closer than thirty (30) metres is prominently displayed .

4.2.1.2 Sources of Ignition

It is an offence for a person to possess or operate a source or potential source of ignition within 30 metres above, below or alongside No. 1 Wharf whilst a tanker is moored to the wharf.

Prior to entry on No. 1 Wharf, ignition sources including lighters, matches, firearms, mobile phones and other electronic devices (unless intrinsically safe) are to be left with the watchman at the entrance of No. 1 Wharf. A register recording each person's name and organisation is to be signed at the time of entering and leaving No. 1 Wharf. This Notice applies while a ship carrying flammable cargo is moored at No. 1 Wharf.

4.2.1.3 Authorised Access

It is an offence for an unauthorised person to be on No. 1 Wharf whilst a tanker is moored to the wharf.

4.2.1.4 Vehicles Prohibited

It is an offence for a vehicle to be on No. 1 Wharf whilst a tanker is moored at the wharf unless modified to approved standards.

4.2.1.5 Dangerous Goods

Under no circumstances are dangerous goods to be brought into the port without first obtaining written approval from the Authority. Whenever possible ships that are discharging or loading

these products, must discharge or load the product first. If this is not possible, written permission must be obtained from the Regional Harbour Master and the Authority.

It is expressly forbidden for the following products to be handled within the port of Mackay in quantities greater than 500kg:

- Ammonium Nitrate,
- Oxidising Liquids Class 5.1 (excluding Sulphuric Acid),
- Calcium Hypochlorite; and
- Dangerous Goods classified as packaging group 1

4.3 MOVEMENT / HANDLING / STORAGE OF GOODS

4.3.1 Assumption of Risk

Owners of property, goods, cargoes or other assets bring them into and leave them in the port at their own risk. The Authority accepts no responsibility for any damage to such property and the owner must take all necessary steps to protect or preserve their property.

4.3.2 Prohibited to Load / Unload

The Authority may prohibit the loading or unloading of goods unless the goods are accompanied by a manifest of cargo or Bill of Lading. It is an offence for an owner, Master or person controlling the business of the ship to load or unload goods which are prohibited by the Authority, or which are not accompanied by a manifest of cargo or Bill of Lading.

4.3.3 Manifests to be Lodged

An agent or Master or person controlling the business of a ship moored to a wharf must lodge with the Authority a true and accurate manifest of goods to be loaded, unloaded or transhipped within two days prior to berthing or after departure of the ship.

4.3.4 Goods Not to be Left

A person must not permit goods to be stored or to remain in an area under the control of the Authority, without first obtaining the approval of the Authority.

4.3.5 Collection Without Authority

A person must not remove goods stored with the approval of the Authority from a wharf, warehouse or place under the control of the Authority, unless acting on the Authority of a Bill of Lading or written authority of the owner of the goods.

4.3.6 Wharf Loadings

A person must not discharge or place any goods or cargo or drive any vehicle or plant on a wharf or warehouse in excess of the maximum permitted weight in the area. All oversize and / or overweight cargo, vehicles or plant are to be notified to the Authority not less than one week prior to placing or moving such items within the port.

4.3.7 Fumigation

Fumigation to a cargo transport unit or goods in the port or land under the control of the Authority, must not commence without first obtaining the permission of the Authority.

4.3.8 Dangerous Goods

Written permission from the Authority must be obtained at least forty-eight (48) hours prior to moving, handling or storing dangerous goods on or throughout the port including small craft facilities.

4.4 WASTE / MAINTENANCE

4.4.1 Waste

4.4.1.1 Waste – Rubbish, Refuse, Sewage, Galley Waste, Grey Water, etc

It is an offence for a person to discard, dispose of or leave rubbish, refuse, sewage, waste of any kind (including galley), waste water or other liquid waste in the port unless it is in a controlled manner in authorised and designated areas or through approved services.

4.4.1.2 Waste (Quarantine)

Ships moored to a wharf must engage waste collection services for the disposal of waste at least once per day, unless exempt by the Australian Quarantine Inspection Service.

Quarantine waste from ships moored to wharves must be kept in sealed plastic bags or secure containers on board the vessel until arrival of the collection vehicle. Waste is then to be delivered to the collection vehicle.

4.4.1.3 Ballast Water

It is an offence for a ship's owner, Master or person for the time being in control of a ship, to allow ballast water to be discharged from a ship in contravention of the International Maritime Organisation (IMO) Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ship's Ballast Water and Sediment Discharges (IMO Resolution 4774(18)), or the Australian Domestic Ballast Water Guidelines. Ballast water is not to be discharged onto any wharf area.

4.4.2 Maintenance

4.4.2.1 Hot works – Burning, Welding, etc

Approval must be obtained in writing from the Authority before carrying out any burning, welding, riveting or similar operations within the port area, or on board vessels. This includes use of naked flames.

4.4.2.2 Repairs

It is an offence for a ship Owner, Master or person in charge of a ship to carry out major repairs or like operations on any ship in the port without first obtaining approval from the Authority.

4.4.2.3 Cleaning of Ship's Hull

An owner, Master or person for the time being in control of a ship, must not allow cleaning, washing, blasting, scraping, painting or other waste water or commence any other like operation on a ship's hull in the port without first obtaining permission from the Authority.

4.5 PROPERTY

4.5.1 Property of Mackay Port Authority Not to be Interfered With (Individual)

It is an offence to damage any property of the Authority, including traffic control signs, port notices or other erected signs anywhere in the port. A person committing such an offence will be liable for all costs associated with repairing the damage or replacing the item.

4.5.2 Liability for Damage to Port Facilities and Infrastructure (Ship)

It is an offence for the owner, Master or person for the time being in control of a ship to cause, allow or permit a ship to damage port facilities or infrastructure.

In addition, liability falls jointly and severally on the owner, Master, agent or person for the time being in control of a ship which causes damage to port facilities or infrastructure for the full cost of the repair or replacement of the damaged port facility or infrastructure.

The Authority may require payment in advance for such repair costs by way of bond or cash deposit be lodged with the Authority prior to the vessel departing the port.

4.5.3 Liability for Damage to Port Facilities and Infrastructure (Vehicle / Plant / Equipment, etc)

An operator / driver or person in charge is not permitted to allow a vehicle or piece of equipment / plant or other such item to cause damage to port facilities or infrastructure. The offence is committed jointly by the operator / driver, the owner and person in charge.

In addition, liability falls jointly and severally on the operator / driver, owner, person in charge and any person making themselves liable for all costs associated for repairing or replacing any damaged facility or infrastructure.

4.5.4 Liability for Floating or Submerged Material

It is not permitted to cause or allow any material or object, whether floating or submerged, to cause damage to port facilities or infrastructure or to other property of the Authority or assets of other port and small craft facility users.

In addition, the owner, Master, agent or person for the time being in control of a ship responsible for floating or submerged material who causes or allows damage to port facilities or infrastructure shall be liable for the full cost of the repair or replacement of port facility or infrastructure.

4.5.5 Buoys

It is not permitted for a buoy mooring to be cast, placed or left upon any part of the sea bed of the port without first obtaining the permission in writing of the Regional Harbour Master and the Authority.

4.5.6 Abandoned Property

A person may not leave or abandon material or property within the port area.

4.5.7 Position / Placing / Erecting

It is an offence to place / position materials, objects or structure or to erect structures or signs in the port area unless authorised by the Authority.

Materials, objects or structures that are not authorised or exempted, may be relocated, dismantled or disposed of at the discretion of the Authority. Any costs involved are recoverable from the party that erected / placed such structures or signs.

4.5.8 Removal of Sand and Gravel or Other Material

Ballast, rock, stone, shingle, gravel, sand, clay, earth or other material from a foreshore, seabed or any other land in the port must not be removed without first obtaining the permission in writing from the Authority. Removal of material from the port may be subject to charges.

4.6 TRAFFIC CONTROL

4.6.1 Traffic Act, 1949

Vehicular traffic and parking in the port is regulated. The standard laid down by the *Traffic Act 1949* and subsequent amendments is used as the standard for the port.

4.6.2 Traffic Signs / Markings

A person who fails to comply with a traffic sign / marking in the port area commits an offence.

4.6.3 Parking Areas

A person shall not park a vehicle other than in a designated parking area.

4.6.4 Priority at Level Crossings

Motor vehicle drivers must yield right-of-way to trains at level crossings in the port.

4.6.5 Loads to be Secured and Covered

All vehicles entering or transiting the port must be covered and / or secured to prevent spillage. Failure to do so is an offence.

4.6.6 Spills to be Cleaned Up

Any load or part thereof which falls or spills from the vehicle must be removed or cleaned up immediately to the satisfaction of the Authority. Failure to do so constitutes an offence.

4.6.7 Off-Road Operation of Vehicles

It is an offence to drive other than on a formed or gazetted road unless authorised to do so.

4.6.8 Oversize / Overweight Vehicles / Plant / Equipment

It is an offence to move within or transit through the port any oversize or overweight vehicle, equipment or plant without first obtaining permission and conditions from the Authority.

4.7 GENERAL

4.7.1 Clothing and Footwear

The following protective clothing, as a minimum, shall be worn on all work sites within the port, including wharves, construction sites, where ships are being worked, where plant and machinery is being operated and wherever indicated by the person or authority in control of a workplace:

- Protective footwear manufactured to the relevant Australian Standard
- High visibility clothing or vests
- Hard hats

- Other specific equipment and clothing as required or indicated is to be used or applicable such as respirators, eye protection, breathing apparatus, etc.

4.7.2 Plant and Equipment

It is an offence for a person to permit the operation of a crane, forklift, mobile scaffolding, work platforms or other items of plant or equipment that does not conform with the relevant laws, regulations, standards and specifications.

A person operating a crane or other plant and equipment must ensure that it is at all times in proper working order and will not adversely affect the safe operations of the port.

Entry to or use in the Port could be refused by an Authorised Officer.

4.7.3 Qualified Operators of Plant

Crane, forklift, plant and equipment operators must be competent and qualified to operate the item in the port and have the relevant licence or certificate of competency. It is an offence for an unqualified person to operate plant and / or equipment within the port.

4.7.4 Prescribed Occupations

A person shall not perform work in a prescribed occupation as defined in Schedule 5 of the *Workplace Health and Safety Regulations 1997* unless they are a trainee or hold a licence issued by the Division of Workplace Health and Safety. These occupations include:

- Scaffolder / rigger
- Dogman
- Boiler operators
- Demolisher
- Asbestos removalists etc.

It is an offence to carry out these prescribed occupations in the port without the applicable licence. The individual will be prevented from carrying out the occupation and may be directed to leave the port area.

4.7.5 Electrical Work / Installations

All electrical work, installations and repairs are to be carried out by a licensed electrician. No work is to be carried out on or connections made to distribution boards and circuits under the Authority's control without written approval of the Authority. It is an offence to contravene this rule. Any work carried out contrary to this rule could result in the organisation responsible being required to remove or upgrade the installation or work at their own cost.

4.7.6 Underwater Air-Breathing Operations

It is an offence for a person to commence an underwater air breathing operation or other diving activities in the port without first obtaining the permission of the Authority and Regional Harbour Master. All diving operations are to comply with Australian Standard AS2299-1995.

Recreational diving is prohibited within the Port area.

4.7.7 Emergency and Life Saving Equipment

It is an offence for a person to tamper or interfere with in any way, remove or obstruct access to life-saving apparatus or emergency equipment / apparatus except for maintenance purposes or to use it in life threatening situations.

4.7.8 Smoking

It is an offence for a person to smoke in areas designated as No Smoking areas, in a ship's hold, within six (6) metres of an open hatchway of a ship moored to a commercial wharf or near any flammable area.

4.7.9 Fire / Explosion Prevention

All persons within the port and small craft facilities must take all precaution and responses to prevent fires and explosions occurring in the port. It is an offence to not take these precautions or all reasonable steps to prevent fires and explosions.

4.7.10 Weapons Not to Be Carried in the Port Area

No person other than an officer of the Queensland Police Service, Australian Federal Police, Australian Customs, Defence Force or licensed Security agent personnel on duty and in uniform will carry a firearm of any kind, including replica firearms, into or through the port.

4.7.11 Weapons, Flares and Pyrotechnics

No person will discharge a weapon, flare or pyrotechnic within the port except with the prior approval of the Authority or in an emergency.

4.7.12 DOGS

Dogs are not permitted on wharfs, access roads, construction or reclamation sites within the port area except where the dog is:

- A trained guide dog or hearing dog for a disabled person
- controlled by the Australian Defence Force
- controlled by a Government Agency
- controlled by a Licensed Security Agency

4.8 RECREATION

4.8.1 Fishing Prohibited from Wharves and Structures

It is an offence for a person to fish from, on or below a wharf or other structure in the port.

4.8.2 Fishing Restricted in Port Waters

It is an offence for a person to fish from a vessel, or by any other means, in the waters of the area designated as being part of the Security Regulated Port.

4.8.3 Swimming Restricted in Port Waters

It is an offence for a person to swim in the waters of the port or to dive from a wharf, port facility, ship or jetty.

4.8.4 Removal of Rubbish

It is an offence for a person not to remove all waste and rubbish caused as a result of their use of small craft facilities, boat ramps or jetties within the port area.

5. SMALL CRAFT – ADDITIONAL REQUIREMENTS

All Port Notices and statutes, rules and policies governing commercial shipping applies equally to small craft utilising the port and other facilities provided by the Authority.

The following Notices are specific to small craft.

5.1 LICENCES AND PERMITS FOR MOORING

5.1.1 Licence or Permit

It is an offence to moor or anchor a vessel in a small craft facility under the control of the Authority without first obtaining permission from the Authority.

5.1.2 Live On-Board

It is an offence to live on-board a vessel moored in the area under the control of the Authority.

5.2 SERVICE AND REPAIRS

5.2.1 Fuelling

It is an offence to fuel a vessel at any time in the Port apart from those commercial cargo vessels, tugs, MPA vessels fitted with appropriate anti spill connections. Reef Marina contains the appropriate licensed facility in the port area for other vessels.

5.2.2 Vessel Maintenance and Repairs

All vessel maintenance must be carried out at dedicated facilities or designated areas. There are two areas within the port, namely the slipway operated by Mackay Shipyard, and Reef Marina vessel maintenance facility.

It is an offence to contravene this notice.

5.2.3 Vessel Not to be Beached

It is an offence for an owner, Master or person in control of a small craft to beach a vessel on a beach, a bank of a boat harbour or boat ramp.

5.3 GENERAL

5.3.1 Secure Mooring

The owner, Master or other person in control of a small craft must ensure that the vessel is at all times properly secured at its mooring place and that the mooring lines are in a good condition and sufficient for the purpose of mooring small craft. It is an offence to fail to do this.

5.3.2 Small Craft – Obstruction to Facilities and Pilotage Area

It is an offence for an owner, Master or person in control of a small vessel to anchor, moor, lie over, impede or obstruct a channel, swing basin or facility maintained by the Authority, including boat ramps and small craft facilities. This includes obstructing or impeding vehicles, cargo or other material.

5.3.6 Goods Prohibited

The Authority may, by notice to the Owner, Master or person in control of a small craft, prohibit the loading or unloading of goods to or from a small craft in the port area. It is an offence to disregard any such notice.

6. INCIDENT REPORTING

6.1 Oil Spill

A person or persons who deliberately, negligently or accidentally cause spillage of oil within port limits or who detects or witnesses a spillage must immediately notify the Authority. Notification should be made to the Authority's 24 hour telephone number: 4955 5107.

6.2 Marine Incident

An owner, Master or person in charge of a ship must immediately report any marine incident within port limits, including the grounding, collision or sinking of a ship to the Regional Harbour Master and to the Authority. Failure to report an incident or to delay reporting is an offence.

6.3 Statute Requirements

It is the responsibility of users, owners, Masters of ships or organisations to report to the Division of Workplace Health and Safety, any incident which is classified as 'serious injury / dangerous occurrence incident' as defined under the Workplace Health and Safety Act 1995. The Authority should be informed if it directly or indirectly affects the port and its operations.

6.4 Environmental Incident Reporting

Incidents with potential to cause or which have caused environmental harm as defined in the Environmental Protection Act 1994 within the port including land and facilities under the control of Mackay Port Authority must be reported to the Authority as soon as reasonable practicable.

Failure to report an incident is an offence.

It is the responsibility of users, owners, Masters and organisations to notify the Environmental Protection Agency and / or Mackay City Council where the incident is of the nature that requires notification under the Environmental Protection Act and Environmental Protection Policies.

7. GENERAL – SAFETY, ENVIRONMENT, EMERGENCIES

7.1 HEALTH AND SAFETY

7.1.1 General

User, customers, visitors, contractors and organisations who use the services and facilities of the port or operate or conduct activities within the port and its lands are obliged to ensure their operations and activities are conducted in accordance with the Workplace Health and Safety Act 1995; Regulations and supporting compliance and advisory standards.

7.1.2 Safety Plan / Program

Any contractor or organisation involved in construction or construction type work on port lands must provide to the Division of Workplace Health and Safety, and if requested, to the Authority,

a project or site safety plan / program prior to commencement. Failure to do so is an offence and could result in the following action being taken:

- a. Penalty being applied;
- b. Refusal for the operation or activity to be undertaken;
- c. Leases / licences being cancelled; and
- d. Other action as deemed appropriate or a combination of the above.

7.1.3 Hazardous Substances

Hazardous substances may only be used on port lands in accordance with relevant Statute, policy or guidelines.

7.1.4 Discretion of Authorised Officer

An Authorised Officer may direct that an operation or activity be suspended if there is reason to believe that the activity is or could cause a safety problem / issue to the port operations, port employees or to port users / customers.

7.2 ENVIRONMENTAL PROTECTION

7.2.1 General

It is the responsibility of port users / customers and organisations to conduct their activities or operations within the port whether on leased, licensed or otherwise occupied land or facilities in accordance with the applicable legislation. The Authority has a policy of zero discharge of contaminants. This applies to all users of the port facilities and land.

The Authority may direct an operation or activity be stopped until environmental issues are addressed or environmental damage repaired / restored at the individuals or owner's expense.

7.2.2 Due Diligence

It is the responsibility of ship owners, Masters, agents, wharf operators, contractors and other persons conducting business or work in the port to manage operations and work sites, as far as practicable, with due diligence.

7.2.3 Environmental Plans

Depending on the nature of the operations or activity the Authority may require an individual, port user, port customer, owner or organisation undertaking an operation or activity within the port (including leased, licensed and otherwise occupied) to submit an Environmental Management Plan for that operation or activity.

7.2.4 Direction of an Authorised Officer

If an Authorised Officer has reason to believe that an activity is or is likely to cause environmental harm to the port and its surrounds, the Officer may direct that the operation or activity be suspended until the matter is resolved. It is an offence to continue the operation or activity after such a direction has been given.

7.2.5 Dust, Light and Noise

It is an offence for a person to generate or allow the continuation of the generation of dust, light or noise nuisance in the port, that is in contravention of the minimum standard laid down by the *Environmental Protection Act 1994* and Environmental Protection Policies.

7.2.6 Water, Sediment and Soil Management

It is an offence to cause contamination of water bodies, stormwater sediment or soil within the port.

7.2.7 CLEANING / WASHING VEHICLES, EQUIPMENT, PLANT, CARGO ETC

It is an offence to clean / wash any vehicle, equipment, plant, cargo etc where the resultant waste water etc can not be controlled, unless otherwise approved by the Authority.

7.3 EMERGENCIES

7.3.1 Emergency Plans

It is the responsibility of port users / customers and organisations carrying out an operation or activity within the port to develop and manage their own emergency plan and procedure in accordance with relevant legislation, standards and codes. Depending on the nature and size of the operation or activity the Authority may request that a copy of this plan / procedure be provided for the Authority's perusal.

There may also be a requirement to link this plan / procedure with those used by the Authority.

7.3.2 Directions During Cyclones / Emergencies

In the event of a cyclone or other emergency, all persons must comply with the directions of an Authorised Officer and / or the Regional Harbour Master.

8.0 Towage Services

1. No person may operate a tug service in the Port without a written approval of the Authority;
2. It is an offence to operate a tug service in contravention of this Port Notice, without reasonable excuse;
3. Any approval for a tug service in the Port may:
 - a. an exclusive right; or
 - b. subject to conditions
4. Any application to conduct a Tug Service in the Port must be in writing.'

9.0 Refuse Ship Entry – No ISSC

Mackay Port Authority reserves the right to refuse entry to the Port of Mackay, any vessel unable to provide to the Port Security Officer, a current International Ships Security Certificate.

Mackay Port Authority reserves the right to revoke or change any of the contents of any permission or approval as indicated herein. No liability is accepted by Mackay Port Authority in the event that incorrect information is conveyed (in writing or verbally) by an Authorised Officer contrary to the stated approvals herein.

