



PORT NOTICES

Effective from 15 July 2020

This issue applies to the Ports of Townsville and Lucinda, and supersedes all previous operating instructions issued in respect to these Ports.

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A person may request an exemption from having to comply with certain Port Notices where they can demonstrate that alternative mitigation measures can be implemented in order to achieve the outcome sought by the Port Notice.

Requests must be submitted formally in writing to the Port's Chief Executive Officer and set out the following:

- *the alternative mitigating measures to be applied; and*
- *results of risk assessments demonstrating the effectiveness of the proposed mitigating measures.*

the Port may accept or reject a request for an exemption at its sole discretion.

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1. PORT SECURITY

1.1 Port Security Requirements

The *Maritime Transport and Offshore Facilities Security Act 2003* (Cth) (MTOFSA) and the *International Ship and Port Facility Security (ISPS) Code* were developed and enacted by the Federal Government and the International Maritime Organisation respectively in response to the global maritime risk of terrorism.

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

Australian ports and port facilities are required to have approved security plans.

Port of Townsville has been appointed limits for "Port" and "Wharf" under section 15 of the *Customs Act 1901* (Cth) (the Act). This appointment facilitates the movement of people and goods within the port by establishing areas where international trade and travel can take place. The limits determine where the Act applies, including where ABF officers can exercise their powers within Port of Townsville.

To ensure the security of customs-controlled goods, Port of Townsville has statutory obligations under Part VAAA of the *Customs Act 1901* (Cth) (the Act). The purpose of these obligations is to strengthen the cargo supply chain against criminal infiltration. Port of Townsville has been approved and registered as a Cargo Terminal /Operator for Berths 10, 9,8,4, 1 and Berth 4 Container Terminal.

The following Port Notices outline the security requirements of Port of Townsville Limited's (the Port) Port Security Plans, MTOFSA, and associated acts and regulations. These requirements must be implemented and adhered to within the Port of Townsville and Port of Lucinda (the Port).

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

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 Federal Government. The standard security level is **Maritime Security Level 1**. The Federal Government will notify the Port when the security level has been raised, based on intelligence advice.

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/customers must observe these requirements.

1.3 Maritime Security Zones

Dependent upon the security level in force, these zones will apply in particular areas of the Port. These may be 'Port security zones' or 'Ship security zones'.

Zones which will typically apply are:

- **Exclusion Zone** – a declared 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 or a structure connected directly or indirectly to land to which access is controlled within the boundaries of a port facility or of land under the control of a port operator or 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 that are established at **Maritime Security Level 1** at the Port of Townsville are as follows:

- **Water-Side Restricted Zones** – 60 metres from any Commercial Wharf structure when a security

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regulated Ship is moored alongside a Commercial Wharf; and

- **Land-Side Restricted Zones** – areas defined by security fences and signage on all Commercial Wharfs.

Zones that are established at **Maritime Security Level 1** at the Port of Lucinda are as defined by security fences and signage throughout the Port of Lucinda. Zones that are established at **Maritime Security Levels 2 and 3** at the Port of Lucinda are as follows:

- **Water-Side Restricted Zones** – 60 metres from all sides of the off-shore wharf when a security regulated Ship is moored alongside the off-shore wharf.
- **Land-Side Restricted Zones** – the off-shore jetty and wharf as defined by security fences and signage.

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

Access to zones is controlled and entry into the zones is not permitted unless authorised by the operator of the Commercial Wharf, the Ship and/or the Port, as required. To do so is an offence under the MTOFSA and subject to significant penalties.

1.4 Unauthorised Entry

The maximum penalty for unauthorised entry into an Exclusion Zone, Land-Side Restricted Zone and/or Water-Side Restricted Zone is **50 Penalty Units**.

The maximum penalty for taking a Ship or thing into, or leaving a Ship or thing in, an Exclusion Zone, Land-Side Restricted Zone and/or Water-Side Restricted Zone is **50 Penalty Units**.

Authorised Ships and persons are as follows:

- a person authorised by the Port;
- a Ship that is compelled by circumstances to be closer than the distances specified, for the purposes of navigation safety;
- Queensland Water Police;
- the Port;
- Australian Customs and Border Protection Service;
- Australian Quarantine and Inspection Service; and
- Maritime Safety Queensland.

1.5 Reporting of Incidents

All Port users/customers 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 MTOFSA to the Port and other parties as appropriate listed in MTOFSA.

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2. AUTHORISED OFFICERS

2.1 Directions – Safety and Security

An Authorised Officer may give a direction to a person on the Port's Port Facilities, or in any other area under the control of the Port, if the activities of the person may affect Port operations and it is reasonably necessary to ensure the safety or security of the Port Facilities, Port users/customers or the Port's 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 control the movement of persons; and
- a direction to a person, who is the holder of an approval to perform a controlled activity, to stop performing the controlled activity for a period of time.

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* (Qld) (the Act) and/or these Port Notices; or
- b) reasonably suspects the person has just committed an offence against the Act and/or these 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 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 the person knows is false or misleading in a material particular.

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 the person knows is false or misleading in a material particular.

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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**

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3. LIABILITY FOR, & RECOVERY OF, PORT CHARGES & LIABILITIES

3.1 Charges

the Port imposes Charges for the use of Port Facilities and Port Services. A schedule of Charges is available on the Port's website at www.townsville-port.com.au. Charges include those for Ships using the Port (including small craft facilities), and for the loading, unloading or transhipment 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) any other person who has accepted liability for the Charges.

3.3 Liability for Charges for Goods and Cargo

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;
- f) the master of the Ship; and
- g) any other person who has accepted liability for the charge.

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) any other person who has accepted liability for the Charges.

3.5 Liability for Movement of Ships, Goods, Vehicles or Rolling Stock

- a) If the Port incurs a reasonable expense because an Authorised Officer takes steps to move a Ship or goods to ensure the efficient operation of the Port or the safety/security of the Port, Port users/customers or the Port's employees, the amount of the expense is a debt owing to the Port 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*).
- b) If the Port incurs a reasonable expense because an Authorised Officer takes steps to move a vehicle or rolling stock to ensure the efficient operation of the Port or the safety/security of the Port, Port users/customers or the Port's employees, the amount of the expense is a debt owing to the Port by the driver of the vehicle or rolling stock or another person in charge of the vehicle or rolling stock.

3.6 Persons who are Liable for Damage to the Port's Port Facilities

- a) If damage is caused to the Port's Port Facilities and/or infrastructure, 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
 - any other 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
 - any other person who has accepted liability for the damages.
- b) If damage is caused to the Port'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

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

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

The Port 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 Port may require a further security deposit.

If at any time the Port considers that a person's liability or indebtedness, or potential liability or indebtedness, should be more adequately guaranteed, the Port 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 Port are payable within the time period decided by the Port. If Charges remain unpaid after the due date, the Port may charge interest on the amount unpaid at a reasonable rate as decided by the Port.

3.9 Inspection of Documents

An Authorised Officer may require a person, who is or may be liable to pay Charges to the Port, 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, Vehicles and Rolling Stock

A person in charge of a place must allow an Authorised Officer to enter and inspect the conveyance, or inspect goods on or in the conveyance, in order to allow the Authorised Officer to decide:

- a) whether Charges are payable in relation to a Ship or Goods; 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 Port's Charges.

Maximum Penalty – **200 Penalty Units**

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4. PORT MANAGEMENT

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 Port) to erect any sign in the Port, on Port Area, Port Facilities, Boat Ramps, small craft facilities or any land/facility under the control of the Port without first obtaining permission in writing from the Port.

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 Area, including small craft facilities, without 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, swing basin, 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 Port.

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 within the Port Facilities.

Maximum Penalty – **50 Penalty Units**

4.7 Burning

It is an offence to undertake any burning activities on the Port land.

Maximum Penalty – **25 Penalty Units**

4.8 General Offence

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

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

Maximum Penalty – **200 Penalty Units**

4.9 Alcohol Consumption

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

- a) where authorised by the Port (in the case of areas under the control of the Port);
- 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 1992* (Qld).

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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/customers and their employees, contractors and all persons who enter the Port.

4.10 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 Port.

Maximum Penalty – 25 Penalty Units

4.11 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

4.12 Consent to Conduct Business

It is an offence for a person to 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 Port.

Maximum Penalty – 25 Penalty Units

4.13 Licensed Activities

It is an offence for a person to conduct licensed activities within the Port.

Licensed activities include conducting:

- (a) towage services;
- (b) mooring, lines and gangways services;
- (c) operating and storing cranes on the Port common user wharfs;
- (d) operating and storing other cargo handling equipment on the Port common user wharfs;
- (e) stevedoring services;
- (f) bunkering; and
- (g) any other activity that the Port notifies as requiring licensing from time to time.

Maximum Penalty – 25 Penalty Units

4.14 Port Approvals

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

Controlled activities include:

- (a) berthing a vessel;
- (b) abrasive blasting;
- (c) hot works in common user areas;
- (d) excavation/trenching;
- (e) diving underwater near or under ships or near wharf activities;
- (f) working on high voltage electrical installations;
- (g) working in confined spaces in common user areas;
- (h) disposing of fill material on the Port reclamation areas;
- (i) hiring of the Port pilot launch;
- (j) movement of wide or oversized vehicles, plant and equipment;
- (k) movement of vehicles on Berth 1 whilst a tanker is alongside;
- (l) use of wash bays and backing lands;
- (m) undertaking vessel cleaning and touch up painting;
- (n) undertaking commercial hull washing;
- (o) fumigation;

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- (p) spray painting (except pressure pack cans);
- (q) operating drones;
- (r) road closures on the Port roads;
- (s) installation of services in the Port service conduits;
- (t) undertaking works on Berth 1; and
- (u) any other activity prescribed under a Regulation.

Maximum Penalty – 25 Penalty Units

The Port may grant approval for a person to perform a controlled activity, with or without conditions, or refuse the application for approval.

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

Maximum Penalty – 50 Penalty Units

The Port may change an approval at its absolute discretion, if the Port considers it reasonably necessary to do so having regard to the efficient operation of the Port or the safety/security of the Port, Port users/customers or the Port’s employees.

4.15 Port Notifications

Failure provide notification to the Port for certain works and activities within the Port is an offence.

These works and activities include, but are not limited to:

- a) hot works on vessels;
- b) hull cleaning and maintenance;
- c) refuelling at a common user facility;
- d) berthing low flash tankers on non-tanker berths;
- e) shipments of explosive ammonium nitrate;
- f) in-water hull cleaning;
- g) transportation and handling of dangerous goods;
- h) non-cargo liquid transfers;
- i) lifeboat drills;
- j) immobilisation of a ship;
- k) operation of propellers at a wharf;
- l) warping or shifting on ships;
- m) dewatering;
- n) crane gantry of ship loader shut down; and
- o) any other activity that the Port notifies as requiring notification from time to time.

Maximum Penalty – 25 Penalty Units

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

4.16 Development Approvals

The Port has the responsibilities of assessment manager under the *Sustainable Planning Act 2009* (Qld) for development on Strategic Port Land. the Port administers the responsibilities for land use planning matters through the Integrated Development Assessment System (IDAS). the Port does not act as the assessment manager for plumbing and drainage works or building works applications.

It is an offence to undertake development on Strategic Port Land without the appropriate approvals under *Sustainable Planning Act 2009* (Qld).

Maximum Penalty – 25 Penalty Units

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5. 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 Port's and Maritime Safety Queensland procedures and the directions of an Authorised Officer or the Regional Harbour Master, Townsville in relation to the allocation of wharves, mooring, movement, removal and control of Ships 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 of the Ship, the master of the Ship, the Agent of the Ship's owner or person for the time being in control of the Ship.

5.2 Agent to be appointed

An Agent must be appointed, and the Port is to be notified in writing of the Agent appointed, 24 hours before a Ship enters the Port for mooring at the Commercial Wharves.

Maximum Penalty – **100 Penalty Units**

5.3 Mooring Notification

It is an offence for an owner, master or person while in control of a Ship to moor a Ship at a Commercial Wharf at the Port without first notifying the Port.

Maximum Penalty – **100 Penalty Units**

5.4 Gangway Access to Ships - Safety

The master of a Ship must provide safe and secure access, in accordance with the requirements of the Australian Maritime Safety Authority, for crew, passengers, visitors, contractors, pilots and the Port's Authorised Officers. Ships must not use gangways without the permission of the gangway owner. 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 prior written permission of the Regional Harbour Master, Townsville and the Port has first been obtained:

- a) the Ship or any part of its cargo is on fire;
- b) the Ship 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 Port.

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 Port's Port Control during an emergency.

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Maximum Penalty – **100 Penalty Units**

5.8 Channels and Swing Basins

It is an offence for the owner of the Ship, the master of the Ship or other person while in control of a Ship to anchor, trawl, moor, lie or obstruct any Channel, swing basin or small craft facility or other areas under the control of the Port and responsibility of the Regional Harbour Master, Townsville.

Maximum Penalty – **100 Penalty Units**

5.9 Moorings

Moorings of Ships must be to bollards, hooks, rings, dolphins or mooring piles provided for that purpose and designated by the Port. It is an offence to moor a Ship in any other manner.

Maximum Penalty – **100 Penalty Units**

5.10 Rafting

Ships may not be rafted without first obtaining the written permission of the Regional Harbour Master, Townsville and the Port. Failure to do so is an offence.

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 Commercial Wharf must ensure that the Ship can be moved immediately if directed by an Authorised Officer or the Regional Harbour Master, Townsville. Failure to ensure the Ship 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 in the Port without first obtaining the written permission of the Regional Harbour Master, Townsville.

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 propeller/s to be operated while the Ship is moored at a wharf without first obtaining the written permission the Port.

Maximum Penalty – **100 Penalty Units**

5.14 Warping / shifting of ships (removals)

The movement of a ship along a continuous uninterrupted stretch of wharf (warping) is subject to the requirements of the Regional Harbour Master, Townsville. Where the total distance is less than 60 meters, the Regional Harbour Master, Townsville may permit the move without a pilot and or tugs. Where engagement of a tug is required, a pilot is mandatory.

Maximum Penalty – **100 Penalty Units**

5.15 Bollard Pull Testing

It is an offence for a Ship moored at a Commercial Wharf to undertake bollard pull testing without first obtaining the written permission of the Regional Harbour Master, Townsville and the Port.

Maximum Penalty – **100 Penalty Units**

5.16 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.

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Maximum Penalty – **25 Penalty Units**

5.17 Port Services to Ships

Port 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 the owner of the Ship, the master of the Ship, the Agent of the Ship's owner and wharf operators (and any other persons as appropriate) to fail to comply with these regulations, conventions and protocols.

Maximum Penalty – **25 Penalty Units**

5.18 Non-Cargo Liquid Transfers

It is an offence for an owner, master or person while in control of a Ship to undertake non-cargo liquid transfer operations at a Commercial Wharf without first obtaining the written permission of the Port and providing notification to the Regional Harbour Master, Townsville prior to the commencement of the bunkering operations. Non-cargo liquid transfers include bunkers and all liquid waste disposal.

Maximum Penalty – **25 Penalty Units**

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6. PORT CONTROL - WHARF RESTRICTIONS

6.1 Special Precautions during the Manoeuvre of Ships in the Inner Harbour

Masters of Ships moored at Wharf 1 at the Port of Townsville shall be notified by Port Control of impending Ship movements in the Inner Harbour. Having been notified, masters of Ships at Wharf 1 must:

- ensure that Ship moorings are secured and attended;
- ensure that shore connections are secured and attended;
- prohibit the use of gangways or ensure that gangways are secure and attended; and
- ensure that a notice prohibiting the approach of other Ships closer than 30 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 30 metres above, below or alongside Wharf 1 at the Port of Townsville whilst a tanker is moored to the wharf.

Maximum Penalty – **100 Penalty Units**

If a Ship carrying flammable cargo is moored at Wharf 1, ignition sources including lighters, matches, firearms, mobile telephones and other electronic devices (unless intrinsically safe) are to be left with the watchman at the entrance of the wharf prior to entry. A register recording each person's name and organisation is to be signed at the time of entering and leaving the wharf.

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

Maximum Penalty – **100 Penalty Units**

Non-intrinsically safe electrical equipment is not to be carried or used on Berth 1 when a tanker is alongside except where the discharge has not yet been commenced, has been suspended or finalised and a gas free determination has been made by the Berth Operator's shore officer and only then with the express permission of that shore officer or the Master of the vessel for the purposes of a medical evacuation from the vessel or berth.

Maximum Penalty – **100 Penalty Units**

6.3 Authorised Access

It is an offence for an unauthorised person to be on Wharf 1 at the Port of Townsville while a tanker is moored to the wharf.

Maximum Penalty – **100 Penalty Units**

6.4 Vehicles Prohibited

It is an offence for a vehicle to be on Wharf 1 at the Port of Townsville while a tanker is moored at the wharf, unless permitted in writing by the Port.

Maximum Penalty – **100 Penalty Units**

6.5 Dangerous Goods

The handling, storage and transport (including transporting as through-cargo) of Dangerous Goods is governed and regulated by various the Port policies, the Australian Maritime Safety Authority Marine Orders Part 41 'Carriage of Dangerous Goods', National Codes of Practice, Standards and State legislation (Acts and Regulations).

Written permission from the Port must be obtained prior to moving, handling or storing Dangerous Goods on or throughout the Port (including small craft facilities).

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It is an offence for a person to handle, store, transport (including transport as through-cargo) Dangerous Goods without first obtaining written permission from the Port. Written notification must be given by the owner of the ship, the master of the Ship or the Agent of the Ship's owner to the Regional Harbour Master, Townsville at least 48 hours prior to the vessel arriving with Dangerous Goods and minimum of 24hrs prior to the loading of Dangerous Goods onto a ship.

Additional notification requirements for Class 1.1 and containerised Ammonium Nitrate Class 5.1 UN Numbers 1942, 2067, 2069 and 2070 handled, stored and transported through the Port of Townsville also apply under these Port Notices.

Maximum Penalty – 100 Penalty Units

6.5.1 Approval

Written permission from the Port must be obtained at least 48 hours prior to moving, handling or storing Dangerous Goods on or throughout the Port (including small craft facilities).

Written notification must also be given by the owner of the Ship, the master of the Ship or the Agent of the Ship's owner to the Regional Harbour Master, Townsville at least 48 hours prior to the commencement of such activities.

Persons handling, storing, carrying, transporting or otherwise dealing with Dangerous Goods in the Port are to comply with AS3846-2005 'The Handling and Transport of Dangerous Cargoes in Port Areas' and the International Maritime Organisation Dangerous Goods Code.

It is an offence for a person to handle, store, transport (including transport as through-cargo) or otherwise handle Dangerous Goods in the Port without first obtaining written permission from the Port and providing the required notification to the Regional Harbour Master, Townsville.

Maximum Penalty – 100 Penalty Units

6.5.2 DG Class 5.1, Class 9 and Calcium Ammonium Nitrate

The above products must not be stored, handled, carried, used, transported or otherwise dealt with in the Port where the volume or weight of the Dangerous Goods exceed the levels outlined below:

Approved Port Limits (tonnes) for SSAN* Handling									
Commercial Wharf	1	2	3	4	8	9	10	11	Lucinda
SSAN	NIL	400	400	400	400	400	400	400	400
Emulsions	NIL	25	25	25	25	25	25	25	25
Approved Port Limits (tonnes) for SSAN in Transit									
Commercial Wharf	1	2	3	4	8	9	10	11	Lucinda
SSAN	NIL	1400	1400	1400	1400	1400	1400	1400	1400

* SSAN – Security Sensitive Ammonium Nitrate

Note:

- SSAN applies solely to containerised products. Some of the product in the containers may be bagged items. SSAN includes:
 - DG Class 5.1 UN No 1942 and 2067;
 - DG Class 9 UN No 2071;
 - DG Class 5.1 Ammonium Nitrate Emulsions UN No 3375; and
 - CAN (Calcium AN).
- The emulsion limit is limited to a single 25 tonne container.
- AN shall be delivered under hook a maximum of three (3) hours after arrival and a maximum of three (3) hours prior to departure.
- The approved limits for individual Commercial Wharves may be reduced by the Port for operational reasons.
- In accordance with AS3846-2005 the total amount of SSAN permissible in transit is 1400 tonnes i.e. a Ship may have 1000 tonnes in transit and 400 tonnes to discharge or 1400 tonnes in transit and no discharge. The total amount that can be handled is 1400 tonnes.
- Additional special precautions, tasks and controls are required for this product for shipments over 90 tonnes.

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- *These limits may be reduced by the Port due to other operational requirements.*

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

Maximum Penalty – **100 Penalty Units**

6.5.3 Class 1 Explosives

Class 1 Explosives must not be stored, handled, carried, used, transported or otherwise dealt with in the Port where the volume or weight of the Dangerous Goods exceed the levels outlined below:

Approved Port Limits for Class 1 Explosives – Chief Inspector Explosives									
Commercial Wharf Limits (tonnes Net Explosive Quotient) – entering the Port, loading or unloading from a Ship									
Commercial Wharf	1	2	3	4	8	9	10	11	Lucinda
Classes 1.1, 1.2, 1.5 and 1.6	NIL	58	17	6	11	6	2.2	240	25kg
Class 1.3	NIL	250	92	5.4	5.2	19.8	19.8	250	25kg
Class 1.4	NIL	265	250	250	250	250	250	680	25kg

- *If Explosives and Ammonium Nitrate are carried in the same Ship, these limits will not apply. The lower limits specified in IMDG code and AS3846-2005 will be applied.*
- *Explosive limits are import /export and transit limits.*
- *Explosive holding limits are Nil except for class 1.4.*
- *Explosives shall not be brought onto a Commercial Wharf for loading onto a Ship unless the Ship is ready to receive them. Explosives shall not be unloaded from the Ship unless the means by which they are to be removed from the Port Area is ready to receive them.*
- *The approved limits determined by the application of AS3846-2005 for each Commercial Wharf may be reduced by the Port for operational reasons.*
- *Additional special precautions, tasks and controls are required for class 1.1 product for shipments over 15 tonnes.*
- *These limits may be reduced by the Port depending on other operational requirements.*

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

Maximum Penalty – **100 Penalty Units**

6.6 Tankers/OBOS Docked at Non Tanker Wharfs

Non tanker wharfs at the Port are not equipped with fire fighting systems as provided at Wharf 1 at the Port of Townsville.

Non gas free tankers and tankers with low flash point cargo are not permitted on non-tanker wharfs without the written consent of the Port (which consent the Port may grant or refuse, or grant subject to conditions), at the absolute and unfettered discretion of the Port. Special conditions will apply to non-gas free tankers or tankers at non tanker wharfs.

It is an offence to berth a non-gas free tanker or a tanker with a low flash point cargo at a non-tanker wharf without first obtaining the written consent of the Port. Notification must also be provided to the Regional Harbour Master, Townsville.

Maximum Penalty – **100 Penalty Units**

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7. 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 Port 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

the Port 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 Port, or which are not accompanied by a manifest of cargo or bill of lading.

Maximum Penalty – **50 Penalty Units**

7.3 Manifests to be lodged

It is an offence for an the owner of the Ship, the master of the Ship, the Agent of the Ship's owner or the person controlling the business of a Ship moored to a Commercial Wharf to fail to lodge a true and accurate manifest and independent surveyor's report of goods loaded, unloaded or transhipped within 48 hours after departure of the Ship.

Maximum Penalty – **50 Penalty Units**

7.4 Compliance with notices, fences, markings and barriers

A person in charge of goods must comply with all notices, fences, markings and barriers which are used to indicate rules for the control of the movement, handling or storage of cargo and goods within the Port Area.

Maximum Penalty – **50 Penalty Units**

7.5 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 Port, without first obtaining the written approval of the Port.

Maximum Penalty – **50 Penalty Units**

7.6 Collection without Authority

It is an offence for a person to remove goods stored without the approval of the Port from a wharf, warehouse or place under the control of the Port, unless acting on the authority of a bill of lading or written authority of the owner of the goods.

Maximum Penalty – **50 Penalty Units**

7.7 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 load limits notified by the Port on its website from time to time.

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

It is an offence not to carry out this notice.

Maximum Penalty – **50 Penalty Units**

7.8 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 Port.

Maximum Penalty – **50 Penalty Units**

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8. PORT CONTROL - MOVEMENT/PORT CONTROL - VEHICULAR TRAFFIC

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* (Qld) and subsequent amendments is applied by the Port within the Port.

8.2 Traffic Signs/Markings

It is an offence for a person to fail to comply with traffic signs, markings, fences and barriers in the Port Area.

Maximum Penalty – **25 Penalty Units**

8.3 Speed Limits

It is an offence for a person to fail to comply with designated speed limits in the Port Area.

Maximum Penalty – **25 Penalty Units**

8.4 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**

8.5 Priority at Level Crossings

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

Maximum Penalty – **25 Penalty Units**

8.6 Loads to be Secured and Covered

Vehicles entering, exiting or transiting product in the Port must be covered with appropriate tailgate/tarpaulin protection and/or secured to prevent loss or spillage. It is an offence to fail to do so.

Maximum Penalty – **50 Penalty Units**

8.7 Spills to be Cleaned Up

The person in charge of a vehicle from which load/product/animal excrement has fallen or been spilled must immediately remove/clean-up the lost or spilled material to the satisfaction of an Authorised Officer of the Port. Failure to do so immediately is an offence.

Maximum Penalty – **25 Penalty Units**

8.8 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 Port is an offence.

Maximum Penalty – **25 Penalty Units**

8.9 Maintenance of Vehicles

All vehicles used in the Port must be maintained in a roadworthy, 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**

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8.11 Vehicles – Registration

It is an offence for a vehicle that is not registered in accordance with Queensland law, to be used in the Port.

Maximum Penalty – **25 Penalty Units**

8.12 Vehicles – Insurance

It is an offence for a vehicle used in the Port to be uninsured against injury to persons caused 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* (Qld), whether that scheme applies to the vehicle or not.

Maximum Penalty – **25 Penalty Units**

8.13 Licence Requirements

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

Maximum Penalty – **25 Penalty Units**

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9. PORT CONTROL - WASTE/MAINTENANCE

9.1 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), 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 Department of Agriculture and Water Resources (DAWR). Quarantine waste must then be kept in sealed plastic bags on board the Ship 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 Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ship's Ballast Water and Sediment Discharges (International Maritime Organisation 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 Maintenance – 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 Port.

Maximum Penalty – **100 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, discharge of liquids or other waste water or commence any other like operation on a Ship's hull in the Port without first obtaining a permit from the Port.

Maximum Penalty – **100 Penalty Units**

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10. PORT CONTROL - PROPERTY

10.1 Property of the Port 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 Port, including traffic control signs, Port Notices or other signs erected anywhere in the Port.

Maximum Penalty – **25 Penalty Units**

10.2 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.

The offence is committed jointly by the owner of the Ship, the master of the Ship, the Agent of the Ship's owner and any other person who has accepted liability for the damage.

Maximum Penalty – **25 Penalty Units**

10.3 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 – **25 Penalty Units**

10.4 Damage to Port Facilities and Infrastructure (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 to other property of the Port, or assets of other Port Facility users.

The offence is committed by the owner of the floating or submerged material.

Maximum Penalty – **25 Penalty Units**

10.5 Buoys

It is an offence 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, Townsville and the Port.

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.

Maximum Penalty – **25 Penalty Units**

10.7 Position/Placing/Erecting Signs and/or Structures

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

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 Port. Any costs involved are recoverable from the party that erected/placed such structures or signs.

10.8 Vandalising Signage

It is an offence to vandalise any structure, property or signs in the Port Area.

Maximum Penalty – **25 Penalty Units**

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10.9 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 within the Port without first obtaining the permission in writing from the Port. Removal of material from any land under the Port's control is subject to royalty payments.

Maximum Penalty – **25 Penalty Units**

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11. PORT CONTROL - GENERAL

11.1 Clothing and Footwear

The following personal 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;
- protective headgear manufactured to the relevant Australian Standard;
- high visibility vest, jacket or shirt; and
- other specific equipment and clothing as required or indicated to be used or applicable including, but not limited to, respirators, eye protection and 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 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 High Risk Work

A person must not perform high risk work as defined in Part 4.5 and Schedule 3 of the *Work Health and Safety Regulation 2011* (Qld) unless the person holds a high risk work licence for that class of high risk work, or is in the course of training towards a certification in order to be licensed to carry out the high risk work and is under the supervision of a person who is licensed to carry out the high risk work. High risk work activities include:

- scaffolding work;
- dogging and rigging work;
- crane and hoist operation;
- reach stackers;
- forklift operation; and
- pressure equipment operation.

It is an offence to carry out high risk work in the Port without the applicable high risk work licence. The individual will be prevented from carrying out the high risk work and may be directed to leave the Port Area.

Maximum Penalty – **200 Penalty Units**

11.5 Electrical Work/Installations

All electrical work, installations and repairs are to be carried out by a licensed electrician and/or apprentice electrician 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 Port's control without prior written approval of the Port.

It is an offence to contravene this notice. Any work carried out contrary to this notice could result in the organisation responsible being required to remove or upgrade the installation or work at its own cost and/or compensate the Port for any loss or damage to its Port Facilities.

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Maximum Penalty – **25 Penalty Units**

11.6 Underwater Air-Breathing Operations / Water Activities (Ship Based)

It is an offence for a person to commence an underwater air-breathing operation, other diving activities or conduct works from a small craft in the Port harbour without first obtaining the written permission of the Port. All diving operations are to comply with the relevant Australian Standard. All ships conducting works in the harbour are to comply with relevant legislation.

Maximum Penalty – **25 Penalty Units**

11.7 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. This notice applies to any area in the Port.

Maximum Penalty – **25 Penalty Units**

11.8 Smoking

It is an offence for a person to smoke:

- in 'No Smoking' areas designated by the Port 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 or flammable goods/area.

Maximum Penalty – **25 Penalty Units**

11.9 Fire/Explosion Prevention

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

Maximum Penalty – **25 Penalty Units**

11.10 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 Service or Australian 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**

11.11 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 Regional Harbour Master, Townsville and the Port or in an emergency.

Maximum Penalty – **25 Penalty Units**

11.12 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**

11.13 Passengers/Crew (Ship, Small Craft, Coaches) – Movement and Access

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

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Maximum Penalty – **25 Penalty Units**

11.14 Passengers/Crew (Ship, Small Craft, Coaches) – Not to Enter Other Wharves

It is an offence for a Ship's passengers/crew to be on a wharf, other than the wharf to which the passengers/crew Ship is moored.

Maximum Penalty – **25 Penalty Units**

11.15 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 (including reclaimed areas).

Maximum Penalty – **25 Penalty Units**

11.16 Recreation – Fishing Restricted in Port Waters

It is an offence for a person to fish from small craft closer than 60 metres to a Commercial Wharf structure or under a Commercial Wharf structure.

Maximum Penalty – **25 Penalty Units**

11.17 Recreation – Swimming Restricted in Port Waters

It is an offence for a person to swim in the waters of the Port adjacent to wharf areas and small craft facilities or to dive from a wharf, Port facility, Ship or jetty.

Maximum Penalty – **25 Penalty Units**

11.18 Recreation – Removal of Rubbish

It is an offence for a person to leave waste and rubbish caused as a result of fishing or other recreational activities on Port Area.

Maximum Penalty – **25 Penalty Units**

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12. 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 environment including Port Facilities, whether or not it is containable within its current localised scene, must be reported without delay to the Port and Regional Harbour Master, Townsville regardless of the time of day or night.

Reportable incidents include, but are not restricted to:

- fire;
- explosion;
- spillages;
- chemical spills and leakages;
- escape of toxic vapour and gases;
- hazards to volatile Dangerous Goods;
- An accident or incident involving dangerous goods of Class 1 explosives and Class 5 Security Sensitive Ammonium Nitrate
- major vehicle accident;
- major structural collapse/damage;
- incident which may cause environmental harm;
- incident that may cause public health concerns;
- biosecurity incident defined as one which may cause unintentional, unforeseen or uncontrolled exposure to exotic pests or disease;
- any security incident; 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(s) who deliberately, negligently or accidentally cause spillage (land or water) of oil within Port limits or who detects or witnesses a spillage must immediately notify the Port and Regional Harbour Master, Townsville. It is an offence for a person to fail to report an oil spill.

Maximum Penalty – **25 Penalty Units**

Notification of an oil spill should be made to the Port's Port Control Tower on either (07) 4781 1683 or (07) 4781 1684 and to the Regional Harbour Master, Townsville on (07) 4726 3400.

12.3 Collision/Grounding/Sinking

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, Townsville, the Queensland Primary Industries and Fisheries and to the Port (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 of a collision/grounding should be made to the Port's Port Control Tower on either (07) 4781 1683 or (07) 4781 1684 and to the Regional Harbour Master, Townsville on (07) 4726 3400.

12.4 Statute Requirements

It is the responsibility of users, owners, masters of Ships or organisations to report any incidents that are 'notifiable incidents' as defined under the *Work Health and Safety Act 2011* (Qld). the Port is to be informed if it directly or indirectly affects the Port and its operations.

12.5 Environmental and Biosecurity Incident Reporting

Incidents with potential to cause or which have caused 'environmental harm' as defined in the *Environmental Protection Act 1994* (Qld) and/or incidents suspected to or which have caused biosecurity risk under the

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Biosecurity Act 2015 (Cth) within the Port (including land and facilities under the control of the Port) must be reported to the Port as soon as reasonably practicable.

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

Maximum Penalty – 25 Penalty Units

Port users/customers, owners, masters and organisations are reminded it is their responsibility to also notify the Queensland Department of Environment and Resource Management and/or the relevant local authority for the area where the incident is of the nature that requires notification under the *Environmental Protection Act 1994* (Qld) and environmental protection policies. In relation to Biosecurity incidents, notification must be referred to the Federal Department of Agriculture and Water Resources as required under the provisions of the *Biosecurity Act 2015* (Cth).

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13. HEALTH & SAFETY

13.1 General

Port users/customers, visitors, contractors or organisations that use the services and facilities of the Port or operate/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 carried out in accordance with the *Work Health and Safety Act 2011* (Qld), *Work Health and Safety Regulation 2011* (Qld), and supporting compliance and advisory standards.

13.2 Safety Plan/Program

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

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

- a) penalty being applied (maximum penalty – **25 Penalty Units**);
- a) refusal for the operation or activity to be undertaken;
- b) leases/licences being cancelled; and
- c) other action as deemed appropriate or a combination of the above.

13.3 Hazardous Chemicals

As defined in the *Work Health and Safety Regulation 2011* (Qld), hazardous chemicals are to be managed and controlled where its use, storage or disposal could affect the health and safety of the Port's employees, Port users/customers, visitors 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 Port.

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

Maximum Penalty – **25 Penalty Units**

13.4 Direction of Authorised Officer

If an Authorised Officer has reason to believe that an activity is or could cause a safety problem to the Port's operations, employees or to users/customers, the Authorised Officer may direct 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 and communicated.

Maximum Penalty – **25 Penalty Units**

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14. EMERGENCIES

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 Port may request that a copy of this plan/procedure be provided for the Port's perusal. There may also be a requirement to link this plan/procedure with those used by the Port. It is an offence to fail or to refuse to supply a copy of the emergency plan/procedure to the Port 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, Townsville, prior to and in response to a cyclone or other emergency.

Maximum Penalty – **25 Penalty Units**

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15. ENVIRONMENT

15.1 General

The environment of the Port 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 Port has a policy of 'zero' discharge of 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 Port's environmental management requirements and directions.

Maximum Penalty – 25 Penalty Units

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

15.2 Due Diligence

It is the responsibility of the owner of the Ship, the master of the Ship, the Agent of the Ship's owner, wharf operators, contractors and other persons conducting business or work in the Port to manage operations and work sites, as far as practicable, with environmental due diligence. It is an offence to fail to comply with the above requirements.

Maximum Penalty – 25 Penalty Units

15.3 Environmental and Biosecurity Management Plans

Depending on the nature of the development, operation or activity the Port may require an individual, Port user/customer, owner or organisation undertaking an operation or activity within the Port (including leased, licensed and otherwise occupied) to submit an environmental management plan, Biosecurity 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 (maximum penalty – 25 Penalty Units);
- 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 has been given.

Maximum Penalty – 25 Penalty Units

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* (Qld) and/or environmental protection policies.

Maximum Penalty – 25 Penalty Units

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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. cannot be controlled, unless otherwise approved by the Port.

Maximum Penalty – **25 Penalty Units**

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16. PORT OF LUCINDA

16.1 Port Notices

All Port Notices outlined in this publication apply to the Port of Lucinda, except for Port Notices 6.1 - 6.4 and 6.6.

16.2 Movement and mooring of ships

It is an offence to moor or anchor within 100 metres of any part of the offshore wharf and loading facility at the Port of Lucinda with the exception of Ships engaged in the loading of cargo or Ships required for the maintenance or construction of Port Facilities.

Maximum Penalty – **100 Penalty Units**

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17. INTERPRETATION

Unless the contrary intention is indicated by these Port Notices, the definitions and interpretations under the *Acts and Interpretation Act 1954* (Qld) and the Act shall apply to these Port Notices.

Penalties are maximum penalties as prescribed under section 282J of Act.

If an inconsistency arises between these Port Notices and the Act, then:

- if it is possible to read or interpret these Port Notices in a way which is not inconsistent, then that interpretation is to be used; and
- otherwise, the Act will take precedence over these Port Notices.

This publication sets out some duties, responsibilities and authorities under the Act. Port users/customers and the public should be aware that other legislation is applicable within the Port Area and this document does not diminish their effect.

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DICTIONARY

Act	means the <i>Transport Infrastructure Act 1994</i> (Qld)
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 of bunkers and loading/unloading of cargo
Authorised Officer	means a person who is appointed as an Authorised Officer of the Port pursuant to the Act
Corporation	means Port of Townsville Limited and its successors or assigns
Berth	means a pocket of water beside the wharf in which a ship moors
Biosecurity Risk	has the same definition as that prescribed in the <i>Biosecurity Act 2015</i> (Cth)
Boat Harbour	means the Ross Creek boat harbour and the Ross River boat harbour and any other boat harbour which may be designated by the Port
Boat Ramps	means ramps constructed across a foreshore for use by the public in the launching and retrieving of small craft
Channel	means a corridor of deep water leading to the Port, including swing basins used for the safe navigation of Shipping into and out of the Port
Charges	means any charges as fees imposed by the Port for the use of the Port or imposed by the State
Commercial Wharf	means Wharves 1, 2, 3, 4, 7, 8, 9 and 11 located at the Port of Townsville and the trestle jetty and off-shore wharf at the Port of Lucinda
Dangerous Goods	means dangerous goods that are so classified in the: <ul style="list-style-type: none"> • International Maritime Dangerous Goods (IMDG) code; • Australian Dangerous Goods code; and • AS3846-2005 'The Handling and Transport of Dangerous Cargoes in Port Areas'
Environment	has the same definition as that prescribed in the <i>Environmental Protection Act 1994</i> (Qld) and includes ecosystem
Live on Board	means a person living in a ship on an ongoing basis as the person's settled or usual abode
Marine Fuel Transfer Activity	means any transfer of fuel from a container, ship, vehicle or facility to another container, ship, vehicle or facility over waters (including over wharves, jetties or other marine structures in the Port Area) where quantities of fuel greater than 200 litres are being transferred. This definition does not include transfers solely on land
Penalty Unit	has the same meaning as in the <i>Penalties and Sentences Act 1992</i> (Qld)
Port	means both the Port of Townsville and Port of Lucinda, unless otherwise indicated
Port Area	means the area of the Port's Strategic Port Land and Port Facilities, and within the Port limits, as specified in the <i>Transport Infrastructure (Ports) Regulation 2005</i> (Qld)
Port Facilities	means the facilities (including small craft facilities) and land that are owned or controlled by the Port and are used in the operation or strategic management of the Port
Port Notices	means the notices outlined in this publication to control activities and conduct in the Port pursuant to the Act
Port Services the Port	has the same meaning as in the <i>Transport Infrastructure Act 1991</i> (Qld) means Port of Townsville Limited.
Refuelling Facility	means a building, structure, land or fixed equipment where fuel is stored or handled for the purpose of carrying out a Marine Fuel Transfer Activity. A Refuelling Facility includes a Refuelling Facility located on land or over water. A Refuelling Facility does not include service stations, fuel storage tanks, or fuel trucks that are located on land and are not involved in Marine Fuel Transfer Activity
Ship	has the same meaning as in the <i>Transport Operations (Marine Safety) Act 1994</i> (Qld)
Strategic Port Land	means land that has been designated as strategic port land in the Port's land use plan/s and approved by the Minister for Transport in accordance with the <i>Transport Infrastructure Act 1994</i> (Qld)

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