



## PORT OF TOWNSVILLE

### BERTH PRIORITY AND ALLOCATION PROTOCOLS

These Protocols have been produced by Port of Townsville Limited (POTL) to establish the berthing priority and berth allocation protocols that apply at the Port of Townsville.

The overarching principle regarding berth allocation and utilisation is to maximise overall port efficiency. The intention of these protocols is to provide clarity to all parties on the berth allocation approach in order to minimise conflicts and maximise efficiency of operations across all cargoes and vessels.

These protocols apply at the Port of Townsville common user berths only and have no effect on berthing arrangements for berths within the port that are leased and/or licensed (refer Table 1).

#### 1. BERTHING PROTOCOL

Subject to Priority Berthing arrangements (see Section 2), in general the principle of “first come-first served” applies - that is a ship arriving first at the Pilot Boarding Ground will be allocated access to the berth applied for **providing**:

- i. A berth application has been received as outlined in section 3 and it has been confirmed by POTL.
- ii. Sufficient cargo is available to be worked.
- iii. The vessel/agent has adequate labour booked to commence working cargo immediately once the vessel is ready to be worked on a 24 hours/day, 7 days a week basis.
- iv. Sufficient labour has been arranged to complete cargo within the scheduled timeframe.
- v. A vessel that has arrived first but awaiting a tidal window to berth will still have access to the berth.

The principle of “first come-first served” may not apply where:

- i. A priority arrangement is in place for a vessel scheduled to utilise the subject berth.
- ii. The berth is operated under lease and a third party has been given rights to determine the shipping line up for that berth.
- iii. The agents/principals reach agreement amongst themselves or with the terminal operator to change the order – any agreement is to be provided to the Port of Townsville in writing.
- iv. The vessel arriving first does not have labour/cargo ready to commence working the vessel immediately once it is ready to be worked or is not scheduled to work cargo 24 hours/day (noting condition vi below).
- v. Local council/statutory restrictions prevent vessels from working cargo 24 hours/day. Vessels affected by this and working cargo two shifts a day will have the same right to a berth as a competing vessel scheduled to work cargo 24 hours/day.
- vi. A berth application has not been received as outlined in section 3.
- vii. Where an alternative berth appears vacant then POTL may make that berth available provided there is no delay to scheduled shipping for that berth.

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- viii. Where owing to unusual circumstances disruption to the existing schedule occurs (e.g. labour strikes, equipment failure etc.) POTL Operations and Logistics will take reasonable action, including but not limited to modifying the schedule to minimise the overall impact to all port users.
- ix. Where agents or other stakeholders provide insufficient, untimely, inaccurate or incomplete information to POTL.

Where a vessel that has complied with POTL berthing protocols is subject to any inconvenience as a result of a decision to implement one or more of the above-mentioned options or other directions of POTL, any costs incurred by the vessel will not be to POTL's account.

POTL may change the priority of berthing for any reasonable purpose in its absolute discretion. Where any changes to the priority are made, POTL will endeavour to consult prior to the decision with the relevant shipping agents for the affected vessels.

## 2. BERTHING PRIORITY

In addition to the existing Priority Berthing Contracts (detailed in Table 1), additional priority for berthing will be provided to the following cargoes ("cargo priority") on the listed common user wharves, noting contract priority vessels will have overall first priority:

- a) Container Liner Vessels at berth 4:
  - i. First Priority will be given to a fixed day service
  - ii. Second priority to scheduled liner services
- b) Pure Car Carrier liner Vessels at berth 10.

A "Liner vessel" is a vessel which is operated between scheduled, advertised ports of loading and discharge on a regular basis and can provide a schedule of port calls and meet that schedule. A 'fixed day liner service' is a nominated day of the week the vessel will arrive i.e. every Monday or every second Tuesday.

These 'cargo priority' vessels will be given berthing priority over other vessels where:

- i) A berth application has been received as outlined in section 3 and POTL has allocated a berth; and
- ii) The vessel/agent has provided a declaration of readiness to work the nominated cargo; and
- iii) The vessel arrives at the pilot boarding ground within twelve (12) hours of the ETA nominated at 5 days prior notice. Refer section 4 for ETA advice information. Any arrival beyond the 12 hours, the vessel loses its 'cargo priority' to the wharf will revert to standard first to arrive principles.

In the event that a non 'cargo priority' vessel is on the allocated wharf on arrival of the 'cargo priority' vessel, the non 'cargo priority' vessel will be allowed to delay berthing of the 'cargo priority' vessel by up to 12 hours where it is completing loading or unloading of cargo.

If loading or unloading of cargo from the non 'cargo priority' vessel is not able to be completed within that window, it will be required to vacate the berth to allow the 'cargo priority' vessel to berth on arrival.

In the event that two 'cargo priority' vessels are competing for the same berth; the order of berthing will be determined by order of arrival based on the final vessel ETA set 24 hours prior as provided to VTS.

If a "fixed day" liner vessel is unable to arrive on their scheduled day, then their priority will be the same as a 'liner vessel' and revert to the 7 day berth application protocol.

POTL shall be under no liability to any person or entity, for any loss, damage or costs, of whatever nature, whether direct or indirect (including but not limited to, consequential losses and loss of profits) arising out of, or in connection with, or as a consequence of, the detention or delay of any Vessel, however arising, with the application of the Berthing Priority.

POTL may, at its discretion, establish a berth booking that overrides the above berthing protocol. These would be to enable berth maintenance to be undertaken, or to accommodate a vessel that has been

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provided priority (i.e. dredge vessel, Navy vessels not at berth etc). For any of these bookings, POTL will endeavour to provide extended notice of the requirement for the berth to allow vessels to schedule around the booking.

Subject to the above priority aspects, shipping/berthing associated with any particular berth will take priority over any dual berthing and/or overhang of vessels from another berth. This will apply unless the relevant agents/ principals reach agreement amongst themselves in regard to amending the berthing arrangements and the new arrangement is accepted by POTL.

### 3. BERTH APPLICATION AND BOOKING

Agents are required to book a berth by entering the vessel into QShips which will then populate the information into POTL's shipping system 'POTS'. Once the booking has been made the agent will be required to log into their agent's portal in POTS and complete necessary information. Note to validate the application the agent must accept the Terms and Conditions no less than (7) days prior to the vessel's estimated arrival date and time to the pilot boarding ground.

The ETA provided at 5 days out will be the time and date used for allocation and priority purposes.

For the purposes of the above, the estimated arrival time is when the vessel arrives at the Anchorage or the Pilot Boarding Ground if the vessel is to be boarded upon arrival.

Particular requirements/request for a specific berth must be provided at this time for initial berth allocation, by way of inclusion on the POTL online shipping schedule. While initial berth allocation occurs, the preferred berth is not guaranteed.

A berth booking is not confirmed until the Berth Application Form has been accepted by POTL and confirmation sent back to the agent. POTL is under no obligation to accept an application to book a Berth or to grant a right to use the Berth.

As per the berth application form, the berth application must detail at least the minimum information required (see attachment 1):

With regards to Berth Applications the following guidelines will apply:

- (i) Only one Berth Application is able to be lodged for a particular visit/time for each performing vessel.
- (ii) The estimated vessel time alongside/length of time berth booked in the Berth Application shall be estimated as per normal port shipping operations practice. If it is deemed by POTL to be excessive and/or unusual based on previous port history or other factors, and has a potential impact on port efficiencies/other users, POTL has the discretion to advise stakeholders that the booking is invalid.
- (iii) The vessel name on a berth application is able to be changed (by substituted vessel) without penalty if no other details materially change (E.g. Berth details or date/time of arrival/departure).
- (iv) Agents are to submit all Liner Services schedules to the POTL duty officer. Fixed day services will be added into the shipping calendar as to advise other port users. The agent will still be required to lodge a berth application in accordance the above conditions.
- (v) Where information on a berth application is deemed to be inaccurate or materially changing, POTL may deem the application invalid and advise stakeholders accordingly.

### BERTH BOOKING APPLICATION REVIEW

Once a Berth Application has been lodged with the Duty Officer, Marine Services, POTL will undertake the following:

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- (i) The Application will be reviewed by POTL and considered on the following basis:
  - a) All information required is included on Berth Application and is sanity checked against historical operations / schedule.
  - b) Previous Berth Bookings and Berth Schedule including maintenance & availability are reviewed.
  - c) Any other operational and commercial factors are included in this review.
- (ii) POTL will advise the lodging party where the Berth Application is not completed and lodged in accordance with this Regulation or to the satisfaction of POTL.

Where consistent and repeated berth bookings are cancelled or amended that are detrimental to the functioning of these protocols and the efficient use of POTL berths, POTL reserves the right to refuse or not approve the subject berth bookings.

#### 4. CONFIRMATION OF A VESSEL'S ARRIVAL AND BERTH ALLOCATION

Vessel agents are required to ensure that the following ETA advices are provided:

- a. 7 days prior arrival – lodged berth application with expected arrival date and time.
- b. 5 days prior arrival – updated ETA. This time will be used to validate berth priority. If no update received, then the time nominated on the berth application will be assumed correct.
- c. 48 hours prior arrival – ETA confirmation

Definite notice of the vessel's ETA is to be provided not later than 1000 the day prior to arrival. Allocation of the berth, outside of the listed berth priorities, will occur at least 24 hours prior to the ETA of the first vessel. This is to provide sufficient time for labour and landside logistics to be arranged.

For a vessel that is in port and will move to a common user berth to undertake additional cargo operations, the agent is to supply an ETD for the vessel from the initial berth by 1000 the day prior to the planned move to the second berth. This timing will be used to determine the order of berthing for the second berth.

At all times, agents are required to ensure POTL is immediately advised of any changes to the time of arrival at anchorage or the Pilot boarding ground of the vessel, particularly during this 48 hour period.

Where a 24 hour notice of arrival is provided less than 24 hours prior to the arrival of the vessel, it is at the express discretion of POTL to approve the berth allocation.

Where the preferred berth is not available at the time of scheduling or there is another viable option, POTL will contact the relevant stakeholders to advise and assist in facilitating the best outcome for overall port efficiency. However a vessel will only be permitted to change from their nominated berth where there will be no impact on the shipping line up scheduled for the alternate berth or an arrangement is reached between relevant parties for the vessels.

Where the above timeframes are not met, particularly the 24 hour notice of arrival, POTL may cancel the booking, subject to other applications being received for the window specified.

#### 5. MISSED ALLOCATION

Where a vessel (excluding contract priority vessels) misses its allocated berthing window established under section 4 by >12 hours, POTL may at its absolute discretion revise the shipping schedule to accommodate the vessel, having regard to the following criteria:

- berth availability;
- priority berthing contracts;
- turn of arrival;
- efficiency of port operations; and

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- Port safety and security.

All costs associated with any revision to accommodate the vessel will not be to POTL's account.

## 6. ESTIMATED TIME OF DEPARTURE (ETD)

When submitting the berth application, an estimated ETD for the vessel is to be provided. The ETD for the vessel is to be updated on arrival and by 1000 on each day the vessel is in port. ETDs should also be updated ASAP when changes are advised by the stevedores.

For vessels departing after 2100 hours and departing prior 0600 hours, It is recommended that agents check with stevedores and update the scheduled sailing time by 1530 hrs. Should there be any uncertainty with departure this should also be communicated to enable suitable contingency planning of resources.

Once a vessel is alongside and working cargo the vessel may remain alongside until the cargo operations are complete, ensuring that updates to the ETD are provided in a timely fashion. Where delays to a vessel's departure impact on a following vessel, POTL reserves the rights conferred under relevant sections of these protocols to direct the vessel on the berth to depart prior to completion of cargo.

## 7. POTL DISCRETION AND STATUTORY OBLIGATIONS

At all times, berth allocation will be at the discretion of POTL subject to Priority Berthing Contracts and additional cargo priority arrangements. POTL always reserves the right to vary the berthing rotation or order the removal of a vessel from a berth.

Notwithstanding anything contained in this document, POTL's actions in relation to marine operations will at all times be governed by the *Transport Infrastructure Act 1994* (Qld) and subject to any directions of the Regional Harbour Master, Townsville, Maritime Safety Queensland pursuant to the *Transport Operations (Marine Safety) Act 1994* (Qld).

Nothing in these regulations affects the ability of an Authorised Officer of POTL to issue a direction pursuant to the *Transport Infrastructure Act 1994* (Qld) or the operation of POTL's Port Notices.

These regulations are also subject to the powers of the Regional Harbour Master under the *Transport Operations (Marine Safety) Act 1994* (Qld).

## 8. OPERATING DELAY

A vessel that for any reason other than natural causes (e.g. tide and weather), orders cargo work to be suspended or delayed due to the reduction of the number of work crews, transportation or equipment for whatever reason' or which Australian regulatory authorities detain, may remain alongside providing another vessel is not competing for that berth.

Where another vessel is competing for that berth and where the delay is in excess of 12 hours, POTL may, at its discretion, require the removal of the vessel from the berth subject to prevailing circumstances unless the agents/principals reach agreement amongst themselves or with the terminal operator to change the order.

All costs associated with moving a vessel from a berth will be to the account of the owner, principal or agent of the vessel.

In considering the circumstances and directing a vessel to be removed from a berth, POTL will endeavour to consult prior to a decision with the relevant shipping agents for the affected vessels.

With reference to requiring a vessel detained by AMSA to be removed from a berth, POTL will consult with RHM and AMSA prior to discussing with the agent the removal of the vessel from the berth.

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## 9. ADVERSE DEPARTURE

Upon completion of cargo work, a vessel must depart from the berth at the first opportunity unless there are special circumstances preventing it from doing so or where an agreement has been reached with POTL for an extension of time alongside.

Where a vessel alongside is scheduled to move to another berth for further loading/unloading, departure from the first berth is not to be delayed due to the second berth being occupied unless there are no vessels scheduled for the first berth during the period of the delay. Where another vessel is scheduled for the first berth, the unloaded vessel will depart the first berth for anchorage.

An exception to this will occur when an agreement has been reached between respective agents and/or with POTL for an extension of time alongside.

## 10. ADVERSE WEATHER

Berthing and de-berthing of vessels during adverse weather conditions will occur at the discretion of the Regional Harbour Master, Townsville in consultation with POTL. Once a decision to cease vessel movements has been made, POTL will advise all interested parties.

It should be noted that under certain climatic conditions it may be possible to berth/de-berth one type of vessel and not another. Such decisions are made at the sole discretion of the Regional Harbour Master, Townsville.

Where due to periods of excessive rainfall the loading or unloading of a vessel has been delayed and the Bureau of Meteorology indicates consistent heavy falls will continue, a consultative process with relevant shipping agents will be initiated to determine the implication of a vessel which is unable to work remaining at the berth, against being moved to anchorage or another berth, to permit other vessels whose activities are unaffected by the rain to occupy that berth. All costs associated with moving a vessel from the berth will be to the account of the owner, principal or agent of the vessel.

POTL will monitor weather forecasts at all times with a view to minimising projected disruptions to all parties.

## 11. GENERAL

POTL reserves the right to amend these protocols or any related documents at any time.

The above do not limit the terms and conditions for berthing, facilities and services attached to the Berth Application Form.

As has been normal practice with all stakeholders, any direction from the POTL Operations and Logistics will be provided via the updated shipping schedule and communications with agents (or principals if the principal is the agent). Directions from POTL are not required to be and will not be provided in writing to individual parties.

Nothing in these protocols affects the ability of an Authorised Officer of POTL to issue a direction pursuant to the *Transport Infrastructure Act 1994* (Qld) or the operation of POTL's Port Notices. These protocols are also subject to the powers of the Regional Harbour Master under the *Transport Operations (Marine Safety) Act 1994* (Qld).

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## 12. PRIORITY BERTHING CONTRACTS

**Table 1**

Berth	Priority Arrangements - Contracts
1	Nil
2	Glencore to determine the order of berthing.
3	NSS to determine the order of berthing.
4	<b>Nil</b>
8	<p>Wharf is to operate as a multi-user facility.</p> <p>Glencore has priority of berthing at the wharf. The wharf may be used by other users at times when it is not required for use by Glencore, provided such use does not interfere with or adversely affect the use of the wharf or the facilities by Glencore.</p>
9	<p>Wharf is to operate as a multi-user facility. <i>STL has priority of berthing at the wharf for loading its customers Raw Sugar and Molasses vessels in that order.</i></p> <p>Non-Raw Sugar loading vessels (including Molasses) already berthed can remain on the berth if they can complete cargo operations and sail within 12 hours of the arrival of the raw Sugar vessel.</p> <p>If the Non- Raw Sugar vessel cannot complete and sail within 12 hours, then they are to depart in sufficient time for the Raw Sugar vessel to be able to berth on arrival at the port.</p> <p>The above conditions apply unless the relevant agents/ principals reach agreement amongst themselves in regard to amending the berthing arrangements and the new arrangement is accepted by POTL.</p> <p>The wharf may be used by other users at times when it is not required for use by STL, provided such use does not interfere with or adversely affect the use of the wharf or the facilities by STL.</p>
10	<p>Wharf is to operate as a multi-user facility.</p> <p>Cruise and Defence and Car Carriers have priority of berthing at the wharf. The wharf may be used by other users at times when it is not required for use by Cruise or Defence.</p>
11	<p>Wharf is to operate as a multi-user facility.</p> <p>South32 has priority of berthing at the wharf. The wharf may be used by other users at times when it is not required for use by South32, provided such use does not interfere or adversely affect the use of the wharf or the facilities by South32.</p>

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**Berth Application details:**

All berth applications must detail at least the minimum information required:

- (i) Vessel name and International Maritime Organisation Reference Number.
- (ii) Berth requested.
- (iii) Cargo details, including quantity.
- (iv) Estimated date & time of arrival at Townsville Port (Pilot station, anchorage position).
- (v) Estimated date & time of departure from Townsville Port (Pilot Station, anchorage position).
- (vi) Estimated date & time of arrival at the preferred berth.
- (vii) Estimated date & time of departure from the preferred berth.
- (viii) Vessel orientation at berth (Port or Starboard side to);
- (ix) Special operational requirements eg. vessel anchorage period.
- (x) Agents name and contact details.
- (xi) Acceptance of the Ports Terms and Conditions

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