Ports North

FAR NORTH QUEENSLAND PORTS CORPORATION LIMITED

PORTS NORTH
PORT NOTICES

April 2010

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PORT NOTICES

Prepared by

Far North Queensland Corporation Limited (Trading as Ports North)
1 April 2010

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FAR NORTH QUEENSLAND PORTS LIMITED

Far North Queensland Ports Limited ACN 131 836 014 (trading as Ports North) is a Corporate Government Owned Corporation (GOC) under the *Government Owned Corporations Act 1993*. It is the owner and operator of the Port of Cairns.

Ports North, through the *Transport Infrastructure Act 1994*, has the power to control access to and use of strategic port land and port facilities.

PORT OF CAIRNS

Port of Cairns comprises strategic port land under the control of Ports North. It extends along the Cairns waterfront from the Council Lagoon on the Esplanade to the end of Tingira Street lands, and comprises an area of approximately 399 hectares, including lands above and below high water mark and Port Facilities owned or controlled by Ports North.

PURPOSE

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

SCOPE

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

PORTS NORTH PORT NOTICES

Being Notices displayed or published by Ports North for the orderly, safe and environmentally friendly conduct of business and for public safety in the Port of Cairns and its strategic land, pursuant to:

a. Ports North administration and enforcement of the requirements of the:

- *Transport Infrastructure Act 1994*
- *Transport Operations (Marine Pollution) Act 1995 and Regulations*

b. The duty of care and obligations imposed on Ports North and all clients, users of port facilities and services, the general public and all activities undertaken on or around the port and its strategic lands, pursuant to the:

- *Workplace Health and Safety Act 1995*
- *Workplace Health and Safety Regulation 2008*
- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*

- *Environmental Protection (Air) Policy 2008*
- *Environmental Protection (Noise) Policy 2008*
- *Environmental Protection (Water) Policy 2009*
- *Environmental Protection (Waste Management) Policy 2000*
- *Environmental Protection (Waste Management) Regulation 2000*
- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Safety) Regulation 2004*
- *Marine Order Part 23, Order No. 4 1994*
- *Government Owned Corporations Act 1993*
- *Government Owned Corporations Regulations 2004*
- *Penalties and Sentences Act 1992*
- *Sustainable Planning Act 2009*
- *Applicable Australian Standards*
- *Government Compliance / Advisory Standards, Codes of Practice*
- *AS 3846 The Handling and Transport of Dangerous Cargo in Port Areas 2005*
- *International Maritime Dangerous Goods (IMDG) Code*
- *International Safety Guide for Oil Tankers & Terminals (ISGOTT)*

(including all reprints and amendments)

CERTIFICATION

These Notices are Port Notices pursuant to the *Transport Infrastructure Act 1994*. Contravention of these Notices is an offence under the Act and penalties apply.

CHRIS BOLAND
CEO – Ports North

1 PORT SECURITY

1.1 PORT SECURITY REQUIREMENTS

The following Notices outline the requirements of the Ports North security plan, and the *Maritime Transport and Offshore Facilities Security Act 2004* (MTOFSA) and Regulations, which document security requirements. These requirements must be implemented and adhered to within the Port.

Any 'Security Regulated Vessel', either Australian or foreign, as defined in the MTOFSA, must comply with the requirements of the MTOFSA and the approved Cairns Port Maritime Security Plan (MSP) if entering the Port of Cairns.

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

Port Facilities and Port Service Providers are required to have approved security plans.

1.2 MARITIME SECURITY LEVELS

Maritime security levels 1, 2 or 3 may apply 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.

Notification indicating the current security level will be communicated to all port users 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

Dependent upon the security level in force, these zones will apply in particular areas of the Port.

Zones which will typically apply are:

- Landside 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
- Waterside Restricted Zone – an area of water within the 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 established at **Maritime Security Level 1** are as follows:

- Waterside Restricted Zone – thirty (30) metres from any wharf or the outside face of a security-regulated fuel or cruise ship; and
- Landside Restricted Zones – areas defined by security fences and signage on all berths.

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

Access to the zones is controlled and entry into the zones is not permitted unless authorised by the ship and/or Ports North, as required. To do so is an offence under the MTOFSA and subject to significant penalties.

1.4 VESSELS AUTHORISED TO ENTER WATER-SIDE RESTRICTED ZONES

Authorised vessels and persons are as follows:

- A vessel that is compelled by circumstances to be closer than the distances specified, for the purposes of navigation safety;
- Queensland Water Police;
- Ports North vessels;
- Australian Defence Force vessels;
- Customs vessels; and
- Maritime Safety Queensland vessels.

1.5 SECURITY MEASURES

Security of individual vessels or property is the responsibility of the vessel owner.

When Landside Security Zones are in operation, these zones will be secured in accordance with the Cairns Maritime Security Plan.

1.6 NON-INTERFERENCE WITH SECURITY MEASURES

Interference with the fences, gates, booms or the gate mechanisms, Closed Circuit Television (CCTV) surveillance and other security measures is prohibited.

1.7 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 must be reported, as specified in Part 9 of the MTOFSA, to Ports North and other parties as appropriate.

1.8 REFUSE SHIP ENTRY – NO ISSC

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

2 AUTHORISED OFFICERS

2.1 PORT POWER TO CONTROL

Ports North has the power to control:

a. Access to and use of its strategic port land, Port Facilities and areas in its port that may affect port operations.

b. Activities or conduct at the port area to:

- Maintain / improve safe, secure and efficient operations;
- Maintain / improve the convenience of port users; and
- Protect the environment at the port area.

c. Movement or mooring of ships.

d. Activities on or by ships moored at its Port Facilities or in its port if the activities may affect the port's operation.

e. Movement, handling or storage of goods, including dangerous cargo.

f. Movement of passengers.

g. Movement, stopping or parking of vehicles including:

- Fixing maximum speed limits;
- Indicating pedestrian crossings; and
- Indicating a place where driving, parking or standing of a vehicle is restricted or prohibited.

h. Movement, stopping or parking of trains.

2.2 PORT ADDITIONAL POWERS

Ports North also has the additional powers to:

a. Require documents relevant to port charges to be produced, inspected and copied.

b. Remove ships, vehicles, trains, goods that are abandoned or left against Ports North's direction. This includes the sale of such abandoned items.

c. To enter and inspect ships, goods or vehicles to ensure compliance to the legislation and these Port Notices.

d. Appoint Authorised Officers and provide for their function and powers including taking a person to a police officer.

e. Confer powers of arrest on police officers.

f. Impose charges for the use of its port and facilities.

2.3 OFFENCE

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

2.4 DIRECTIONS – SAFETY AND SECURITY

An Authorised Officer may give a direction to a person on Ports North's Port Facilities, or in an area 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 Ports North'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; and
- a direction to control the movement of persons.

2.5 NON-COMPLIANCE WITH DIRECTIONS

It is an offence for a person not to comply with a direction by an Authorised Officer and in accordance with the *Transport Infrastructure Act 1994*, specific penalties apply. Non-compliance with these Port Notices or procedures or any lawful direction given by Ports North or an Authorised Officer may result in:

a. Issue of a written notice to comply.

b. Removal of the offender from the port area.

c. Exclusion of a vessel from access to Port Facilities.

d. Court action / proceedings being initiated against the offender.

e. Movement of contravening property.

2.6 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*; or

b. suspects on reasonable grounds that the person has just committed an offence against the *Transport Infrastructure Act 1994*.

The Authorised Officer may require the person to give evidence of the correctness 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 not to comply with the Authorised Officer's requirement.

2.7 OBSTRUCTING AUTHORISED OFFICERS

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

2.8 FALSE OR MISLEADING STATEMENT

It is an offence for a person to state anything to an Authorised Officer that is false or misleading.

2.9 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.

2.10 IMPERSONATING AN AUTHORISED OFFICER

It is an offence for a person to pretend to be an Authorised Officer.

2.11 MAXIMUM PENALTIES

In addition to penalties imposed by the relevant legislation, any expenses incurred by Ports North in consequence of non-compliance with a Port Notice shall be paid by the person in breach of the Notice.

2.12 ENFORCEMENT ACTION

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

a. Removal of the individual from the Port.

b. Permanent removal of individuals from the Port.

c. Court action / proceedings implemented against the individual or organisation.

d. Limitations placed on the organisation and its activities in the Port.

e. Handing over of the person to a police officer.

f. Formal report to the appropriate enforcement agency with any costs incurred by Ports North recoverable from that person or organisation.

3 EMERGENCIES

3.1 FIRE OR EXPLOSION EMERGENCY

In the case of any fire or explosion, the ship's master should immediately notify Queensland Fire and Rescue Authority, on **emergency number 000** and by pressing one of the fire alarm points located throughout the Port. The ship's master is also responsible for then immediately notifying the Seaport Operations Centre on **4051 2558** or by calling Cairns Harbour on **VHF Channel 16**. The ship's master and crew shall also raise the alarm to nearby vessels and persons to ensure an immediate evacuation.

3.2 WHARF / MARINA EVACUATION PLAN

In the event of a fire, explosion, or other emergency please follow the evacuation paths as displayed in the local area to an assigned Muster Area.

The master of each vessel is responsible for checking their vessel to ensure that all persons have evacuated the Vessel and Wharf / Marina structure and report to the Fire Brigade.

The Area can only be determined safe and all clear for continuation of normal operations by the Fire Brigade.

3.3 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, Ports North may request that a copy of this plan/procedure be provided for Ports North's perusal. There may also be a requirement to link this plan/procedure with those used by Ports North.

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

3.4 DIRECTIONS DURING CYCLONES / EMERGENCIES

In the event of a cyclone, all vessels are to move to the allocated areas as per the Port of Cairns Cyclone Contingency Plan, which is administered by the Regional Harbour Master. Copies of the plan

are available from the Seaport Operations Centre or from Maritime Safety Queensland. It is an offence for a person to fail to comply with the directions of an Authorised Officer and/or the Regional Harbour Master, Cairns during a cyclone or other emergency.

3.5 IMPROPER USE OF FIRE HYDRANTS

It is an offence to use a Fire Hydrant for washdown, supply of potable water or any use other than an emergency.

LIABILITY FOR, AND RECOVERY OF, PORT CHARGES AND LIABILITIES

3.6 CHARGES

Ports North imposes charges for the use of Port area, Port Facilities and services. A schedule of these charges is available from Ports North and available on the Ports North web page www.portsnorth.com.au . These charges include charges for ships using the Port, including small craft facilities, and for the loading, unloading of goods or passengers using Port Facilities.

3.7 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.

3.8 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.

3.9 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.

3.10 LIABILITY FOR MOVEMENT OF SHIPS, GOODS, VEHICLES OR ROLLING STOCK

a. If Ports North 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 Ports North by the persons who are liable for charges payable for the ship (*refer to Port Notice 3.7*) or goods (*refer to Port Notice 3.8*).

b. If Ports North incurs a reasonable expense because an Authorised Officer takes steps to move a vehicle or rolling stock, the amount of the expense is a debt owing to Ports North by the owner and driver of the vehicle or rolling stock.

3.11 PERSONS WHO ARE LIABLE FOR DAMAGE TO PORTS NORTH'S PORT FACILITIES

a. If damage is caused to Ports North'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 Ports North's Port Facilities by floating or submerged material, the owner of the material is liable for the damage if it was intentionally, recklessly or negligently caused by the owner of the floating or submerged material.

3.12 SECURITY FOR PAYMENT OF CHARGES AND POTENTIAL LIABILITIES

Ports North may require a person to lodge a security deposit with it 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 cash or a guarantee from a financial institution or such other form as Ports North may approve, and is to be in or for an amount determined by Ports North as being reasonable having regard to the liability or potential liability.

Ports North 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, Ports North may require a further security deposit.

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

3.13 PAYMENT OF CHARGES AND INTEREST ON UNPAID CHARGES

Charges imposed by Ports North are payable within the time decided by Ports North. If charges remain unpaid after the day when they are required to be paid, Ports North may charge interest on the amount unpaid at a reasonable rate as decided by Ports North.

3.14 INSPECTION OF DOCUMENTS

An Authorised Officer may require a person who is, or may be liable, to pay charges to Ports North 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.

3.15 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 place, or enter and inspect goods on or in the place to allow the Authorised Officer to decide:

a. whether charges are payable for a ship, goods, a vehicle or rolling stock; and

b. the amount of the charge.

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

3.16 EVASION OF CHARGES

It is an offence to intentionally or recklessly evade the payment of Ports North's charges.

4 PORT MANAGEMENT

4.1 COMPLIANCE WITH SIGNS AND NOTICES

It is an offence not to comply at all times with any Port Notices physically erected in the Port and all other directory signs, notices, traffic signs or other signs erected, displayed or promulgated within the Port.

4.2 ERECTING SIGNS

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

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 for the Port area.

4.4 AUTHORITY TO ENTER

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

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, areas where plant and machinery are operating or maintenance work being undertaken, etc. without authorisation of Ports North.

4.6 CONDUCT CAUSING PUBLIC NUISANCE

It is an offence for a person at the Port to be disorderly or create a disturbance. A person who acts in a disorderly manner or creates a nuisance may be directed to leave the Port. This direction may include a direction not to re-enter the Port or part of the Port for twenty-four (24) hours. A person having been evicted from the Port may be required to show cause why previous approval to enter should not be revoked. Persons must not falsely represent themselves as officers, employees, servants or agents of Ports North.

4.7 GENERAL OFFENCE

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

a. damage Ports North's works or infrastructure; or

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; or

d. evade payment of Ports North's charges.

4.8 ALCOHOL CONSUMPTION

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.

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

a. where authorised by Ports North (in the case of areas under the control of Ports North);

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*.

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

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 Ports North.

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.

4.11 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 Ports North.

4.12 LOITERING OR SOLICITING

It is an offence for a person to loiter, solicit or pass out leaflets without first obtaining the written permission of Ports North.

4.13 PORT APPROVALS

It is an offence not to obtain approval from Ports North to perform a controlled activity. 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. sand blasting; and

c. operating a refuelling facility.

Ports North 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 a condition of the approval.

4.14 WORK PERMITS

It is an offence not to obtain a Work Permit, issued under this Port Notice, from Ports North for certain works on common user land and infrastructure within the Port including, but not limited to:

a. hot works – on or within facilities or ships;

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;

m. hull cleaning;

n. clean fill discharge fuel or ballast tanks;

o. night transfers.

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

4.15 DEVELOPMENT APPROVALS

Ports North is the Assessment Manager under the *Sustainable Planning Act 2009* for development on Strategic Port Land. Ports North administers the responsibilities for land use planning matters through the Integrated Development Assessment System (IDAS). Ports North does not act as the Assessment Manager for Plumbing and Drainage Works or Building Works applications.

5 PORT CONTROL – RECEPTION AND ACCOMMODATION OF SHIPS AND SMALL CRAFT

5.1 NOTICE OF ARRIVAL

All vessels requiring to berth at Ports North facilities and the Bulk Sugar Terminal should provide ETA to the Seaport Operations Centre at least 72 hours prior to arrival, (96 hours for vessels requiring Customs and Australian Quarantine Inspection Service clearance), further notice of arrival to be given at 48 hours and then every 12 hours.

5.2 GENERAL

It is an offence for an owner, master or other person while in control of a ship not to comply with Ports North's procedures and the directions of Authorised Officers in relation to the allocation of wharves, mooring, movement, removal and control of ships and small craft in the Port.

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

5.3 AGENT TO BE APPOINTED

An agent is to be appointed, and Ports North is to be notified in writing, before a ship enters the Port for mooring at the Commercial Wharves of the Port.

5.4 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 Ports North.

5.5 GANGWAY ACCESS TO SHIPS - SAFETY

It is an offence for the master of a ship not to provide safe and secure access in accordance with the requirements of the Australian Maritime Safety Authority for crew, passengers, visitors, contractors and Ports North employees.

5.6 UNUSUAL CIRCUMSTANCES

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

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;

e. the ship requires safe haven.

5.7 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 Ports North.

5.8 COMMUNICATION

It is an offence for ships moored to a Commercial Wharf not to have a means of communicating with Ports North's Port Control during an emergency.

5.9 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 Ports North. This is to include trawl or stabiliser booms which must be turned in and secured at all times in the Port.

5.10 MOORINGS

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

5.11 RAFTING

Ships may be rafted only with the permission of the Regional Harbour Master, Cairns and Ports North. It is an offence to raft a ship without permission and without notifying Ports North.

5.12 MOVEMENT WITHOUT NOTICE

It is an offence for the owner, master or other person while in control of a ship that is moored to a wharf not to be able to move the ship immediately if directed by an Authorised Officer or the Regional Harbour Master, Cairns.

5.13 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 written permission of the Regional Harbour Master, Cairns and Ports North.

5.14 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, Cairns and Ports North.

5.15 BOLLARD PULLS

It is an offence for a ship moored at a Commercial Wharf to be moved more than sixty (60) metres from its original wharf position without first obtaining the permission of the Regional Harbour Master, Cairns and Ports North. No bollard pulls are permitted in the Port of Cairns.

5.16 RAT GUARDS

It is an offence for an owner, master or person while in control of a ship not to attach and maintain rat guards in place to mooring lines whilst a ship is moored to a Commercial Wharf.

5.17 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, wharf operators (and any other persons as appropriate) not to comply with these regulations, conventions and protocols.

5.18 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 Ports North.

5.19 TOWAGE SERVICES

a. No person may operate a tug service in the Port without a written approval of Ports North;

b. It is an offence to operate a tug service in contravention of this Port Notice, without reasonable excuse;

c. Any approval for a tug service in the Port may:

   I. include an exclusive right; and

   II. be subject to conditions imposed by Ports North.

d. Any application to conduct a tug service in the Port must be in writing.

5.20 SPEED LIMITS

Vessel speed limits are controlled by Maritime Safety Queensland, Regional Harbour Master and Water Police.

6 PORT CONTROL – WHARF RESTRICTIONS

6.1 BERTHING PRIORITY

Ports North is responsible for allocation of all berths with the exception of Berth 11 and non sugar related vessels at Berth 12, where the Royal Australian Navy and Bulk Sugar Terminals are respectively responsible for berth allocation.

6.2 WEIGHT RESTRICTIONS

All wharves have Gross Mass Vehicle (GMV) weight restrictions and load restrictions for cranes and forklift trucks. No vehicles or cargo carrying equipment in excess of the indicated restrictions are permitted on the wharves without written permission of Ports North.

6.3 BERTH 10

All equipment and operations on Berth 10 are to be compliant with International Safety Guide for Oil Tankers and Terminals (ISGOTT) procedures and other appropriate standards. All equipment and procedures are to be fully audited with records available to Ports North.

6.4 SOURCES OF IGNITION

It is an offence for a person to possess or operate a source, or potential source, of ignition within thirty metres above, below or alongside Berth 10 whilst a tanker is moored to the wharf.

Prior to entry on Berth 10 while a ship carrying flammable cargo is moored at Berth 10, 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 Berth 10. A register recording each person's name and organisation is to be signed at the time of entering and leaving Berth 10.

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

6.5 AUTHORISED ACCESS

It is an offence for an unauthorised person to be on Berth 10 while any vessel is moored to the wharf. It is also an offence for an unauthorised person to be on any berth when a security regulated vessel is alongside.

6.6 VEHICLES PROHIBITED

It is an offence for a vehicle to be on Berth 10 while a vessel is moored at the wharf unless a dangerous goods approval is received from Ports North.

6.7 SECURITY SENSITIVE AMMONIUM NITRATE, CLASS 5.1, OXIDISING SUBSTANCES AND EXPLOSIVES AS CLASSIFIED IN THE IMDG CODE UNDER THE UNITED NATIONS CLASSIFICATION AS CLASS 1 EXPLOSIVES

Under no circumstances are the above products to be bought into the Port without first notifying Ports North. Whenever possible, ships that are discharging or loading these products must discharge or load the above products first. If this is not possible, written permission must be obtained from the Regional Harbour Master, Cairns and Ports North notified of this permission.

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. Ports North accepts no responsibility for any loss or damage to such property and the owner must take all necessary steps to protect or preserve their property.

7.2 PROHIBITED TO LOAD / UNLOAD

Ports North 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 Ports North, or which are not accompanied by a manifest of cargo or Bill of Lading.

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 not to lodge a true and accurate manifest of goods loaded, unloaded or transhipped within forty-eight (48) hours after departure of the ship.

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 Ports North, without first obtaining the approval of Ports North.

7.5 COLLECTION WITHOUT AUTHORITY

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

7.6 WHARF LOADINGS

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

All oversize and/or overweight cargo, vehicles or plant are to be notified to Ports North 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.

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 Ports North.

7.8 DANGEROUS GOODS

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

Ports North must be notified at least forty-eight (48) hours prior to moving, handling or storing dangerous goods on or throughout the Port including small craft facilities.

It is an offence for a person to handle, store, transport (including transporting as through-cargo) dangerous goods without first notifying Ports North.

8 PORT CONTROL – VEHICULAR TRAFFIC

8.1 TRANSPORT OPERATIONS (ROAD USE) MANAGEMENT ACT 1995

Vehicular traffic and parking in the Port is regulated. The standard laid down by the *Transport Operations (Road Use) Management Act 1995* and subsequent amendments is used as the standard for the Port.

8.2 TRAFFIC SIGNS / MARKINGS

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

8.3 PARKING AREAS

It is an offence for a person to park a vehicle other than in designated parking areas regulated by appropriate signage.

8.4 PRIORITY AT LEVEL CROSSINGS

It is an offence for motor vehicle drivers not to yield right-of-way to trains at level crossings in the Port.

8.5 LOADS TO BE SECURED AND COVERED

It is an offence for vehicles entering or transiting product in the Port not to be covered and/or secured to prevent loss or spillage.

8.6 SPILLS TO BE CLEANED UP

It is an offence for a person in charge of a vehicle from which a load has been lost or spilled not to immediately notify Ports North and remove the lost or spilled material to the satisfaction of Ports North.

8.7 OFF-ROAD OPERATION OF VEHICLES

It is an offence for a person in control of a vehicle to drive other than on a formed, approved or gazetted road without the prior approval of Ports North.

8.8 OVERSIZE/OVERWEIGHT VEHICLES / PLANT / EQUIPMENT

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

8.9 MAINTENANCE OF VEHICLES

It is an offence for a vehicle used in the Port not to be maintained at all times in good repair and safe condition.

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.

8.11 VEHICLES – REGISTRATION

It is an offence for a vehicle being used in the Port not to be registered as required by Queensland law.

8.12 OPERATING UNREGISTERED VEHICLES

It is an offence to operate a vehicle which is not registered as required by the preceding Port Notice.

8.13 VEHICLES – INSURANCE

It is an offence for a vehicle used in the Port not to be insured 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*, whether that scheme applies to the vehicle or not.

8.14 LICENCE REQUIREMENTS

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

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.

9.2 WASTE – QUARANTINE

Ships moored to a Commercial Wharf must engage Port Quarantine Waste Services for the disposal of waste at least once per day, unless exempted by the Australian Quarantine Inspection Service.

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

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

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.

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

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 Ports North.

9.5 MAINTENANCE – CLEANING OF SHIP

An owner, master or person for the time being 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 in the Port without first obtaining a permit from Ports North.

9.6 HOT WORKS – BURNING, WELDING, ETC

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

9.7 MAINTENANCE – MARINA

Only minor repairs and maintenance are to be carried out on vessels in the Marina. The definition of minor is at the discretion of Ports North and includes works such as:

- Engine servicing – oil change
- Seat repairs
- Door repairs
- Handrail repairs
- Air-conditioning repair or servicing
- Electrical repairs
- Plumbing repairs
- Carpentry repairs
- Compressor servicing/repairs
- Brush painting

NO GRINDING OR HOT WORK IS TO BE CARRIED OUT WITHOUT AN APPROVAL OR WORK PERMIT WHICH WILL ONLY BE ISSUED AFTER WORKSITE INSPECTION BY PORTS NORTH STAFF.

9.8 MAINTENANCE NOISE – VISUAL IMPACT

Between 8.00 pm and 6.30 am, only works which can be carried out within acceptable noise levels visual impacts to other users of the area, can be conducted. These levels shall not exceed levels detailed in Part 3 of Cairns Regional Council Local Law No. 16 (Control of Nuisances). Equipment which generates excessive external noise from a vessel shall not be used, such as:

- Hammer
- Air Compressor / Pneumatic tools
- Welder
- Grinder
- Power Tools
- Vibrator equipment
- Generator
- Extraction Fans

10 PORT CONTROL - PROPERTY

10.1 PROPERTY OF PORTS NORTH 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 Ports North, including traffic control signs, Port Notices or other erected signs anywhere in the Port. A person committing such an offence will be liable for all costs associated with repairing the damage or replacing the item.

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.

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

Ports North may require payment in advance for such repair costs, by way of bond or cash deposit, be lodged with Ports North prior to the vessel departing the Port.

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.

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

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 to other property of Ports North or assets of other Port and small craft facilities users.

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

10.5 BUOYS

It is an offence for a buoy mooring or swing 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, Cairns and Ports North.

10.6 ABANDONED PROPERTY

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

10.7 POSITION / PLACING / ERECTING SIGNS AND/OR STRUCTURES

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

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

10.8 STORAGE OF GANGWAYS AND OTHER EQUIPMENT

No equipment, including gangways, shall be stored on any Wharf or Marina pontoon structure at any time without prior approval of Ports North.

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 under Ports North's control without first obtaining the permission in writing from Ports North.

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, breathing apparatus.

It is an offence not to wear the required personal protective clothing/equipment as detailed above or as indicated by notices/signs or as instructed.

11.2 PLANT AND EQUIPMENT

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

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

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

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.

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 2008* unless they hold a licence issued by the Workplace Health and Safety Queensland 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. Unlicensed persons will be prevented from carrying out the occupation and may be directed to leave the Port area.

11.5 PRESCRIBED ACTIVITIES

A person shall not perform work in a prescribed activity as defined in Schedule 6 of the *Workplace Health and Safety Regulations 2008* unless they hold a licence issued by the Workplace Health and Safety Queensland or are a trainee. These activities include:

- 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.

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 Ports North's control without written approval of Ports North.

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.

11.7 ELECTRICAL CONNECTIONS

Power is available at all wharves including Commercial Fisherman's Base (CFB) 1 & 2 and all Marina berths, except Berth 10. Connection is only to be made after authorisation from Ports North staff. Connection is to made in accordance with instructions issued by Ports North. Electrical users must obtain a copy of the Electrical connection instruction and comply with conditions of use, these conditions are available from Ports North offices or at www.cairnsports.com.au

11.8 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 Ports North and Regional Harbour Master, Cairns. All diving operations are to comply with the relevant Australian Standard.

Recreational diving is prohibited within the Port area.

11.9 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.

11.10 SMOKING

It is an offence for a person to smoke:

- in 'No Smoking' areas designated by Ports North and at law;
- in a ship's hold;
- within six (6) metres of an open hatchway of a ship moored to a Commercial Wharf; or
- near any dangerous goods or flammable area.

11.11 FIRE / EXPLOSION PREVENTION

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

11.12 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 or licensed Security agent personnel on duty and in uniform, to carry a firearm or speargun of any kind including replica firearms into or through the Port.

11.13 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 written approval of Ports North or in an emergency.

11.14 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;
- employed by a Government agency; or
- controlled by a Licensed Security Agency.

11.15 PASSENGERS (SHIP, SMALL CRAFT, COACHES) – MOVEMENT AND ACCESS

It is an offence for a passenger not to comply with a designated passenger access way on a wharf or landing place. In the interest of public safety, passengers from a ship must use designated walkways on a wharf.

11.16 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.

11.17 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) with the exception of Sailfish Quay's northern face and Wharf 1-6 when the wharf is not being used for operational purposes.

11.18 RECREATION – FISHING RESTRICTED IN PORT WATERS

It is an offence for a person to fish from a vessel in the waters of the Port, including but not limited to:

- closer than fifteen (15) metres to a wharf structure;
- under a wharf structure; or
- closer than thirty (30) metres to a ship moored to a wharf.

11.19 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.

PORTS NORTH ADVISES THAT ESTUARINE CROCODILES ARE PRESENT IN THE WATERS OF THE PORT.

11.20 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.

12 SMALL CRAFT – ADDITIONAL REQUIREMENTS

12.1 LICENCE OR PERMIT

It is an offence to moor or anchor a vessel in a small craft facility under the control of Ports North without first obtaining either a Mooring Licence or Casual Mooring Permit from Ports North.

12.2 FALSE OR ERRONEOUS INFORMATION

It is an offence for an owner, master, permittee or person in control of a small craft to knowingly provide false or misleading information on an application for a Mooring Licence or a Casual Mooring Permit.

Ports North may revoke a licence or permit where it is satisfied that the false or misleading information has been tendered in obtaining the licence or permit.

12.3 CURRENCY OF MOORING LICENCE

Ports North issues monthly or annual mooring licences.

It is an offence not to have a current licence. It is also an offence not to advise Ports North of any change of circumstance that may impact on licence type.

12.4 DIFFERENT MOORING MAY BE ALLOCATED ON RENEWAL

At the discretion of Ports North, a different mooring may be allocated on renewal of a licence.

It is an offence to leave a vessel moored at a wrong mooring. The vessel can be removed at the owners or Master's expense.

12.5 MOORING NOT TO BE ASSIGNED

It is an offence for an owner, master, permittee or person apparently in charge of a small craft to sub-let, transfer or assign a mooring licence or casual mooring permit.

12.6 VACATING A MOORING (LICENCE)

It is an offence for an owner, master, permittee or other person in control of a vessel intending to permanently vacate a mooring not to complete release documentation by application to Ports North before putting to sea.

12.7 COMPLIANCE TO RELEVANT LEGISLATION

Mooring licences and permission to live on-board shall only be issued to vessels complying with relevant environmental and legislative requirements and that are currently registered with the Queensland Department of Transport.

It is an offence not to comply with the above requirements.

12.8 LIVE ON-BOARD

It is an offence to live on-board a vessel moored in the area under the control of Ports North without the approval of Ports North.

12.9 FUELLING

It is an offence to fuel a small craft at any place which is not designated as a fuelling wharf. All fuelling must be carried out in accordance with Ports North procedures obtainable at Ports North offices or at www.cairnsports.com.au .

12.10 VESSEL MAINTENANCE AND REPAIRS

An owner, master, permittee or other person apparently in control of a small craft must not allow major maintenance, cleaning, washing, blasting, scraping, painting, discharge of liquids or other waste water or any other like operation to commence on a small craft or small craft facility without first obtaining the permission of Ports North.

It is an offence to carry out such work without Ports North's permission.

All vessel maintenance must be carried out at dedicated facilities or designated areas as directed by an Authorised Officer.

An Authorised Officer may direct the owner, master or person apparently in control of a small craft to cease such approved operations at any time.

12.11 VESSEL NOT TO BE BEACHED

It is an offence for an owner, master, permittee or person in control of a small craft to beach the vessel on a beach, a bank of a boat harbour or boat ramp without first obtaining permission from Ports North.

It is an offence for the vessel to cause an obstruction to other users.

12.12 SECURE MOORING

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

12.13 SMALL CRAFT – OBSTRUCTION TO PORT FACILITIES AND PILOTAGE AREA

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

12.14 FIRE EXTINGUISHERS ON SMALL VESSELS

Small crafts using small craft facilities must be equipped with at least one fully-charged and maintained fire extinguisher which conforms to the relevant Australian Standard.

12.15 GOODS PROHIBITED

Ports North may, by notice in writing to the owner, master, permittee or other person apparently in control of a small craft, prohibit the loading or unloading of goods to or from a small craft in a small craft facility.

It is an offence for an owner, master or other person in control of a small craft to load or unload goods that are prohibited by Ports North.

13 INCIDENT REPORTING

13.1 INCIDENT 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 including small craft facilities, whether or not it is containable within its current localised scene, must be reported without delay to Ports North, at any time of the 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;
- 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.

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

13.2 OIL SPILL

A person or persons who deliberately, negligently or accidentally cause spillage of oil (onto land or water) within Port limits or who detects or witnesses a spillage must immediately report the spillage to

the Regional Harbour Master, Cairns by calling Vessel Traffic Services (VTS) on VHF Channel 12 or phone 4052 7470 (24 hours) and to Ports North by calling Cairns Harbour on VHF Channel 16 or phone 4051 2558 (24 hours).

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

Following assessment of the Oil Spill, Ports North will initiate First Strike Response for the clean up. All costs incurred in cleaning up the oil are recoverable from the spiller.

13.3 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, Cairns by calling Vessel Traffic Services (VTS) on VHF Channel 12 or phone 4052 7470 (24 hours) and to Ports North by calling Cairns Harbour on VHF Channel 16 or phone 4051 2558 (24 hours).

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

13.4 STATUTE REQUIREMENTS

It is the responsibility of users, owners, masters of ships or organisations to report any incidents that are a 'serious bodily injury' or 'dangerous event' as defined under the *Workplace Health and Safety Act 1995*. Ports North should be informed if it directly or indirectly affects the Port and its operations.

13.5 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 Ports North must be reported to Ports North as soon as reasonably practicable. Failure to report an incident that impacts adversely on the environment is an offence.

Port users, owners, masters and organisations are reminded it is their responsibility to notify the Queensland Department of Environment and Resource Management and/or Cairns Regional Council where the incident is of the nature that requires notification under the *Environmental Protection Act 1994* and Environmental Protection Policies.

14 HEALTH AND SAFETY

14.1 GENERAL

Port users, customers, visitors, contractors or organisations that use the services and facilities of the Port or operate or carry out an activity within the Port and its lands, have an obligation to ensure the operations and activities under their control are carried out in accordance with the *Workplace Health and Safety Act 1995 and Workplace Health and Safety Regulations 2008* and supporting compliance and advisory standards.

14.2 PERSONAL INJURY

All incidents, injuries and hazards on Ports North's property, shall be reported directly to Ports North with an Incident Report Form being completed. Where required, First Aid should be administered and if necessary the ambulance should be contacted direct on **"000"**.

14.3 SAFETY PLAN / PROGRAM

Depending on the nature of the operation or activity, Ports North 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;

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.

14.4 HAZARDOUS SUBSTANCES

Hazardous substances, as defined in the *Workplace Health and Safety Regulations 2008*, are to be managed and controlled as defined in the Regulations where their use, storage or disposal could affect the health and safety of Ports North'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 Ports North.

It is an offence to fail to seek Ports North's consent to such use or storage.

14.5 DIRECTION OF AUTHORISED OFFICER

If an Authorised Officer has reason to believe that an activity is or could cause a safety problem or issue for Port operations, Port employees or for 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 direction has been given.

15 ENVIRONMENT

15.1 GENERAL

The environment of the Port of Cairns 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. Ports North 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 Ports North's environmental management requirements and directions.

Apart from the penalty imposed, Ports North may require the operation or activity to be stopped until the environmental issues are addressed or the environmental damage is repaired/restored to Ports North'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 practicable, with due diligence.

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

15.3 ENVIRONMENTAL MANAGEMENT PLANS

Depending on the nature of the development, operation or activity, Ports North may require an individual, Port user, Port customer, owner or organisation undertaking an operation or activity within the Port (including on leased, licensed and otherwise occupied land) 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. application of a penalty;

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.

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.

15.6 WATER, SEDIMENT AND SOIL MANAGEMENT

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

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 Ports North.

16 DICTIONARY

Act	means the *Transport Infrastructure Act 1994*.
Agent	means the person who acts as an agent of a ship; acting for the owner concerning business conducted between the Port, ship and owner, such as berthing, loading and unloading of bunkers and stores.
Authorised Officer	means a person who is appointed as an Authorised Officer of Ports North pursuant to the Act.
Berth	means a pocket of water beside the wharf in which a vessel moors.
Berth Operator	means that agency or those agencies directly responsible for any and all cargoes and or passengers being discharged from or loaded to any vessel across Ports North berths, from the time such vessel is secured on arrival, until the time the Marine Pilot boards such vessel for departure. After the sailing of a vessel, the previous berth operator may again take charge of the berth, for example cleaning.
Berth Worksite	means that area of the berth being used by the Berth Operator to load or discharge cargo. This may vary from being the entire wharf deck area to those areas of the wharf deck adjacent to the after end of the after hatch of the vessel, forward to the bow of the ship.
Boat Harbour	means the Port of Cairns and any other boat harbour which may be designated by Ports North.
Boat Ramps	means ramps constructed across a foreshore for use by the public in the launching and retrieving of small craft.
Port of Cairns	the area of the Port of Cairns and all strategic port land under the ownership and/or control of Ports North and all Port Facilities including all wharves, jetties, boat harbours, boat ramps, buildings and structures.
Casual Mooring Permit	means a permit to moor a vessel in a boat harbour on a daily, weekly or monthly basis.
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 imposed by Ports North 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.
Commercial Wharf	means any wharf within the Port and used for commercial purposes of any kind.
Dangerous Goods	means dangerous goods as described in the International Maritime Dangerous Goods (IMDG) Code and under the Australian Dangerous Goods (ADG) Code and as declared by the Chief Inspector of Explosives under the *Queensland Explosives Regulations 2003*.
Discharge Expenses	means the reasonable costs and expenses incurred by the State or Ports North in the containment and clean up of any discharge such as oil, oil residue, noxious liquid, sewage and garbage.
Environment	has the same definition as that prescribed in the *Environmental Protection Act 1994* and includes ecosystem.
Environmental 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 tidal water, but does not include a mineral within the meaning of the *Mineral Resources Act 1989*.

Hazardous Substance	means a designated hazardous substance under the *Workplace Health and Safety Act 1995 and Regulations* or a substance that is not a designated hazardous substance but meets the approved criteria as is listed on the National Occupational Health and Safety Code (NOHSC) 1005 (1994).
Heavy Lifts	any item of cargo that exceeds the operational load limits prescribed by Ports North 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.
Incident Report Form	means Ports North Incident Report Form available from Ports North offices.
ISSC	means International Ship Security Certificate.
ISPS Code	means the International Ship and Port Facility 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.
Landing Place	means a place designated by signs as a passenger ferry landing place.
MARPOL	is the International Convention for the Prevention of Pollution from Ships 1973/78 and all Protocols and Annexes.
Marina Facilities	means marina facilities owned or controlled by Ports North.
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 *Maritime Transport and Offshore Facilities Security Act 2004.*
Owner	means a person who owns the cargo or ship whether or not the person is registered as the owner.
Penalty Unit	as prescribed from time-to-time by the *Penalties and Sentences Act 1992*.
Permission of…	means permission in writing or otherwise logged or recorded.
Port	means the Port of Cairns and includes the Port area and Port limits as defined in the Act and other relevant legislation. It also includes Ports North's Strategic Port Land and Port Facilities and all land under Ports North's control and includes all wharves, jetties, boat harbours, boat ramps and small craft facilities.
Port Facilities	means facilities or land that are: a. owned or controlled by Ports North; and b. used in the operation and strategic management of the Port of Cairns. 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 and railway ferry terminals; h. partially-completed Port structures and facilities; i. access roads, rail corridors and terminals within Port boundaries; j. utilities essential for Port operations;

	k. oil and liquid product terminals; l. bulk loading and unloading facilities; m. boat harbours, boat ramps 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	Ports North exercises jurisdiction over the Port of Cairns. The Regional Harbour Master, Cairns representing the Queensland Department of Transport, controls the movement of vessels within the Port area whilst the allocation of wharves and moorings is controlled by Ports North.
Port Notice	means all properly approved Port Notices of Ports North relevant to Port Operating Procedures. Port Notices may be in the form of 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 area or posted on the Ports North website – www.cairnsports.com.au.
Proprietary Site	means any area of land or Port Facilities within the Port which is the subject of a lease, licence or permit from Ports North.
Property	means ships, goods, vehicles or trains and includes anything attached to or contained in a ship, vehicle or train.
Requirement of a Notice	includes a direction, instruction, indication, condition or other provision contained in the notice.
Regional Harbour Master, Cairns	means the Maritime Safety Queensland Regional Harbour Master, Cairns as appointed pursuant to the *Transport Operations (Marine Safety) Act 1994*.
Reportable Incident	means a discharge or probable discharge of oil, a noxious liquid substance or jettisoning of a harmful substance carried in packaged form from a ship that happens in coastal waters, but does not include discharge exempted by Regulations. Includes incidents between two ships/vessels and between a ship/vessel and a wharf.
Security Regulated Port	means that part of the commercial harbour which from time to time is declared to be a security restricted area in accordance with the Port of Cairns and Port Facilities Security Plan, in compliance with the *Maritime Transport and Offshore Facilities Security Act 2004*.
Ship	has the same meaning as in the *Transport Operations (Marine Safety) Act 1994* and includes any kind of boat or other vessel no matter the size or how it is propelled or moved. Under the *Transport Operations (Marine Safety) Act 1994* it also means a trading ship proceeding on an intrastate voyage and an Australian fishing vessel proceeding on a voyage.
Small Craft Charge	means Port charges imposed upon persons for the use of small craft.
Small Craft Facility	includes a boat harbour, marina facility, jetty boat ramp or landing place.
Vehicle	has the same meaning as in the *Transport Operations (Road Use Management) Act 1995*.
Vessel	a ship, including any kind of boat or other vessel, regardless of size or how it is propelled or moved.
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.

Effective 1st April 2010.
This issue supersedes all previous issues and operating instructions.