

JULY 2007

PORT NOTICES



Effective July 2007. This issue supersedes all previous issues and operating instructions.

PORT SECURITY

1.1 PORT SECURITY REQUIREMENTS

The following Port Notices outline the requirements of the Mackay Port Authority security plan, and the *Maritime Transport and Offshore Facilities Security Act 2003* (MTOFSA) and Regulations, which document security requirements. These requirements must be implemented and adhered to within the Port of Mackay.

Any 'Security Regulated Ship', either a regulated Australian or regulated foreign ship, as defined in the MTOFSA, must comply with the requirements of the MTOFSA and/or ISPS code if entering the Port of Mackay.

Other users of the Port waters must comply with security declarations or directions in force at any time.

Australian Ports, Port facilities and Port service providers (pilots, tugs, lines, bunker and barge services) are required to have approved security plans.

1.2 MARITIME SECURITY LEVELS

Maritime Security Levels 1, 2 or 3 may apply and operate within the Port at any time – Level 1 being the lowest level and Level 3 being the highest.

The appropriate security level will be declared by the Commonwealth Government, dependent upon the security threat at the time. The standard security level is Maritime Security Level 1.

Security signage indicating the current security level is displayed at all Port entrances and security measures will be implemented throughout the Port to meet the requirements of each security level. Port users must observe these requirements.

1.3 MARITIME SECURITY ZONES

Zones which typically apply are:

- Exclusion Zone – a Ship Security Zone that comprises an area of water within a security regulated Port, being an area surrounding a security regulated ship (at and below the water level) to which access is controlled. Unauthorised entry is not permitted into these zones when operational;
- Land-Side Restricted Zone – an area of land, to which access is controlled, within the boundaries of a Port facility or of land under the control of a Port service provider; and,
- Water-Side Restricted Zone – an area of water within a security regulated Port where a ship may berth, anchor or moor, and access to the area is controlled. It extends below the water level to the seabed and under any wharf adjacent to the zone.

Zones to be established at the current **Maritime Security Level 1** are as follows:

- Water Side Restricted Zone – all waters within the harbour, west of a line from the southern / eastern most point of the Northern breakwater, and the northern / eastern most point of the inner breakwater, and,
- Land Side Restricted Zones – those areas from the wharf approach to the seaward edge of the wharf structure, only whilst ships are alongside.

All zones will be clearly identified and conditions must be observed by all Port users.

Access to zones is controlled and entry into the zones is not permitted unless authorised by the respective berth operator, the ship and/or Mackay Port Authority, as required. To do so is an offence under the MTOFSA and subject to significant penalties.

See map at Attachment 2

1.4 VESSELS AUTHORISED TO ENTER WATER SIDE RESTRICTED ZONES

The penalty for unauthorised entry into a Water Side Restricted Zone is \$5,500.

Authorised vessels are as follows:

- a vessel that is compelled by circumstances to be inside the water side restricted zone for the purpose of navigation safety
- Queensland Water Police
- Queensland Boating and Fisheries Patrol
- Mackay Port Authority vessels
- Customs vessels
- Maritime Safety Queensland vessels
- Tugs
- any other vessel which has been given specific permission, under control, to be in the zone

1.5 PENALTIES FOR BREACH OF THE MTOFSA

Unauthorised entry into the security zones is an offence under the MTOFSA and Regulations and subject to a penalty of not less than \$5,500

1.6 REPORTING OF INCIDENTS

All Port users are expected to exercise a high level of security awareness. Any threat of, or actual unlawful interference with maritime transport which is, or is likely to be a terrorist act, must be reported as specified in Part 9 of the MTOFSA to Mackay Port Authority and other parties as appropriate listed in the MTOFSA

AUTHORISED OFFICERS

2.1 DIRECTIONS – SAFETY AND SECURITY

An Authorised Officer may give a direction to a person on the Authority's Port facilities, or in an area under the control of the Port, if the activities of the person may affect the Port's operations and it is reasonably necessary to ensure the safety or security of the Port facilities, Port users or Authority employees.

Examples of directions that may be given by an Authorised Officer include, but are not limited to:

- a direction to control the movement or mooring of, or activities on or by, a ship;
- a direction to control the movement, stopping or parking of a vehicle or rolling stock;
- a direction to control the movement, handling or storage of goods that are loaded, waiting to be loaded, unloaded or transhipped;
- a direction to remove oneself from Port lands on the grounds of unsafe operation of vehicle or other machinery; and,
- a direction to control the movement of persons

2.2 NON-COMPLIANCE WITH DIRECTIONS

It is an offence for a person to fail to comply with a direction by an Authorised Officer.

Maximum Penalty:

- a) if the contravention results in significant delay to Port operations – **200 Penalty Units**
- b) for contravention of a direction to leave the Port facilities or an area of the Port facilities, or leave the Port facilities or an area of the Port Facilities and not return for 24 hours – **100 Penalty Units**
- c) for contravention of a direction about the movement or mooring of, or activities on or by a ship – **100 Penalty Units**
- d) for contravention of a direction about the movement, handling or storage of goods – **50 Penalty Units**; or,
- e) for contravention of another direction – **25 Penalty Units**

2.3 POWER TO REQUIRE NAME AND ADDRESS

An Authorised Officer may require a person to state the person's name and address if the Authorised Officer:

- a) finds the person committing an offence against the *Transport Infrastructure Act 1994* and/or Mackay Port Authority Port Notices; or,
- b) suspects on reasonable grounds that the person has just committed an offence against the *Transport Infrastructure Act 1994* and/or Mackay Port Authority Port Notices

The Authorised Officer may require the person to give evidence of the accuracy of the person's stated name and address if the Authorised Officer suspects, on reasonable grounds, the stated name or address is false.

It is an offence for a person to fail to comply with the Authorised Officer's requirement.

Maximum Penalty – **10 Penalty Units**

2.4 OBSTRUCTING AUTHORISED OFFICERS

It is an offence for a person to hinder, resist, insult and attempt to obstruct or threaten to obstruct an Authorised Officer in the exercise of a power.

Maximum Penalty – **50 Penalty Units**

2.5 FALSE OR MISLEADING STATEMENT

It is an offence for a person to make a statement to an Authorised Officer that is false or misleading.

Maximum Penalty – **50 Penalty Units**

2.6 FALSE OR MISLEADING DOCUMENT

It is an offence for a person to give an Authorised Officer a document containing information that is false or misleading.

Maximum Penalty – **50 Penalty Units**

2.7 IMPERSONATING AN AUTHORISED OFFICER

It is an offence for a person to impersonate an Authorised Officer

Maximum Penalty – **50 Penalty Units**

2.8 MOVEMENT OF PERSONS

The movement of persons including, for example, members of the public or another identified group, within port facilities is a 'controlled activity' (*Section 282D Transport Infrastructure Act 1994*).

As a controlled activity, the movement of persons within the limits of the Mackay Port Authority Aerodrome and the Security Regulated Seaport are hereby proclaimed to be regulated by the Mackay Port Authority (*Section 282 Transport Infrastructure Act 1994*).

The area enclosed by the Mackay Port Authority Aerodrome is as described in the Mackay Aerodrome manual issued pursuant to the Civil Aviation Safety Regulations Part 139 and the area known as the Security Regulated Port will be subject to this notice.

Accordingly, the Mackay Port Authority advises that individuals or groups entering these areas will be subject to direction by duly authorised offices of the Mackay Port Authority.

FAILURE TO COMPLY with the direction by an authorised officer is a breach of this notice and may result in the imposition of a penalty notice.

The maximum penalty – **25 Penalty Units**

3.1 CHARGES

Mackay Port Authority imposes charges for the use of Port facilities and services. A schedule of charges is available from the Authority. Charges include those for ships using the Port, and for the loading, unloading or transshipment of goods or passengers using Port facilities.

3.2 LIABILITY FOR CHARGES FOR A SHIP

If charges are payable for a ship, the following persons are jointly and severally liable for the charges:

- a) the owner of the ship,
- b) the master of the ship,
- c) the agent of the ship's owner; and
- d) another person who has accepted liability for the charges

3.3 LIABILITY FOR CHARGES FOR GOODS

If Charges are payable for goods, the following persons are jointly and severally liable for the charges:

- a) the owner of the goods;
- b) the consignor and consignee of the goods'
- c) the agent for the sale or custody of the goods'
- d) the person entitled to possession of the goods'
- e) the owner of the ship; and,
- f) the master of the ship

3.4 LIABILITY FOR CHARGES FOR PASSENGERS

If charges are payable for passengers, the following persons are jointly and severally liable for the charges:

- a) the owner of the ship;
- b) the master of the ship;
- c) the agent of the ship's owner; and,
- d) another person who has accepted liability for the charges.

3.5 LIABILITY FOR MOVEMENT OF SHIPS, GOODS OR VEHICLES

If the Authority incurs a reasonable expense because an Authorised Officer takes steps to move a ship or goods, the amount of the expense is a debt owing to the Authority by the persons who are liable for charges payable for the ship (*refer to Port Notice 3.2*) or goods (*refer to Port Notice 3.3*).

If the Authority incurs a reasonable expense because an Authorised Officer takes steps to move a vehicle, the amount of the expense is a debt owing to the Authority by the owner and driver of the vehicle.

3.6 PERSONS WHO ARE LIABLE FOR DAMAGE TO THE AUTHORITY'S PORT FACILITIES

- a) If damage is caused to the Authority's Port facilities, the following persons are jointly and severally liable for the damage:
 - i) If the damage is caused by a ship:
 - the owner of the ship;
 - the master of the ship;
 - the agent of the ship's owner; and,
 - another person who has accepted liability for the damage
 - ii) If the damage is caused by a vehicle, plant or equipment;
 - the owner of the vehicle, plant or equipment

- the driver/operator of the vehicle, plant or equipment; and,
- another person who has accepted liability for the damages.

b) If damage is caused to the Authority's Port facilities by floating or submerged material, the owner of the material is liable if the damage was intentionally, recklessly or negligently caused by the owner.

3.7 SECURITY FOR PAYMENT OF CHARGES AND POTENTIAL LIABILITIES

Mackay Port Authority may require a person to lodge a security deposit as security for a liability or debt incurred in relation to:

- a) the payment of a charge, or,
- b) damage caused, or that may be caused, to Port facilities

The security deposit may take the form of a cash or a guarantee from a financial institution or such other form as the Authority may approve, and is to be in or for the amount determined by the Authority as being reasonable, having regard to the liability or potential liability.

The Authority may appropriate, or partly appropriate, a security deposit to meet the liability or indebtedness (including any interest payable) that is unpaid after becoming due.

In the event that a security deposit has been appropriated, or partly appropriated, the Authority may require a further security deposit.

If at any time the Authority considers that a person's liability or indebtedness, or potential liability or indebtedness should be more adequately guaranteed, the Authority may require the lodgement of a security deposit in a greater amount, or in a different form, or both.

3.8 PAYMENT OF CHARGES AND INTEREST ON UNPAID CHARGES

Charges imposed by the Authority are payable within the time period decided by the Authority. If charges remain unpaid after the due date, the Authority may charge interest on the amount unpaid at a reasonable rate as decided by the Authority.

3.9 INSPECTION OF DOCUMENTS

An Authorised Officer may require a person who is, or may be liable, to pay charges to the Authority, to produce for the Authorised Officer's inspection, documents under the person's control relevant to deciding:

- a) whether the person is liable to pay the charges; or,
- b) the amount of the charges.

It is an offence for a person not to comply with the requirement of the Authorised Officer.

Maximum Penalty – **50 Penalty Units**

3.10 INSPECTION OF SHIPS, GOODS OR VEHICLES

a PERSON IN CHARGE OF A PLACE MUST ALLOW AN Authorised Officer to enter and inspect the place, or to enter and inspect goods on or in the place, in order to allow the Authorised Officer to decide:

- a) whether charges are payable for a ship, goods or a vehicle; and,
- b) the amount of the charge.

It is an offence for a person not to comply with the requirement of the Authorised Officer.

Maximum Penalty – **50 Penalty Units**

3.11 EVASION OF CHARGES

It is an offence to intentionally or recklessly evade the payment of the Authority's charges

Maximum Penalty – **200 Penalty Units**

4.1 COMPLIANCE WITH SIGNS AND NOTICES

Failure to comply at all times with any Port Notice physically erected in the Port, and all other directory signs, notices, traffic or other signs erected, displayed or promulgated within the Port is an offence.

Maximum Penalty – **25 Penalty Units**

4.2 ERECTING SIGNS

It is an offence for a person (other than the Authority) to erect any sign in the Port, on Port lands, Port facilities or any land/facility under the control of Mackay Port Authority without first obtaining the permission in writing from the Authority.

Maximum Penalty – **25 Penalty Units**

4.3 ENTRY AND EXIT

It is an offence for a person to enter or leave the Port area by land other than by the designated entrances and exits of the Port.

Maximum Penalty – **25 Penalty Units**

4.4 AUTHORITY TO ENTER

It is an offence for a person to be in the Port without a lawful justification or excuse, or authorisation.

Maximum Penalty – **25 Penalty Units**

4.5 UNAUTHORISED ACCESS TO WORK SITE

It is an offence for a person to enter any place within the Port where work or construction is occurring, including, but not limited to, wharves, construction sites, ships being worked on and areas where plant and machinery are operating or maintenance work is being undertaken, etc., without authorisation of the Authority.

Maximum Penalty – **25 Penalty Units**

4.6 CONDUCT CAUSING PUBLIC NUISANCE

It is an offence for a person to be disorderly or create a disturbance in the Port.

Maximum Penalty – **50 Penalty Units**

4.7 GENERAL OFFENCE

It is an offence for a person to intentionally or recklessly:

- a) damage the Authority's works or infrastructure;
- b) interfere with or disrupt the Port's operation; or,
- c) dump refuse or goods on land under the Port's control or into Port waters.

Maximum Penalty – **200 Penalty Units**

4.8 ALCOHOL CONSUMPTION

It is an offence to consume alcohol in the Port except:

- a) where authorised by the Authority (in the case of areas under the control of the Authority)
- b) in the case of a proprietary site where authorised by persons having control of those areas;
or,
- c) where the facility is licensed under the *Liquor Act 1922*

Maximum Penalty – **25 Penalty Units**

It is an offence to consume alcohol in or at a work place in which plant and/or machinery is being operated.

Maximum Penalty – **25 Penalty Units**

This Notice applies to all passengers, visitors, clients, employees of client organisations, Port users and their employees, contractors and all persons who enter the Port.

4.9 ALCOHOL – SALE OR PURCHASE

It is an offence to sell or purchase alcohol in the Port without obtaining all relevant licences required by law and without first obtaining permission in writing from the Authority.

Maximum Penalty – **25 Penalty Units**

4.10 ALCOHOL – PASSENGER OR CREW

It is an offence for an owner, master or other person apparently in control of a ship to permit a passenger or crew member under the influence of alcohol to proceed to shore unescorted.

Maximum Penalty – **25 Penalty Units**

4.11 CONSENT TO CONDUCT BUSINESS

It is an offence for a person to conduct a business, haws, 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.

Maximum Penalty – **25 Penalty Units**

4.12 PORT APPROVALS

Approval must be obtained from the Mackay Port Authority to perform controlled activities within the Port.

Controlled activities include:

- a) operating a tug service;
- b) in relation to a ship:
 - i) burning;
 - ii) welding;
 - iii) riveting;
 - iv) spray painting; or,
 - v) grit blasting; and
- c) operating a refuelling facility.

It is an offence to perform a controlled activity without approval.

Maximum Penalty – **25 Penalty Units**

The Authority may grant approval for the above activities, with or without conditions, or refuse the application for approval.

It is an offence for the holder of an approval to breach the conditions of the approval.

Maximum Penalty – **50 Penalty Units**

4.13 WORK PERMITS

Failure to obtain a work permit for certain works within the Port from Mackay Port Authority is an offence. These works include, but are not limited to:

- a) hot works;
- b) excavations/trenching;
- c) fumigation;
- d) diving/underwater activities;
- e) bunkering by road tanker;
- f) work on high voltage electrical installations;
- g) blasting works (including but not limited to abrasive and water blasting);
- h) erection of temporary or permanent structures;
- i) immobilising a ship;
- j) operation of propellers at a wharf;
- k) placing of buoys/moorings;
- l) heavy lifts; and,
- m) hull cleaning

Maximum Penalty – **25 Penalty Units**

4.14 DEVELOPMENT APPROVALS

Mackay Port Authority assumed the responsibilities of the Assessment Manager under the *Integrated Planning Act 1997* (IPA) for development on Strategic Port Land. The Authority administers the responsibilities for land use planning matters through the Integrated Development Assessment System (IDAS). The Authority does not act as the Assessment Manager for Plumbing and Drainage Works or Building Works applications.

PORT CONTROL RECEPTION AND ACCOMMODATION OF SHIPS

5.1 GENERAL

An owner, master or other person while 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.

Failure to comply with procedures and directions is an offence.

Maximum Penalty – **100 Penalty Units**

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.

5.2 AGENT TO BE APPOINTED

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

5.3 MOORING NOTIFICATION

It is an offence for an owner, master or person while in control of a ship to moor a ship inside the Port without first notifying the Authority.

Maximum Penalty – **100 Penalty Units**

5.4 GANGWAY ACCESS TO SHIPS – SAFETY

Mackay Port Authority may provide gangways to a ship, but in all cases, the Master of a ship is responsible for providing and ensuring safe and secure access, in accordance with the requirements of the Australian Maritime Safety Authority, for crews, passengers, visitors, contractors and Authority employees.

Failure to do so is an offence

Maximum Penalty – **100 Penalty Units**

5.5 UNUSUAL CIRCUMSTANCES

It is an offence for an owner, master or other person while in control of a ship, to bring a ship into Port where any of the following circumstances pertain, unless the permission of the Regional Harbour Master, Mackay, 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 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

Maximum Penalty – **100 Penalty Units**

5.6 SHIPS LEAVING PORT WITHOUT CLEARANCE

It is an offence for an owner, master or person while in control of a ship moored to a commercial wharf to put to sea without first obtaining clearance from the Authority.

Maximum Penalty – **100 Penalty Units**

5.7 COMMUNICATIONS

It is an offence for ships moored to a commercial wharf to have no means of communicating with the Authority's Port Control during an emergency.

Maximum Penalty – **100 Penalty Units**

5.8 CHANNELS AND SWING BASINS

It is an offence for an owner, master or other person while in control of a ship (including small craft) to anchor, trawl, moor, lie or obstruct any channel, swing basin or small craft facility or other areas under the control of the Authority.

Maximum Penalty – **100 Penalty Units**

5.9 MOORINGS

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

Maximum Penalty – **100 Penalty Units**

5.10 RAFTING

Ships may be rafted only with the permission of the Regional Harbour Master, Mackay. The Authority is to be advised of this permission.

It is an offence to raft a ship without permission and without notifying the Authority.

Maximum Penalty – **100 Penalty Units**

5.11 MOVEMENT WITHOUT NOTICE

An owner, Master or other person while 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.

Failure to ensure the vessel can be moved immediately upon direction is an offence.

Maximum Penalty – **100 Penalty Units**

5.12 SHIPS NOT TO BE IMMOBILISED

It is an offence for the owner, Master or other person while in control of a ship to allow the ship to be immobilised within the Port without first obtaining the permission of the Regional Harbour Master, Mackay, and the Authority.

Maximum Penalty – **100 Penalty Units**

5.13 PROPELLERS NOT TO BE OPERATED AT A WHARF

It is an offence for an owner, Master or person for the time being in control of a ship moored at a commercial wharf to allow the ship's propellers to be operated while the ship is moored at a wharf without first obtaining permission of the Regional Harbour Master, Mackay and the Authority.

Maximum Penalty – **100 Penalty Units**

5.14 MOVING SHIP BY BOLLARD PULL

It is an offence for a ship moored at a commercial wharf to be moved more than sixty metres from its original wharf position without first obtaining the permission of the Regional Harbour Master, Mackay and the Authority.

Maximum Penalty – **100 Penalty Units**

5.15 RAT GUARDS

It is an offence for an owner, Master or person while in control of a ship to fail to attach rat guards and maintain rat guards in place on mooring lines whilst a ship is moored to a commercial wharf.

Maximum Penalty – **25 Penalty Units**

5.16 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.

It is an offence for owners, Masters, agents and wharf operators (and any other persons as appropriate) to fail to comply with these regulations, conventions and protocols.

Maximum Penalty – **25 Penalty Units**

5.17 BUNKERS

It is an offence for an owner, master or person while in control of a ship to undertake bunkering operations without first obtaining the permission of the Authority.

Maximum Penalty – **25 Penalty Units**

5.18 BERTHING OF VESSELS

The berthing of vessels is a 'controlled activity' (*Section 282E Transport Infrastructure Act 1994*).

As a controlled activity, the parking or stopping of vehicles within the limits of the Port of Mackay areas is hereby proclaimed to be regulated by the Mackay Port Authority. (*Section 282 Transport Infrastructure Act 1994*).

The area designated as the limits of the Port of Mackay, is the area affected by this notice.

1. 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.
2. 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.

3. 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. 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.

Accordingly, you must not:

- Moor or berth vessels within the port areas in a place not prescribed as a mooring or in any way contrary to a notice or direction

BREACH OF THIS PORT NOTICE WILL CONSTITUTE AN OFFENCE

Failure to comply with this Port Notice may result in the offending vessel, and/or goods being removed and/or the imposition of a penalty notice.

Maximum Penalty – **25 Penalty Units**

PORT CONTROL – WHARF RESTRICTIONS

6.1 SPECIAL PRECAUTIONS FOR VESSELS DISCHARGING FLAMMABLE PRODUCTS AT M1

Whilst loading or discharging flammable products at M1, masters of ships must:

- a) ensure that ship moorings are secured and attended;
- b) ensure that shore connections are secured and attended;
- c) ensure that gangways are secured and attended;
- d) ensure that a notice prohibiting the approach of other vessels closer than thirty metres is prominently displayed

It is an offence to fail to comply with the above requirements

Maximum Penalty – **100 Penalty Units**

6.2 SOURCES OF IGNITION

It is an offence for a person to possess or operate a source, or potential source of ignition within the blast contour zone, above, below or alongside M1 whilst a tanker is moored to the wharf.

Prohibited sources of ignition include:

- a) lighters, matches
- b) firearms
- c) mobile telephones (save those which are certified as being Intrinsically Safe)
- d) two-way radios (save those which are certified as being Intrinsically Safe)

A register recording the name and organisation of each person entering / departing M1 will be maintained by the Watchman.

It is an offence to fail to comply with this procedure.

Maximum Penalty – **100 Penalty Units**

6.3 AUTHORISED ACCESS

It is an offence for an unauthorised person to be on M1 whilst a tanker is moored to the wharf.

6.4 VEHICLES PROHIBITED

It is an offence for a vehicle to be on M1 whilst a tanker is moored to the wharf, save for those diesel powered vehicles, which have been certified as being flame proof.

Maximum Penalty – **100 Penalty Units**

6.5 AMMONIUM NITRATE, OXIDISING LIQUIDS CLASS 5.1, CALCIUM HYPOCHLORITE AND DANGEROUS GOODS CLASSIFIED AS PACKAGING GROUP 1 EXCEEDING 450KGS

The above products (save Sulphuric Acid) are not permitted to be loaded, discharged, or carried as transit cargos in or on any vessel entering the Port.

It is an offence to fail to comply with these requirements.

Maximum Penalty – **100 Penalty Units**

PORT CONTROL – MOVEMENT/HANDLING/STORAGE OF GOODS

7.1 ASSUMPTION OF RISK

Owners of property, goods, cargoes or other assets bring them onto 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.

7.2 PROHIBITED TO LOAD/UNLOAD

Mackay Port Authority may, by notice in writing to the master of a ship moored to a commercial wharf, 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 cargo manifest or Bill of Lading.

Maximum Penalty – **50 Penalty Units**

7.3 MANIFESTS TO BE LODGED

It is an offence for an agent, master or person controlling the business of a ship moored to a commercial wharf to fail to lodge a true and accurate manifest of goods loaded, unloaded or transhipped within 48 hours after departure of the ship.

Maximum Penalty – **50 Penalty Units**

7.4 GOODS NOT TO BE LEFT

It is an offence for a person to 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.

Maximum Penalty – **50 Penalty Units**

7.5 COLLECTION WITHOUT AUTHORITY

It is an offence for a person to remove goods stored without the approval of the Authority from a wharf, shed 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.

Maximum Penalty – **50 Penalty Units**

7.6 WHARF LOADINGS

A person must not discharge or place any goods or cargo or drive any vehicle or plant on a wharf in excess of the maximum permitted weight as designated by signs in the area.

All oversize and/or overweight cargo, vehicles or plant are to be notified to the Authority and a permit obtained one week before placing or moving such items within the Port.

It is an offence not to carry out this notice

Maximum Penalty – **50 Penalty Units**

7.7 FUMIGATION

It is an offence for a person to fumigate a cargo, transport unit, or goods in the Port without first obtaining the written permission of the Authority.

Maximum Penalty – **50 Penalty Units**

7.8 DANGEROUS GOODS

The handling, storage and transport (including transporting as through or transit cargo) of dangerous goods is governed by various Authority policies and National Codes of Practice, Standards and State Legislation (Acts and Regulations.)

Written permission from the Authority must be obtained at least 48 hours prior to moving, handling or storing dangerous goods on or through the Port.

It is an offence for a person to handle, store, transport (including transport as through or transit cargo)(dangerous goods without first obtaining written permission from the Authority.

Maximum Penalty – **100 Penalty Units**

8.1 TRANSPORT OPERATIONS (ROAD USE) MANAGEMENT ACT 1995

Vehicular traffic and parking in the Port is regulated. The standard defined by the *Transport Operations (Road use) Management Act 1995* and subsequent amendments is used as the standard for the Port of Mackay.

8.2 TRAFFIC SIGNS/MARKINGS

It is an offence for a person to fail to comply with traffic signs/markings in the Port area.

Maximum Penalty – **25 Penalty Units**

8.3 PARKING AREAS

It is an offence for a person to park a vehicle in an area other than a designated parking area.

Maximum Penalty – **25 Penalty Units**

8.4 PRIORITY AT LEVEL CROSSINGS

Motor vehicle drivers must yield right-of-way to trains at level crossings in the Port. It is an offence to fail to do so.

Maximum Penalty – **50 Penalty Units**

8.5 LOADS TO BE SECURED AND COVERED

Vehicles entering or transiting product in the Port must be covered and/or secured to prevent loss or spillage. It is an offence to fail to do so.

Maximum Penalty – **50 Penalty Units**

8.6 SPILLS TO BE CLEANED UP

The person in charge of a vehicle from which a load has fallen or been spilled must immediately remove the lost or spilled material to the satisfaction of the Authority. Failure to do so is an offence.

Maximum Penalty – **25 Penalty Units**

8.7 OFF-ROAD OPERATION OF VEHICLES

Persons in control of a vehicle must drive only on a formed, approved or gazetted road. Failure to do so without the prior approval of the Authority is an offence.

Maximum Penalty – **25 Penalty Units**

8.8 OVERSIZE/OVERWEIGHT VEHICLES/PLANT/EQUIPMENT

In order to move within or transit through the Port any oversize or overweight vehicle, equipment or plant, permission and any conditions must first be obtained from the Authority. Failure to obtain advance approval and to abide by any conditions is an offence.

Maximum Penalty – **25 Penalty Units**

8.9 MAINTENANCE OF VEHICLES

All vehicles used in the Port must be maintained in good repair and safe condition at all times. Failure to do so is an offence.

Maximum Penalty – **25 Penalty Units**

8.10 VEHICLES – SAFETY OF OPERATION

It is an offence for a vehicle used in the Port to be operated in an unsafe manner which may cause injury or damage of any kind to any person or property.

Maximum Penalty – **25 Penalty Units**

8.11 VEHICLES – REGISTRATION

It is an offence for an unregistered vehicle, as required by Queensland law, to be used in the Port.

Maximum Penalty – **25 Penalty Units**

8.12 OPERATING UNREGISTERED VEHICLES

It is an offence to operate an unregistered vehicle as required by the preceding Port Notice.

Maximum Penalty – **25 Penalty Units**

8.13 VEHICLE – INSURANCE

It is an offence for a vehicle used in the Port to be uninsured against injury to persons cause by, through or in connection with that vehicle, to a level of cover equivalent to that imposed by the Compulsory Third Party Insurance Scheme under the *Motor Accident Insurance Act 1994*, whether that scheme applies to the vehicle or not.

Maximum Penalty – **25 Penalty Units**

8.14 OPERATING UNINSURED VEHICLES

It is an offence to operate an uninsured vehicle as required by the preceding Port Notice.

Maximum Penalty – **25 Penalty Units**

8.15 LICENCE REQUIRMENTS

It is an offence for an unlicensed person to operate a vehicle within the Port.

Maximum Penalty – **25 Penalty Units**

PORT CONTROL WASTE MAINTENANCE/MANAGEMENT

9.1 WASTE – RUBBISH, REFUSE, SEWAGE, GALLEY WASTE, GREY WATER

It is an offence for a person to discard, dispose of, or leave rubbish, refuse, sewage, waste of any kind (including galley waste), 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.

Maximum Penalty – **25 Penalty Units**

9.2 WASTE (QUARANTINE)

Ships moored to a commercial wharf must arrange for the appropriate collection and disposal of all wastes, quarantine or otherwise, unless exempt by the Australian Quarantine Inspection Service. Quarantine waste must then be kept in sealed plastic bags on board the vessel until arrival of the collection vehicle when it is then to be delivered to the collection vehicle.

It is an offence to fail to comply with the above procedures.

Maximum Penalty – **25 Penalty Units**

9.3 WASTE – BALLAST WATER

It is an offence for a ship's owner, master or person while 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.

Maximum Penalty – **100 Penalty Units**

It is an offence to discharge ballast water onto any wharf area.

Maximum Penalty – **100 Penalty Units**

9.4 MAINTANANCE – REPAIRS

It is an offence for an owner, master or person for the time being in control of a ship to permit the carrying out of major repairs or like operations on any ship in the Port without first obtaining written approval from the Authority.

Maximum Penalty – **25 Penalty Units**

9.5 MAINTENANCE – CLEANING OF SHIP'S HULL

An owner, master or person while in control of a ship must not allow cleaning, washing, blasting, scraping, painting or commence any other like operation on a ship's hull in the Port without first obtaining a permit from the Authority.

Maximum Penalty – **100 Penalty Units.**

10.1 PROPERTY OF MACKAY PORT AUTHORITY NOT TO BE INTERFERED WITH

It is an offence for a person to damage, pull down, erase, demolish, remove, deface or interfere with property of the Authority, including traffic control signs, Port notices or other erected signs anywhere in the Port.

Maximum Penalty – **25 Penalty Units**

10.2 LIABILITY FOR DAMAGE TO PORT FACILITIES AND INFRASTRUCTURE (SHIP)

It is an offence for the owner, master or person while in control of a ship to cause, allow or permit a ship to damage Port facilities or infrastructure.

Maximum Penalty – **100 Penalty Units**

10.3 LIABILITY FOR DAMAGE TO PORT FACILITIES AND INFRASTRUCTURE (VEHICLE/PLANT/EQUIPMENT, ETC.)

It is an offence for the operator/driver or person in charge to allow a vehicle or piece of plant/equipment 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.

Maximum Penalty – **20 Penalty Units**

10.4 LIABILITY FOR FLOATING OR SUBMERGED MATERIAL

It is an offence to cause or allow any material or object, whether floating or submerged, to cause damage to Port facilities or infrastructure or other property of the Authority or assets of other Port facilities users.

Maximum Penalty – **25 Penalty Units**

10.5 BUOYS

It is an offence for a buoy 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, Mackay, and the Authority.

Maximum Penalty – **25 Penalty Units**

10.6 ABANDONED PROPERTY

It is an offence for a person to leave or abandon material or property within the Port area.

Maximum Penalty – **25 Penalty Units**

10.7 POSITION/PLACING/ERECTING SIGNS AND/OR OTHER STRUCTURES

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

Maximum Penalty – **25 Penalty Units**

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.

10.8 REMOVAL OF SAND, GRAVEL OR OTHER MATERIAL

It is an offence to remove ballast, rock, stone, shingle, gravel, sand, clay, earth or other material from a foreshore, seabed or any other land under the Authority's control without first obtaining the permission in writing from the Authority. Removal of material from the Port is subject to royalty payments.

Maximum Penalty – **25 Penalty Units**

11.1 CLOTHING AND FOOTWEAR

The following personal protective clothing, as a minimum, shall be worn on all work sites within the Port.

All sites

- a) protective footwear manufactured to the relevant Australian Standard

Wharves whilst cargo is being worked

- a) protective footwear manufactured to the relevant Australian Standard
- b) protective headgear manufactured to the relevant Australian Standard
- c) high visibility vest or clothing

Construction sites

The above plus other specific equipment and clothing as required or indicated to be used or applicable including, but not limited to, respirators, eye protection, hearing protection, breathing apparatus.

Failure to wear the required personal protective clothing/equipment as detailed above or as indicated by notices/signs or as instructed is an offence.

Maximum Penalty – **25 Penalty Units**

11.2 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 to the relevant laws, regulations, standards and specifications.

Maximum Penalty – **25 Penalty Units**

11.3 QUALIFIED OPERATORS OF PLANT

Crane, forklift, plant and equipment operators must be competent and qualified to operate the plant 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.

Maximum Penalty – **25 Penalty Units**

11.4 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 hold a licence issued by the Division of Workplace Health and Safety or are a trainee. These occupations include, but are not limited to:

- scaffolder;
- rigger;
- dogger; and,
- boiler operator

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.

Maximum Penalty – **25 Penalty Units**

11.5 PRESCRIBED ACTIVITIES

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

These activities include, but are not limited to:

- demolition work; and
- asbestos removal

It is an offence to carry out these activities 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.

Maximum Penalty – **25 Penalty Units**

11.6 ELECTRICAL WORK/INSTALLATIONS

All electrical work, installations and repairs are to be carried out by a licensed electrician and/or apprentice under the supervision of 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 notice. Any work carried out by contrary to this notice could result in the organisation responsible being required to remove or upgrade the installation or work at its own cost.

Maximum Penalty – **25 Penalty Units**

11.7 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. All diving operations are to comply with the relevant Australian Standard.

Maximum Penalty – **25 Penalty Units**

11.8 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.

This notice applies to any area in the Port.

Maximum Penalty – **25 Penalty Units**

11.9 SMOKING

It is an offence for a person to smoke:

- in "No Smoking" areas designated by the Authority and by law;
- in a ship's hold;
- within six metres of an open hatchway of a ship moored to a commercial wharf; or,
- near any dangerous goods or flammable area.

Maximum Penalty – **25 Penalty Units**

11.10 FIRE/EXPLOSION PREVENTION

All persons within the Port and facilities must take precautions to prevent fires and explosions occurring in the Port. Failure to take precautions or reasonable steps to prevent fires and explosions is an offence.

Maximum Penalty – **25 Penalty Units**.

11.11 WEAPONS NOT TO BE CARRIED

It is an offence for a person other than an officer of the Queensland Police Service, Australian Federal Police, Australian Customs or Defence Force personnel on duty and in uniform, to carry a firearm of any kind including replica firearms, into or through the Port.

Maximum Penalty – **25 Penalty Units**

11.12 WEAPONS, FLARES AND PYROTECHNICS

It is an offence for a person to discharge a weapon, flare or pyrotechnic within the Port except with the prior approval of the Authority or in an emergency.

Maximum Penalty – **25 Penalty Units**

11.13 ANIMALS

It is an offence to bring an animal into or through the Port except where the animal is:

- a trained guide dog or hearing dog for a disabled person;
- employed by the Australian Defence Force; or,
- employed by a Government agency

Maximum Penalty – **25 Penalty Units**

11.14 PASSENGERS (SHIP, SMALL CRAFT, COACHED) – MOVEMENT AND ACCESS

In the interest of public safety, passengers from a ship must use designated walkways on a wharf. Failure of passengers to comply with a designated passenger access way on a wharf or landing place is an offence.

Maximum Penalty – **25 Penalty Units**

11.15 PASSENGERS (SHIP, SMALL CRAFT, COACHES) – NOT TO ENTER OTHER WHARVES

It is an offence for a ship's passenger to be on a wharf, other than the wharf to which the passenger's ship is moored.

Maximum Penalty – **25 Penalty Units**

11.16 RECREATION – 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.

Maximum Penalty – **25 Penalty Units**

11.17 RECREATION – FISHING RESTRICTED IN PORT AREAS

It is an offence for a person to fish in the waters of the Port, west of a line from the southern most point of the Northern Breakwater to the Eastern most point of the Inner Breakwater.

Maximum Penalty – **25 Penalty Units**

11.18 RECREATION – SWIMMING RESTRICTED IN PORT WATERS

It is an offence for a person to swim in the waters of the port enclosed by the Northern and Southern Breakwaters.

Maximum Penalty – **25 Penalty Units**

11.19 RECREATION – REMOVAL OF RUBBISH

It is an offence for a person not to remove all waste and rubbish caused as a result of fishing or other recreational activities on Port lands.

Maximum Penalty – **25 Penalty Units**

INCIDENT REPORTING

12.1 INCIDENTS TO BE REPORTED

An incident, act or omission, including occurrences on areas within the Port, including areas leased and licensed or otherwise occupied, which have potential to impact adversely on the Port, its safe operation or its environs, whether or not it is containable within its current localised scene, must be reported without delay to Mackay Port Authority, at any time of the day or night.

Reportable incidents include, but are not restricted to:

- serious bodily injury;
- fire;
- explosion;
- spillages;
- chemical spills and leakages;
- escape of toxic vapour and gases;
- hazards to volatile dangerous goods;
- major vehicle accident;
- major structural collapse/damage;
- incident which may cause environmental harm; and,
- any other emergency that could impact the Port and its operations

Failure to report an incident or to delay reporting an incident is an offence.

Maximum Penalty – **25 Penalty Units**

12.2 OIL SPILL

A person or persons who deliberately, negligently or accidentally cause spillage (land and or water) of oil within Port limits or who detects or witnesses a spillage must immediately notify the Authority.

It is an offence for a person to fail to report an oil spill.

Maximum Penalty – **25 Penalty Units**

Notification should be made to the Authority's 24-hour telephone number (07) 4955 5107

12.3 COLLISION/GROUNDING

An owner, master or person in charge of a ship must immediately report the grounding, collision or sinking of a ship to the Regional Harbour Master, Mackay, the Queensland Department of Primary Industries and Fisheries and the Authority (day or night.)

It is an offence to fail to report an incident or to delay reporting an incident.

Maximum Penalty – **100 Penalty Units**

Notification should be made to the Authority's 24-hour telephone number (07) 4655 5107

12.4 STATUTE REQUIREMENTS

It is the responsibility of users, owners, masters of ships or organisations to report any incidents that are 'serious injury/dangerous occurrence incidents' 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.

12.5 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 is reasonably practicable.

Failure to report an incident that impacts adversely on the environment is an offence.

Maximum Penalty – 25 Penalty Units

Port users, owners, masters and organisations are reminded it is their responsibility to notify the Queensland Environmental Protection Agency and/or Mackay City Council where the incident is of the nature that requires notification under the *Environmental Protection Act 1994* and Environmental Protection Policies.

13.1 GENERAL

Port users, customers, visitors, contractors or organisations who use the services and facilities of the Port or operate or carry out an activity within the Port and its lands, have a 'duty of care' and obligation to ensure the operations and activities under their control are conducted in accordance with the *Workplace Health and Safety Act 1995 and Workplace Health and Safety Regulations 1997* and all other supporting compliance legislation and codes of practice.

13.2 SAFETY PLAN/PROGRAMME

Depending on the nature of the operation or activity, the Authority may require an individual, contractor or organisation to provide a project or site safety plan/programme.

Failure to abide by this requirement, where requested, is an offence and could result in the following action:

- 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.

13.3 HAZARDOUS SUBSTANCES

Hazardous substances, as defined in the *Workplace Health and Safety Regulations 1997*, are to be managed and controlled as defined in the Regulations there their use, storage or disposal could affect the health and safety of the Authority's personnel, other users/customers of the Port, visitors to the Port and the general public.

Where the use or storage could impact on the safe operation/conduct of the Port, prior written approval is to be obtained from the Authority.

It is an offence to fail to seek the Authority's consent to such use or storage.

Maximum Penalty – **25 Penalty Units**

13.4 DIRECTION OF AN AUTHORISED OFFICER

If an Authorised Officer has reason to believe that an activity is or could cause a safety problem to the Port operations, Port employees or to Port users/customers, the Authorised Officer may direct that the operation or activity be suspended until the matter is resolved.

It is an offence to continue operations or activities after this decision has been made.

Maximum Penalty – **25 Penalty Units**

14.1 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.

It is an offence to fail or to refuse to supply a copy of the emergency plan/procedure to the Authority upon request.

Maximum Penalty – **25 Penalty Units**

14.2 DIRECTIONS DURING CYCLONES/EMERGENCIES

It is an offence for a person to fail to comply with the directions of an Authorised Officer, and/or the Regional Harbour Master, Mackay, during a cyclone or other emergency.

Maximum Penalty – **25 Penalty Units**

15.1 GENERAL

The environment of the Port of Mackay is managed in accordance with International Agreements and Protocols and relevant State and Commonwealth Legislation, Policies and Standards. It is the responsibility of Port users/customers and organisations to conduct any developments, activities or operations within the Port whether on leased, licensed or otherwise occupied land or facilities in accordance with the applicable legislation.

The Authority as a policy of '**zero**' discharge or contaminants. This will be applied to users of the Port facilities and land.

It is an offence for a person to act contrary to the Authority's environmental management requirements and directions.

Maximum Penalty – **25 Penalty Units**

Apart from the penalty imposed, the Authority may require the operation or activity to be stopped until the environmental issues are addressed or the environmental damage repaired/restored to the Authority's satisfaction and at the individual's or owner's expense.

15.2 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 is practicable, with due diligence.

It is an offence to fail to comply with the above requirements.

Maximum Penalty – **25 Penalty Units**

15.3 ENVIRONMENTAL MANAGEMENT PLANS

Depending on the nature of the development, operation 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 and/or Site management Plan for that development, operation or activity.

It is an offence to neglect or refuse to submit a plan if requested.

Action taken could be, but is not limited to:

- a) penalty being applied;
- b) refusing or rescinding approval; or,
- c) other action deemed appropriate

15.4 DIRECTION OF AUTHORISED OFFICER

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

Maximum Penalty – **25 Penalty Unit**

15.5 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 standard laid down by the *Environmental Protection Act 1994* and/or Environmental Protection Policies.

Maximum Penalty – **25 Penalty Units**

15.6 WATER, SEDIMENT AND SOIL MANAGEMENT

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

Maximum Penalty – **25 Penalty Units**

15.7 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.

Maximum Penalty – **25 Penalty Units**

Attachment 1

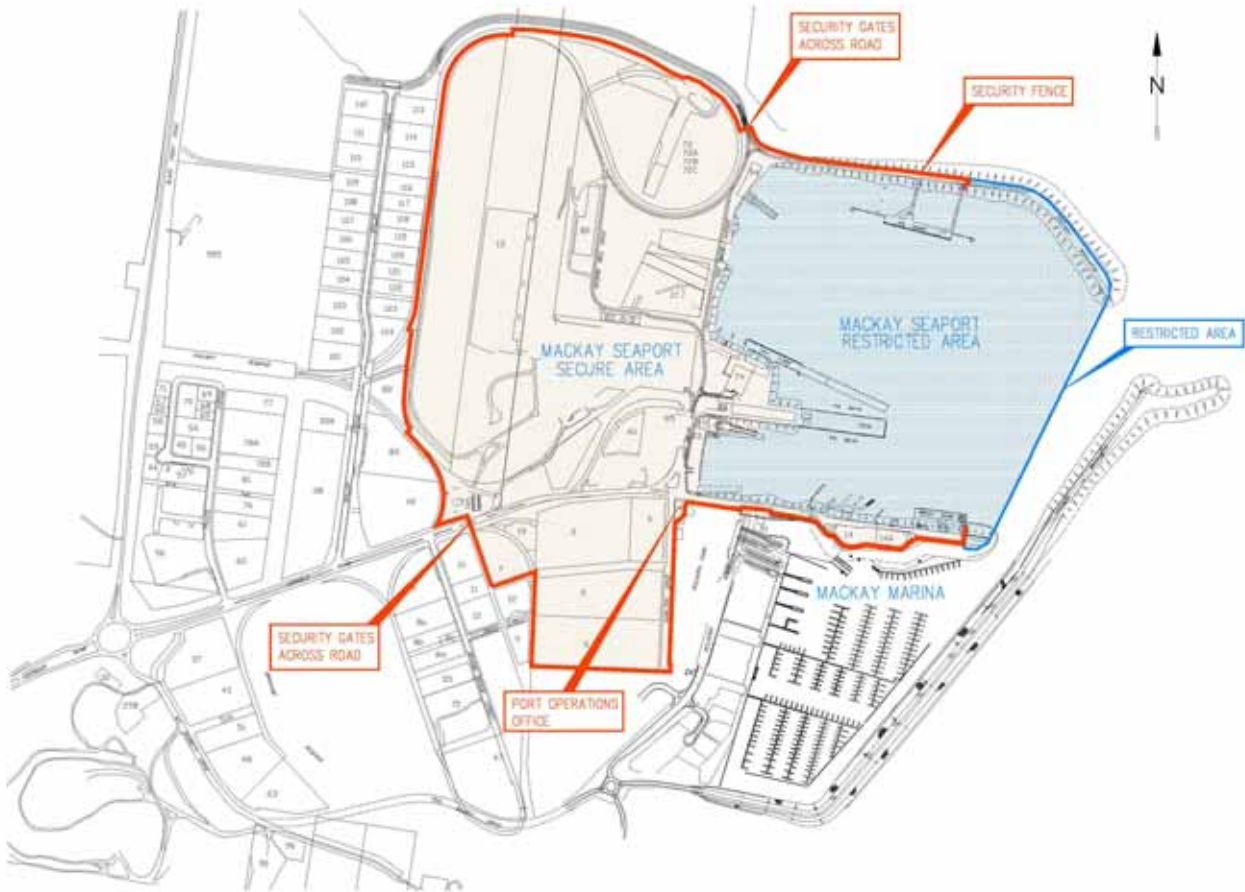
GLOSSARY

Act	means the <i>Transport Infrastructure Act 1994</i>
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 Mackay Port Authority
Authority	means Mackay Port Authority and its successors or assigns
Berth	means a pocket of water beside the wharf in which a vessel moors
Channel	means a corridor of deep water leading to the Port and including swing basins used for the safe passage of shipping into and out of the Port
Charges	means any charges as fees imposed by the Authority for the use of the Port or imposed by 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 under 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 <i>Environmental Protection Act 1994</i> and includes ecosystem
Environmental Value	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 the tidal water, but does not include a mineral within the meaning of the <i>Mineral Resources Act 1989</i>
Hazardous Substance	means a designated hazardous substance as defined in the <i>Workplace Health and Safety act and Regulations</i> 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) 1005 (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
ISPS Code	means the International Ship and Port Security Code
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 and 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
MTOFSA	means the <i>Maritime Transport and Offshore Facilities Security Act 2003</i>
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 <i>Penalties and Sentences Act 1992</i>
Permission of...	means permission in writing or otherwise logged or recorded
Port	means the Port of Mackay and includes the Port area and Port limits as defined in the Act and other relevant legislation. It includes the Authority's Strategic Port Land and Port facilities and all land invested under the Authority's control and includes all wharves, jetties etc.
Port Facilities	means facilities or land that are: a) owned or controlled by the Authority; and

	b) used in the operation and strategic management of the Port of Mackay Without limiting the above, Port facilities may include: a) wharf and Port marine operational areas and shipping channels within Port limits; b) marine and Port structures; c) ship building facilities and dry docks; d) offshore structures used for shipping purposes; e) wharf protection devices; f) hydraulic structures; g) vehicle parking areas; h) partially completed Port structures and facilities; i) access roads, rail corridors and terminals with Port boundaries; j) utilities essential for Port operations; k) oil and liquid product terminals; l) bulk loading and unloading facilities m) boat harbours and associated car parking facilities on Strategic Port Land; and, n) partially completed reclamation areas for areas designated as future Strategic Port Land
Port Limits	Mackay Port Authority exercises jurisdiction over the Port of Mackay. The Mackay port area is the area of (a) waters bounded by an imaginary line drawn • starting at the high water mark on the northern extremity of Slade Point • then due east to longitude 149° 22.06' east • then due south to latitude 21° 09.91' south, longitude 149° 22.06' east • then due west to latitude 21° 09.91' south, longitude 149° 20.06' east • then in a west-south-westerly direction to the high water mark on the north head of the Bakers Creek entrance • then by the high water mark in a northerly direction along the shoreline of the mainland returning to the starting point; and (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a). See map at attachment 3
Port Notice	means a notice, sign, pictograph or similar device, of whatever material and whether fixed or movable, erected or displayed in, or at an entrance to a Port Authority Port area
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 Notice	includes a direction, instruction, indication, condition or other provision contained in the notice
Regional Harbour Master, Mackay	means the Regional Harbour Master, as appointed pursuant to the <i>Transport Operations (Marine Safety) Act 1994</i>
Regulation	means the <i>Transport Infrastructure (Ports) Regulations 1994</i>
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. Include incidents between two ships/vessels and between a ship/vessel and a wharf
Ship	has the same meaning as in the <i>Transport Operations (Marine Safety) Act</i>

	1994 and includes any kind of boat or other vessel no matter the size or how it is propelled or moved. Under the <i>Transport Operations (Marine Safety) Act 1994</i> it also means a trading ship proceeding on an intrastate voyage and an Australian fishing vessel proceeding on a voyage
Vehicle	has the same meaning as in the <i>Transport Operations (Road Use Management) Act 1995</i>
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

Attachment 2
MAP – SECURITY REGULATED PORT OF MACKAY



Attachment 3
MAP – PORT LIMITS – PORT OF MACKAY

