



# PORT OF MACKAY

## PORT RULES

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# INTRODUCTION

DEFINITIONS
"Act" means the <i>Transport Infrastructure Act 1994 (Qld)</i> .
"Authorised Officer" means a person so appointed for the Port under the Act.
"Chief Executive Officer" means the person appointed as the Chief Executive Officer of the Corporation or the person duly appointed as relieving in that position.
"Controlled Activity" means:  (a) in relation to a ship –  (i) burning; or  (ii) welding; or  (iii) riveting; or  (iv) spray painting; or  (v) sand blasting  (b) operating a Refuelling Facility
"Corporation" means North Queensland Bulk Ports Corporation Limited, a body corporate incorporated under the <i>Corporations Act 2001 (Cth)</i> and subject to the <i>Government Owned Corporations Act 1993 (Qld)</i> , and being the duly appointed port authority for the Port for the purposes of the Act.
"Dangerous Goods" means  1. Goods that are so classified under the Australian Standard AS 3846 "The handling and transport of dangerous cargoes in port areas" as amended from time to time or the <i>Dangerous Goods Safety Management Act 2001 (Qld)</i> ; or  2. Any other Goods which may be declared by the Chief Executive Officer to be Dangerous Goods for the purposes of the Port Rule - Part C.  Note: A person in charge of Goods should ascertain whether the Chief Executive Officer has made a declaration that Goods are Dangerous Goods for the purposes of the Port Rule in Part C by accessing the Corporation's website <a href="http://www.nqbp.com.au">www.nqbp.com.au</a> or by telephoning or faxing the Corporation and requesting a list of any other Goods which have been declared by the Chief Executive Officer to be Dangerous Goods.
"Entry Restriction Order" means any order of the Corporation restricting entry to the Port to any or all ships based on security or safety grounds;
"Goods" includes cargo or containers.
"Heavy Vehicle" has the same meaning as defined under the Transport Operations (Road Use

Management) Act 1995
"International Ship Security Certificate" or "ISSC" has the same meaning as defined in the <i>Maritime Transport and Offshore Facilities Security Act 2003 (Cth)</i> .
"Jetty" means any individual jetty, wharf, pontoon, barge ramp or other marine facility within the Port Area which may be used by ships for the loading or discharge of Goods or passengers but does not include a boat ramp.
"Marine Fuel Transfer Activity" means any transfer of fuel from a container, ship, vehicle or facility to another container, ship, vehicle or facility over waters (including over a Jetty or Boat Ramp) in the Port Area where quantities of fuel greater than 200 litres are being transferred at any one time.
"Notice to Mariners" means a Notice to Mariners issued by Maritime Safety Queensland.
"Port" means the Port of Mackay limits as defined under the Regulation.
"Port Area" means the area of the Corporation's strategic port land (which is not within its Port) and its Port.
"Port Facilities" means port facilities owned or controlled by the Corporation within the Port.
"Regulation" means the <i>Transport Infrastructure (Ports) Regulation 2005 (Qld)</i> .
"Refuelling Facility" means a building, structure or fixed equipment where fuel is stored or handled for the purpose of carrying out a Marine Fuel Transfer Activity. A Refuelling Facility can be located on land or over water. A Refuelling Facility does not include service stations, fuel storage tanks, or fuel trucks that are located solely on land and are not involved in a Marine Fuel Transfer Activity.
"Secretary" means the secretary of the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government or the equivalent agency from time to time.
"Security Regulated Ship" has the same meaning as defined in the <i>Maritime Transport and Offshore Facilities Security Act 2003 (Cth)</i> .
"Works" include –  (i) 'tidal works' as defined under the Coastal Protection and Management Act 1995; or (ii) 'development' as defined in the Sustainable Planning Act 2009; or (iii) signage or landscaping as indicated in the Port Development Guidelines; or (iv) digging or excavation for development purposes,  but does not include maintenance Works of a minor nature, e.g. painting, replacing redundant Works with new Works that perform the same or largely the same function.
These Port Rules are a port notice within the meaning of the Act.

## INTERPRETATIONS

Unless the contrary intention is indicated by these Port Rules, the definitions and interpretations under the Acts Interpretation Act and the Act and Regulation shall apply to these Rules.

Penalties are maximum penalties as prescribed under the Act or Regulation.

If an inconsistency arises between these Port Rules and the Act or Regulation, then:

- If it is possible to read or interpret a Port Rule in a way which is not inconsistent, then that interpretation is to be used; or
- Otherwise, the Act or Regulation will take precedence over the Port Rule.

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

## **DIRECTIONS AND AUTHORISED OFFICERS**

Any direction given by an Authorised Officer under the powers given under the Act may be in addition to or may override any of the Port Rules in Parts B, C, D and E.

# **PART A - CONTROL OF ACTIVITIES IN PORT**

	<b>Port Rules</b>	<b>Penalty for Non-Compliance</b>
1.	A person in the Port Area must comply with any notices, markings, fences and barriers which are used to:  a) restrict or prohibit access by a person to all or a part of the Port Area; or  b) restrict or prohibit the use of all or part of the Port Area.	25 Penalty Units
2.	A person must not place or cause to be placed any refuse, rubbish or litter within the Port Area except in a place or receptacle provided for that purpose.	25 Penalty Units
3.	A person must not place or cause to be placed a load greater than the maximum loading on a Jetty, which includes the mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any).  Note: The maximum loading on a wharf owned or under the control of the Corporation, unless otherwise indicated, is 1,500 kg per square metre.	25 Penalty Units
4.	The maximum loading on a boat ramp within the Port, unless otherwise indicated, is 5 tonnes, which includes the mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any).  A person must not place or cause to be placed a load greater than the maximum loading on a boat ramp, which includes the mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any).	20 Penalty Units

## PART B - MOVEMENT OR MOORING OF, OR ACTIVITIES ON OR BY, SHIPS

	<b>Port Rules</b>	<b>Penalty for Non-Compliance</b>
1.	A person in charge of a ship must comply with any notices which are used to indicate rules for the movement or mooring of, or activities on or by, ships using the Port.	100 Penalty Units
2.	The person in charge of a ship using a Jetty must not moor or fasten the ship to any part of the Jetty except to such bollards or other fastenings as are provided for the purpose and the person in charge of a ship must not allow the ship to be alongside the Jetty unless it is properly moored or fastened.	100 Penalty Units
3.	<p>A person must not carry out repairs to the engines of a ship or any other repairs of whatsoever nature to a ship (including cleaning, washing, blasting, scraping, painting or any other like operation on a ship's hull) whilst it is moored at the Jetty without the prior written approval of the Chief Executive Officer or delegate to the carrying out of that activity. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>A holder of an approval to undertake repairs must not breach a condition of the approval.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>100 Penalty Units</p> <p>100 Penalty Units</p>
4.	<p>A person must not permit a ship to be rafted to any other ship moored at any Jetty without the prior written approval of the Chief Executive Officer or delegate to the rafting. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>A holder of an approval to raft must not breach a condition of the approval.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>100 Penalty Units</p> <p>100 Penalty Units</p>

5.	A person must not permit a ship to anchor, trawl, moor, lie or obstruct any channel, swing basin or Port Facilities.	100 Penalty Units
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## PART C - MOVEMENT, HANDLING OR STORAGE OF GOODS

	Port Rules	Penalty for Non-Compliance
1.	A person in charge of Goods must comply with all notices, fences, markings and barriers which are used to indicate rules for the control of the movement, handling or storage of Goods in the Port Area.	50 Penalty Units
2.	<p>A person must not move, handle, store or otherwise deal with any Dangerous Goods within the Port Area without the prior written approval of the Chief Executive Officer or delegate to the dealing with Dangerous Goods. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>An application to the Corporation for approval to move, handle or otherwise deal with any Dangerous Goods within the Port Area must be:</p> <ul style="list-style-type: none"> <li>- in writing to the Corporation at least 2 working days prior to the date on which it is anticipated the Dangerous Goods will enter the Port Area; and</li> <li>- in such form and contain such information (including a risk assessment) as may be required from time to time by the Chief Executive Officer or delegate to assist in consideration of the application,</li> </ul> <p>A holder of an approval to deal with Dangerous Goods must not breach a condition of the approval.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p> <p>Note: Nothing in this Port Rule exempts or should be taken as exempting or excuses a person from compliance with all other laws or requirements which may apply with respect to Dangerous Goods or the need to obtain all relevant approvals or consents required under any other legislation.</p> <p>An approval given to any applicant under this Port Rule will be subject to the applicant's compliance with all other laws and requirements applicable to dealing with Dangerous Goods.</p>	<p>50 Penalty Units</p> <p>50 Penalty Units</p>

3.	<p>A person in charge of Goods, machinery or plant and equipment must not leave the Goods, machinery or plant and equipment unattended on Port Facilities or on a road or shoulder of a road within the Port Area, unless a notice specifically allows for this to occur, without the prior written approval of the Chief Executive Officer or delegate. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>A holder of an approval must not breach a condition of the approval.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>50 Penalty Units</p> <p>50 Penalty Units</p>
4.	<p>The master or agent of every ship berthing within the Port must lodge with the Corporation a copy of the manifest of Goods discharged at, or transhipped or intended to be shipped or carried from or within any part of the Port.</p> <p>Such copy of the manifest of Goods must specify:</p> <ul style="list-style-type: none"> <li>a) the respective names and addresses of the several consignors or shippers of the Goods;</li> <li>b) the respective names and addresses of the several consignees or other persons to whom the Goods are intended to be delivered or shipped or carried; and</li> <li>c) in respect of each and every consignment of Goods, the identity, mass and measurement of the Goods.</li> </ul> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>50 Penalty Units</p>
4.1	<p>The master or agent must lodge the manifest when:</p> <ul style="list-style-type: none"> <li>a) discharging Goods, within 24 hours of the ship berthing; or</li> <li>b) loading Goods, within 24 hours of the ship departing.</li> </ul> <p>Transhipment is to be regarded as a discharge of Goods followed by a loading of Goods.</p> <p>Where it is intended that Goods will be transhipped, the inward manifest with respect to the Goods must be marked accordingly.</p> <p>Transhipment of the Goods must take place within seven (7) clear working days from the date of arrival of the inward ship, or if no ship sails from the Port of transhipment within that time, then by the next available ship sailing from that Port, otherwise full inward and outward Port charges must be paid on the Goods.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>50 Penalty Units</p>
5.	<p>The master or agent of every ship entering the Port must produce to the Corporation within 24 hours of the ship being berthed a copy of the ship's International Tonnage Certificate.</p>	<p>50 Penalty Units</p>

	Note: If more than one tonnage measurement for a ship is available the greatest gross tonnage figure available shall be used for calculating Port charges.	
6.	The master of a ship must ensure the proper slinging and transfer of all Goods loaded onto, or discharged from, the master's ship.	50 Penalty Units

## PART D - PARKING OR STOPPING OF VEHICLES

	Port Rules	Penalty for Non-Compliance
1	A driver or a person apparently in charge of a vehicle (including trailers) must comply with all notices, markings, fences and barriers which are used to control the movement, stopping or parking of vehicles on the Corporation's strategic port land or Port Facilities.	25 Penalty Units
2	A person must not drive a vehicle on the Corporation's strategic port land or Port Facilities unless the person holds a current licence for a vehicle of that type.	25 Penalty Units
3.	<p>A driver or a person apparently in charge of a Heavy Vehicle that has a trailer, container or skip bin must not leave the Heavy Vehicle, trailer, container or skip bin unattached and unattended on Port Facilities or on a road or shoulder of a road within the Port Area, unless a notice specifically allows for this to occur, without the prior written approval of the Chief Executive Officer or delegate. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>A holder of an approval must not breach a condition of the approval.</p> <p>A person who fails to comply with this Port Rule shall commit an offence.</p>	<p>25 Penalty Units</p> <p>25 Penalty Units</p>

## PART E - DEVELOPMENT

	Rule	Penalty
1.	<b>No Works without Approval</b>	
1.1	<p>A person must not carry out or attempt to carry out any Works on any part of the Corporation's strategic port land or Port Facilities without the prior written approval of the Chief Executive Officer or delegate to the carrying out of that Work. The Chief Executive Officer or delegate's approval may be:</p> <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the</li> </ul>	

	<p>lodgement of a security bond or bank guarantee); or</p> <p>- not granted,</p> <p>in the absolute discretion of the Chief Executive Officer or delegate.</p> <p>Note: - A person should refer to the Port Development Guidelines for further guidance if in any doubt as to whether proposed Works require approval.</p>	
2.	<b>Application for Approval</b>	
2.1	An application to the Corporation for approval to carry out proposed Works must be made in such form and contain such information as may be required by the Chief Executive Officer or delegate to assist in consideration of the application.	
2.2	A holder of an approval to undertake Works must not breach a condition of the approval.	25 Penalty Units
3.	<b>Development Port Rule does not exempt Applicant from compliance with other Laws</b>	
3.1	Nothing in this Development Port Rule exempts or excuses the applicant from compliance with all other laws or requirements which may apply with respect to the proposed Works or the need to obtain all relevant approvals or consents required under any other legislation.	
3.2	An approval given to any applicant under this Development Port Rule will be subject to the applicant's compliance with all other laws and requirements applicable to the proposed Works.	
4.	<b>Non-Compliance with Port Rule an Offence</b>	
4.1	A person who fails to comply with any part of this Development Port Rule – Part E shall commit an offence.	25 Penalty Units

## PART F – SAFETY AND SECURITY

	Rule	Penalty
1.	<b>Restriction of entry to Port</b>	
1.1	Where the Corporation has reasonable grounds to believe that the safety or security of the Port and the operation of the Port's facilities and services may be compromised by the entry to the Port of any or all ships, the Chief Executive Officer or delegate may, at the absolute discretion of the Chief Executive Officer or delegate, restrict entry of any or all ships to the Port by the issue of an Entry Restriction Order.	
2.	<b>Communication of Entry Restriction Order</b>	

2.1	An Entry Restriction Order may be communicated to:  (a) all ships via a Notice to Mariners; or  (b) by the Chief Executive Officer or delegate to an individual ship or ships either verbally or in writing.	
3.	<b>Ships not to enter Port</b>	
3.1	A ship must not enter the Port in non-compliance with an Entry Restriction Order.	100 Penalty Units
4.	<b>International Ship Security Certificate (ISSC)</b>	
4.1	The master or agent of every ship desiring entry to the Port must lodge, upon request by the Corporation, at least 24 hours prior to its entry to the Port a copy of its ISSC.	
4.2	Failure to provide the ISSC may, at the sole discretion of the Chief Executive Officer or delegate, result in the delay or denial of entry of the ship into the Port.	
4.3	A ship denied access to the Port by the Chief Executive Officer or delegate must not enter the Port.	100 Penalty Units

## PART G – CONTROLLED ACTIVITY

	Notice	Penalty
1.	<b>Definitions</b>	
1.1	For the purpose of this Controlled Activity Port Rule, “Port Area” does not include an area over which the Corporation or Mackay Ports Limited has issued a land tenure to another party.	
2.	<b>No Controlled Activity without Approval</b>	
2.1	A person must not carry out or attempt to carry out a Controlled Activity within the Port Area without the prior written approval of the Chief Executive Officer or delegate to the carrying out of the Controlled Activity. The Chief Executive Officer or delegate’s approval may be: <ul style="list-style-type: none"> <li>- granted with or without conditions (which may include the lodgement of a security bond or bank guarantee); or</li> <li>- not granted,</li> </ul> in the absolute discretion of the Chief Executive Officer or delegate.  Note: Transfers of fuel solely on land are not regulated under this Port Rule.	
3.	<b>Application for Approval</b>	
3.1	An application to the Corporation for approval to carry out a Controlled Activity must be made in such form and contain such information as may be required from time to time by the Chief Executive Officer or delegate to assist in consideration of the application.	
3.2	A holder of an approval to undertake a Controlled Activity must not breach a condition of the approval.	100 Penalty Units

	<b>Non-Compliance with Port Rule an Offence</b>	
4.	A person who fails to comply with any part of this Controlled Activity Port Rule – Part G shall commit an offence.	100 Penalty Units

Effective as from 1 July 2010