

Authorised Version No. 004
Port Management (Local Ports) Regulations
2004

S.R. No. 81/2004

Authorised Version incorporating amendments as at
17 June 2014

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PART 1—PRELIMINARY MATTERS

100 Objective

The objective of these Regulations is to provide for the effective management of local ports within the meaning of the **Port Management Act 1995**.

Reg. 100
amended by
S.R. No.
70/2012 reg. 5.

101 Authorising provision

These Regulations are made under section 98 of the **Port Management Act 1995**.

Reg. 101
amended by
S.R. No.
70/2012 reg. 6.

102 Commencement

These Regulations come into operation on 1 July 2004.

103 Definitions

In these Regulations—

Act means the **Port Management Act 1995**;

Reg. 103
def. of
Act
amended by
S.R. No.
70/2012 reg. 7.

agent means the person specified in a vessel's manifest as the person who is to be responsible for cargo from the time it is landed to the time it is delivered to its intended destination;

camp includes—

- (a) to erect, occupy or use a tent or any similar form of accommodation; and
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure;
- (c) to occupy or use a swag or other kind of bedding;

dangerous goods has the same meaning as in the **Dangerous Goods Act 1985**;

explosives has the same meaning as in the **Dangerous Goods Act 1985**;

fishing vessel has the same meaning as in the **Marine Act 1988**;

fixed fuelling installation means an area set aside under regulation 200 where the fuelling of vessels is permitted;

life-saving aid includes any life-saving equipment, life-hook, drag, grapnel, lifebuoy, warning sign, barrier, fire extinguisher, hose or similar equipment;

master has the same meaning as in the **Marine Act 1988**;

oily waste means—

- (a) undiluted oil; or
- (b) water from a vessel that is contaminated by oil—

including residue from fuel oils, lubricating oils and oily bilge water;

prohibited berthing area means an area set aside under regulation 205(1)(d) as an area where vessels are prohibited from being berthed;

prohibited mooring area means an area set aside under regulation 205(1)(d) as an area where vessels are prohibited from being moored;

regulated berthing area means an area set aside under regulation 205(1)(a) as an area where vessels may only be berthed by people authorised to do so;

regulated mooring area means an area set aside under regulation 205(1)(a) as an area where vessels may only be moored by people authorised to do so;

restricted berthing area means an area set aside under regulation 205(1)(b) or (c) as an area where vessels may only be berthed at certain times or for certain periods;

restricted mooring area means an area set aside under regulation 205(1)(b) or (c) as an area where vessels may only be moored at certain times or for certain periods;

trading vessel has the same meaning as in the **Marine Act 1988**;

unrestricted berthing or mooring area means an area in a local port that is not—

- (a) a prohibited berthing area; or
- (b) a prohibited mooring area; or
- (c) a regulated berthing area; or
- (d) a regulated mooring area; or
- (e) a restricted berthing area; or
- (f) a restricted mooring area;

vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal-

powered vehicle, trailer, tram-car and air-cushion vehicle but does not include a vessel or a railway locomotive or railway rolling stock;

wharf includes pier, jetty, quay or breakwater;

wildlife has the same meaning as in the **Wildlife Act 1975**.

104 Exemptions from the operation of the Regulations

- (1) These Regulations do not apply to—
 - (a) a member of the police force who is acting in the course of his or her duty; or
 - (b) an authorised officer appointed under Part 9 of the **Conservation, Forests and Lands Act 1987** who is acting in the course of his or her duty; or
 - (c) an inspector within the meaning of the **Livestock Disease Control Act 1994**; or
 - (d) an inspector within the meaning of the **Prevention of Cruelty to Animals Act 1986**; or
 - (e) an officer or employee of the port manager who is acting in the course of his or her duty; or
 - (f) the port manager when exercising a power or carrying out a function under the Act or under the **Marine Act 1988**; or
 - (g) the Director, Transport Safety, or a person appointed or authorised by the Director, Transport Safety, who is acting in the course of his or her duty.
- (2) A person who is the holder of a lease or licence issued under any Act over land or waters in the local port and who, within the local port—

Reg. 104(1)(g)
amended by
S.R. No.
70/2012 reg. 8.

- (a) engages in an activity that is otherwise prohibited; or
- (b) enters into an area where entry or access is otherwise prohibited—

under these Regulations, is exempt from the operation of these Regulations to the extent that the lease or licence authorises that activity or entry.

105 Crown Land (Reserves) Regulations to prevail

If a provision of these Regulations as it applies to a local port is inconsistent with a provision of any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** as it applies to any land reserved under that Act that is part of the local port, the latter provision prevails to the extent of the inconsistency.

106 Section 15 notices to prevail

If a provision of these Regulations as it applies to a local port is inconsistent with a provision of any notice published under section 15 of the **Marine Act 1988** as it applies to the local port, the latter provision prevails to the extent of the inconsistency.

107 Regulations under section 105 to prevail

If a provision of these Regulations as it applies to a local port is inconsistent with a provision of any regulations made under section 105 of the **Marine Act 1988** as it applies to the local port, the latter provision prevails to the extent of the inconsistency.

108 Harbour master's directions prevail

If a direction given by the port manager, an officer of the port manager or a member of the police force under these Regulations is inconsistent with a direction given by a harbour master under Part 3A of the **Marine Act 1988**, the port manager's, officer of the port manager's or member's direction is, to the extent of the inconsistency, of no effect.

Reg. 109
inserted by
S.R. No.
70/2012
reg. 10.

109 Construction of references to the Port Services (Local Ports) Regulations 2004

On and from 1 July 2012, unless the contrary intention appears, a reference in any subordinate instrument, agreement or other document to the Port Services (Local Ports) Regulations 2004 is to be construed as a reference to the Port Management (Local Ports) Regulations 2004.

PART 2—POWERS OF PORT MANAGERS

Division 1—Areas set aside

200 Port manager may set aside areas for certain purposes

- (1) The port manager may determine that an area or areas within the local port be set aside for one or more of the following purposes—
 - (a) embarking, or disembarking from, vessels or classes of vessels;
 - (b) the loading of cargo on to vessels or classes of vessel, or the unloading of cargo from vessels or classes of vessels;
 - (c) amenities or facilities used for storage, fuelling or other purposes;
 - (d) swimming, bathing or snorkelling;
 - (e) the cleaning of fish or the repair or stretching of fishing nets or other fishing equipment;
 - (f) navigation aids;
 - (g) the parking or passage of vehicles or classes of vehicles;
 - (h) commercial purposes, special events or entertainment;
 - (i) repair, maintenance, installation, modification or construction work on vessels or to equipment or fixtures on vessels;
 - (j) the leaving or deposit of oily waste or other materials;
 - (k) the leaving or storage of fishing equipment or other items;
 - (l) footways, segregated footways, shared footways;

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- (m) other purposes relating to the care, protection, security and management of property in the local port;
 - (n) other purposes relating to the safety or security of people in the local port;
 - (o) other purposes relating to the orderly operation of the local port.
- (2) The port manager may determine—
- (a) the times at which, or periods during which, the area may be used for the purpose for which it has been set aside; or
 - (b) the people who, or classes of person or vehicle or vessel which, may use the area for the purpose for which it has been set aside.
- (3) The port manager may cause signs or notices to be erected or displayed indicating—
- (a) the purpose for which the area has been set aside under subregulation (1); and
 - (b) the times at which, or periods during which, the area may be used for the purpose for which it has been set aside; and
 - (c) the classes of people, vehicles or vessels that may use the area for the purpose for which it has been set aside.

201 Port manager may set aside areas where certain activities are prohibited

- (1) The port manager may determine that an area or areas within the local port be set aside where one or more of the following activities is prohibited—
- (a) the presence or use of dangerous goods;
 - (b) the taking of, or attempting to take, fish from a wharf or other structure;

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- (c) smoking;
 - (d) the use or possession of alcohol;
 - (e) the landing or launching of vessels.
- (2) The port manager may determine—
- (a) the times at which, or periods during which, an activity is prohibited in an area set aside under subregulation (1); and
 - (b) the people who, or classes of people which, are prohibited from carrying out the activity in the area set aside under subregulation (1).
- (3) The port manager must cause signs or notices to be erected or displayed indicating—
- (a) the activity which is prohibited in the area set aside under subregulation (1); and
 - (b) whether the activity is prohibited at all times or the periods during which the activity is prohibited, in an area set aside under subregulation (1); and
 - (c) the people, or classes of people, who are prohibited from carrying out the activity in the area set aside under subregulation (1).

202 Offence to engage in prohibited activities

- (1) A person must not, in an area subject to a determination of the port manager under regulation 201 that is set aside as an area where an activity is prohibited, engage in that activity in contravention of a sign in or near that area showing details of that determination.

Penalty: 5 penalty units.

- (2) A person who is a member of a class of people prohibited from engaging in a specified activity in an area subject to a determination of the port manager under regulation 201 must not engage in

that activity in the area so set aside in contravention of a sign in or near that area showing details of that determination.

Penalty: 5 penalty units

203 Port manager may set aside areas where entry or access is prohibited

- (1) The port manager may determine that an area or areas within the local port be set aside where entry or access is prohibited for one or more of the following purposes—
- (a) the protection of geological, historic or cultural features, structures or values;
 - (b) the protection or maintenance of amenities or facilities;
 - (c) the protection of works or improvements;
 - (d) access areas or approaches to wharves, facilities or other structures;
 - (e) the protection of flora or fauna;
 - (f) the reclamation of land;
 - (g) the planting of trees, grasses or other plants, or the re-establishment of vegetation;
 - (h) the entry by people if circumstances may place their safety at risk;
 - (i) the entry of people who are accompanied by, or in control of, dogs or cats;
 - (j) the entry of people who are accompanied by, or in control of, animals other than dogs or cats;
 - (k) the entry by other specified people or classes of people.

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- (2) The port manager may determine the times at which, or periods during which, entry to, or access through, the area set aside under subregulation (1) is prohibited.
 - (3) The port manager must cause signs or notices to be erected or displayed indicating—
 - (a) the purpose for which entry to, or access through, the area set aside under subregulation (1) is prohibited; and
 - (b) the times at which, or periods during which, entry to, or access through, the area set aside under subregulation (1) is prohibited.

204 Offence to enter area set aside where entry prohibited

A person must not enter into, or remain in, an area subject to a determination of the port manager under regulation 203 that is set aside as an area where entry or access is prohibited in contravention of a sign in or near that area showing details of that determination.

Penalty: 5 penalty units.

205 Port manager may set aside berthing and mooring areas

- (1) The port manager may determine that an area or areas within the local port be set aside where vessels generally or vessels of a specified class—
 - (a) may only be berthed or moored by people authorised to do so by the port manager; or
 - (b) may only be berthed or moored at certain times; or
 - (c) must not be berthed or moored for longer than a specified period; or
 - (d) are prohibited from being berthed or moored at any time.

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- (2) The port manager may determine—
- (a) the periods for which, and times at which, vessels generally or vessels of a specified class may or may not be berthed or moored in an area set aside under subregulation (1)(a), (1)(b) or (1)(c); and
 - (b) the vessels or classes of vessel which may or may not be moored or berthed in an area set aside under subregulation (1).
- (3) The port manager must cause signs or notices to be erected or displayed indicating—
- (a) whether an authority is required to berth or moor vessels generally or vessels of a specified class in an area set aside under subregulation (1)(a); and
 - (b) the times at which, or periods during which, the berthing or mooring of vessels generally, or vessels of a specified class, is prohibited, regulated or restricted in an area set aside under subregulation (1)(a), (1)(b) or (1)(c); and
 - (c) the periods for which vessels generally, or vessels of a specified class, may be berthed or moored in an area set aside under subregulation (1); and
 - (d) in the case of an area set aside under subregulation (1)(d), that the berthing or mooring of vessels is prohibited in that area.
- (4) In the case of an area set aside under subregulation (1) that is located off-shore, a notice or sign that is erected on the point of land nearest to that area is sufficient for the purposes of compliance with subregulation (3).

206 Vessel not to be moored in prohibited mooring area

The master of a vessel must not moor the vessel in a prohibited mooring area.

Penalty: 5 penalty units.

207 Vessel not to be berthed in prohibited berthing area

The master of a vessel must not berth the vessel in a prohibited berthing area.

Penalty: 5 penalty units.

208 Vessel not to be moored in regulated mooring area

(1) The master of a vessel must not moor the vessel in a regulated mooring area.

Penalty: 5 penalty units.

(2) Subregulation (1) does not apply to a person who moors a vessel in a regulated mooring area in a local port in accordance with an authority issued by the port manager under regulation 212.

209 Vessel not to be berthed in regulated berthing area

(1) The master of a vessel must not berth the vessel in a regulated berthing area.

Penalty: 5 penalty units.

(2) Subregulation (1) does not apply to a person who berths a vessel in a regulated berthing area in a local port in accordance with an authority issued by the port manager under regulation 212.

210 Time limit on vessel moored in restricted mooring area

(1) The master of a vessel that is moored in a restricted mooring area must ensure that the vessel is not moored in that area continuously for a period exceeding the relevant period specified by the port manager under regulation 205.

Penalty: 5 penalty units.

- (2) The master of a vessel that is moored in a restricted mooring area must ensure that the vessel is not moored in that area at any time other than during the relevant period specified by the port manager under regulation 205.

Penalty: 5 penalty units.

211 Time limit on vessel berthed in restricted berthing area

- (1) The master of a vessel that is berthed in a restricted berthing area must ensure that the vessel is not berthed in that area continuously for a period exceeding the relevant period specified by the port manager under regulation 205.

Penalty: 5 penalty units.

- (2) The master of a vessel that is berthed in a restricted berthing area must ensure that the vessel is not berthed in that area at any time other than during the relevant period specified by the port manager under regulation 205.

Penalty: 5 penalty units.

Division 2—Authorities

212 Port manager may authorise certain activities

- (1) The port manager may, in writing, authorise a person in the local port to—
- (a) engage in an activity that is otherwise prohibited under these Regulations in an area set aside under regulation 201; or
 - (b) enter into an area that is set aside under regulation 203 as an area where entry or access is prohibited; or
 - (c) moor or berth a vessel or class of vessels in an area set aside under regulation 205 where the mooring or berthing of vessels is

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- regulated, or prohibited, or restricted to certain times or periods; or
- (d) engage in an activity which would otherwise contravene these Regulations.
- (2) On being asked to issue an authority under subregulation (1) to enable a person to carry out an activity, the port manager must issue the authority unless the port manager is satisfied—
- (a) that the carrying out of the activity—
- (i) would create a significant risk of injury to any person or of damage to any property; or
 - (ii) would significantly interfere with the orderly operation of the port or of any other authorised activities; or
 - (iii) would be unfair to other users of the local port; and
- (b) if the carrying out of the activity would otherwise fall within one of the categories listed in paragraph (a), that the imposing of appropriate conditions in the authority would not eliminate the factors that bring the carrying out of the activity within that category.
- (3) An authority of the port manager under subregulation (1)—
- (a) is subject to any conditions specified in the authority by the port manager relating to—
- (i) the area in which the authority applies;
 - (ii) the times or periods during which the person may engage in the activity specified in the authority;

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- (iii) the times or periods during which the person may enter into, access or use the area specified in the authority for the purpose specified in the authority;
 - (iv) the classes of people, vessels or vehicles to which the authority applies;
 - (v) the classes or quantities of cargo or goods to which the authority applies;
 - (vi) any other matter relevant to the conduct of the activity for which the authority is issued; and
- (b) is valid for the period specified by the port manager in the authority; and
 - (c) is valid only in respect of—
 - (i) the person, or classes of person;
 - (ii) the vessel, or classes of vessel;
 - (iii) the vehicle, or classes of vehicle—that are specified in the authority.
- (4) The port manager may issue an authority under subregulation (1)(d) regardless of whether or not there is an express authorisation for the issuing of the authority in the provision forbidding the activity in respect of which the authority is to be issued.

213 Purpose of authority not to be inconsistent with purpose for which land is reserved

The port manager must not issue an authority under regulation 212 in respect of land in a local port that has been reserved under the **Crown Land (Reserves) Act 1978** if the purpose of the authority is inconsistent with the purpose for which the land is reserved.

214 Port manager may cancel, vary, or vary conditions of, authority

- (1) If the port manager reasonably believes that—
- (a) the conduct of an activity under an authority could place property, or the safety of people, at risk; or
 - (b) the conduct of an activity under an authority could interfere with the orderly and efficient management of the local port or of other activities authorised in the local port; or
 - (c) the holder of the authority has not complied with a condition of the authority issued under regulation 212 (1); or
 - (d) the holder of the authority has contravened any provision of these Regulations—

the port manager may cancel, vary, or vary the conditions of, the authority.

- (2) Before cancelling, varying, or varying the conditions of, an authority under subregulation (1), the port manager—
- (a) must give the holder of the authority a written notice—
 - (i) that states that the port manager is of the opinion that a ground for the cancellation or variation may exist; and
 - (ii) that states the reasons for that opinion; and
 - (iii) that invites the holder of the authority to make a written submission in response to the notice within the time specified by the port manager in the notice; and

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- (b) must consider any submission that is made by the holder of the authority within the time specified in the notice.
 - (3) The port manager must not specify a period of less than 7 days for the purposes of subregulation (2)(a)(iii).
 - (4) The port manager may vary an authority, or the conditions of an authority, issued under regulation 212, at the request of the holder of the authority.
 - (5) Subregulations (2) and (3) do not apply to a variation under subregulation (4).

215 Immediate suspension of authority

- (1) Despite anything to the contrary in regulations 212 and 214, if the port manager reasonably believes that the continuing use of an authority could—
 - (a) cause a significant risk of injury to any person; or
 - (b) cause a significant risk of damage to any property; or
 - (c) significantly interfere with the orderly and efficient management of the local port or with any other authorised activities in the local port—the port manager may, by notice in writing, immediately suspend the authority.
- (2) A suspension of an authority takes effect on the port manager giving the holder of the authority a notice in writing—
 - (a) that sets out the reasons for the suspension; and
 - (b) that states the period for which the authority is suspended.

- (3) The suspension of an authority ceases to have effect on the expiry of the stated period, or 90 days after the suspension took effect, whichever occurs first.

216 Holder of authority must comply with conditions

A person to whom an authority has been issued under regulation 212 must comply with any conditions determined by the port manager that are specified in the authority.

Penalty: 5 penalty units.

217 Authority to be in possession of holder

A person to whom an authority has been issued by the port manager under regulation 212 must ensure that the authority is in his or her possession at all times while he or she is engaging in an activity authorised by the authority.

Penalty: 5 penalty units.

218 Person to produce authority for inspection on request

A person to whom an authority has been issued by the port manager under regulation 212 must, if requested to do so by the port manager, an officer of the port manager or a member of the police force, produce the authority for inspection.

Penalty: 5 penalty units.

Division 3—Identification of officers

219 Issue of identity cards

- (1) The port manager must issue an identity card to each officer of the port manager that identifies the person by name as an officer of the port manager.

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- (2) The identity card must contain—
- (a) a photograph of the person to whom it is issued; and
 - (b) the signature of the person.
- (3) When a person to whom an identity card has been issued by the port manager ceases to be employed by the port manager, the person must return the identity card to the port manager within 7 days.
- Penalty: 5 penalty units.
- (4) An officer of the port manager must produce his or her identity card for inspection—
- (a) before exercising a power under the Act, the **Marine Act 1988** or the regulations; and
 - (b) at any time during the exercise of a power under the Act, the **Marine Act 1988** or the regulations, if asked to do so.
- Penalty: 5 penalty units.
- (5) Subregulation (1) does not apply if the officer of the port manager is exercising a power—
- (a) by telephone, radio or other electronic communication device; or
 - (b) in writing, including by post.
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PART 3—MANAGEMENT OF LOCAL PORTS

Division 1—Vessel management

300 Offence to install mooring

- (1) A person must not install a mooring in a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who installs a mooring in a local port in accordance with an authority issued by the port manager under regulation 212.

301 Time limit on berthing or mooring in unrestricted berthing or mooring area

- (1) The master of a vessel that is berthed or moored in an unrestricted berthing or mooring area in a local port, must not allow that vessel to be berthed or moored in that area for a continuous period exceeding 48 hours.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a vessel who allows that vessel to be berthed or moored in an unrestricted berthing or mooring area in a local port for a period exceeding 48 hours in accordance with an authority issued by the port manager under regulation 212.

302 Vessel to be securely moored etc.

- (1) The master of a vessel that is moored, anchored or berthed in a local port must ensure that the vessel is securely moored, anchored or berthed in a manner which will prevent it from breaking adrift.

Penalty: 5 penalty units.

- (2) The master of a vessel who anchors the vessel in a local port must ensure that the anchor is placed in a position that does not endanger any other vessel.

Penalty: 5 penalty units.

- (3) The master of a vessel must ensure that every anchor or cable is ready to be used at all times while the vessel is moored, berthed or anchored in a local port.

Penalty: 5 penalty units.

- (4) The master of a vessel that exceeds—

(a) 24 metres in length; or

(b) 200 tonnes—

must ensure, if the anchor on the vessel is let go, that a watch buoy is attached to the anchor, and that the watch buoy is capable at all states of the tide of marking the position of the anchor.

Penalty: 5 penalty units.

- (5) The master of a vessel that exceeds—

(a) 24 metres in length; or

(b) 200 tonnes—

must ensure, if the vessel is moored with 2 anchors, that both anchors are kept clear.

Penalty: 5 penalty units.

303 Port manager or officer may give directions about anchoring

- (1) The port manager or an officer of the port manager may, at any time, direct the master of a vessel—

(a) to use one or more additional anchors to secure a vessel; or

(b) to remove a watch buoy attached to an anchor.

- (2) A master of a vessel must immediately comply with a direction given by the port manager or an officer under subregulation (1).

Penalty: 5 penalty units.

304 Vessels not to lie alongside in regulated berthing area or restricted berthing area

- (1) The master of vessel must not berth that vessel alongside another vessel that is berthed in a regulated berthing area or a restricted berthing area.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a vessel who berths that vessel alongside another vessel in a regulated berthing area or a restricted berthing area in accordance with an authority issued by the port manager under regulation 212.

305 Free access to and from berthed vessel

The master of a vessel that is berthed at a wharf within a local port must ensure that people and goods are permitted at all times to have free access across the deck of that vessel—

- (a) to and from any vessel berthed alongside that vessel; and
(b) to and from the wharf.

Penalty: 5 penalty units.

306 Berthing at private jetties in a local port

- (1) In this regulation *jetty* means a jetty or landing stage that is the subject of a licence under section 140A of the **Land Act 1958**.

- (2) The master of a vessel must not berth the vessel at a jetty in a local port contrary to any directions specified on a sign at that jetty in relation to berthing at that jetty.

Penalty: 5 penalty units.

- (3) Subregulation (2) does not apply to a master who berths a vessel at a jetty solely for the purposes of enabling a person to board, or to disembark from, the vessel.
- (4) Despite subregulation (2), the master of a vessel need not comply with a direction specified on a sign if that direction is not authorised by, or is contrary to, the licence.

307 Deck openings on trading vessels and fishing vessels to be closed

- (1) The master of a trading vessel or fishing vessel berthed in a local port must ensure that every deck opening on the vessel is closed between sunset and sunrise.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a trading vessel or a fishing vessel who allows any deck opening on the vessel to remain open between sunset and sunrise if—
- (a) the vessel is in the process of being loaded or unloaded; or
 - (b) the master is acting in accordance with an authority issued by the port manager under regulation 212 authorising that action.

308 Gangways

- (1) The master of a trading vessel that is berthed at a wharf in a local port or lying alongside another vessel berthed in a local port must ensure—

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- (a) that at least one good and sufficient gangway is fixed in place from the vessel to the wharf or to the other vessel; and
 - (b) that the gangway is effectively lit at night for the use of people boarding, or disembarking from, the vessel.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a trading vessel that is berthed or lying alongside another vessel in a local port if—
 - (a) it is not practical to affix a gangway between the vessel and the wharf, or the vessel and the vessel alongside; and
 - (b) another means of safe access to the vessel is provided.

309 Use of propellers

- (1) The master of a vessel must not cause or permit any propeller on that vessel to be worked while the vessel is berthed at a wharf in a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a vessel who causes or permits a propeller on that vessel to be worked—
 - (a) for the purposes of approaching or departing from the berth; or
 - (b) in accordance with an authority issued by the port manager under regulation 212.

310 Repairs, maintenance etc to vessels

- (1) The master or owner of a vessel must not allow any repair, maintenance, installation, modification or construction work to be carried out on the vessel or to any equipment or fixtures on the

vessel while the vessel is berthed, anchored or moored within a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master or owner of a vessel that is berthed, anchored or moored in a local port who—
- (a) allows maintenance to be carried out on the vessel in a manner which does not cause the discharge or deposit of materials or waste on to any land or into any waters in the local port; or
 - (b) allows repair, maintenance, installation, modification or construction work to be carried out on the vessel or to any equipment or fixtures on the vessel in accordance with an authority issued by the port manager under regulation 212.

311 Offence to leave vessel unattended by person authorised to act as master

The master and owner of a vessel must ensure, at all times while the vessel is—

- (a) berthed in a regulated berthing area or a restricted berthing area; or
- (b) berthed in an area set aside under regulation 200 where the loading or unloading of vessels or classes of vessels is permitted—

that there is a person on board the vessel, or in the immediate vicinity, who is authorised under the Act to operate the vessel.

Penalty: 5 penalty units.

312 Identification of vessel

- (1) In this regulation *unregistered vessel* means a vessel that is not required under the **Marine Act 1988** to display an identification number.

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- (2) A person who leaves an unregistered vessel anchored, moored or berthed in a local port must ensure that the name and telephone number of the owner of the vessel is displayed on the vessel above the waterline in a place and manner where it can be easily seen by a person in a vessel alongside that vessel.

Penalty: 2 penalty units.

313 Firearms on vessels

- (1) The master of a vessel must ensure that all ammunition is removed from any firearm on board the vessel before the vessel enters a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply in relation to—
- (a) a firearm of a person who is engaged in hunting in accordance with the **Wildlife Act 1975**; or
 - (b) a firearm whose discharge, or possible discharge, in the local port is otherwise authorised by law.

- (3) The master of a vessel within a local port must ensure that a firearm is not discharged by any person on board the vessel.

Penalty: 5 penalty units.

- (4) Subregulation (3) does not apply to a master of a vessel in relation to a person—
- (a) who is engaged in hunting in accordance with the **Wildlife Act 1975**; or
 - (b) who is otherwise authorised by law to discharge the firearm while on board the vessel.

314 Explosives, fireworks

- (1) The master or owner of a vessel within a local port must ensure that fireworks or other explosives are not discharged by any person on board the vessel.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master or owner of a vessel in relation to a person who discharges the fireworks or other explosives on board the vessel—
- (a) in accordance with an authority issued by the port manager under regulation 212; or
 - (b) as otherwise authorised by law.

315 Use of whistles, sirens or bells on vessel

- (1) The master of a vessel that is not under way in a local port must ensure that a whistle, siren or bell is not sounded from the vessel.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master of a vessel who sounds a whistle, siren or bell—
- (a) for the purposes of testing immediately before the vessel is under way; or
 - (b) for purposes directed or authorised by the Director, Transport Safety; or
 - (c) in an emergency; or
 - (d) in accordance with an authority issued by the port manager under regulation 212.

Reg. 315(2)(b)
amended by
S.R. No.
70/2012 reg. 9.

316 Reporting of accident involving vessel

- (1) This regulation applies if one or more of the following incidents occurs in a local port—
 - (a) an incident that causes damage to any vessel, wharf or other property;
 - (b) an incident that causes the pollution or obstruction of a waterway;
 - (c) a vessel grounds or sinks.
- (2) After complying with any requirements imposed on him or her under section 20 of the **Marine Act 1988**, the relevant person must, if able to do so, immediately report full details of the incident to the port manager.

Penalty: 5 penalty units.

- (3) For the purposes of subregulation (2), the relevant person is—
 - (a) if the incident involves a vessel, the person in charge of the vessel at the time the incident occurred; or
 - (b) in any other case, the person responsible for the incident.

Division 2—Cargo and wharf management

317 Details of cargo to be provided to port manager

- (1) The master or agent of a trading vessel from which cargo is to be unloaded or transferred to another vessel in a local port must, within 24 hours after the time that the vessel arrives in the local port and before it leaves the local port, deliver to the port manager a manifest which—
 - (a) details the type and quantity of cargo to be unloaded or transferred to another vessel in the local port; and

(b) has been signed by the master, owner or agent.

Penalty: 5 penalty units.

(2) If cargo is not intended to be unloaded or transferred from a trading vessel within a local port, the master or agent of that trading vessel must notify the port manager of that fact within 24 hours after the arrival of that vessel in the local port.

Penalty: 5 penalty units.

(3) If cargo is not intended to be unloaded or transferred from a trading vessel within a local port and there are any dangerous goods on board the vessel, the master or owner of that trading vessel must notify the port manager of that fact within 24 hours before the arrival of that vessel in the local port and provide details of the type and quantity of such goods.

Penalty: 5 penalty units.

318 Cargo not to be unloaded until port manager notified

The master or agent of a trading vessel must ensure that cargo is not—

- (a) unloaded from the vessel on to a wharf; or
- (b) transferred from the vessel on to another vessel—

within a local port until the manifest required by regulation 317(1) has been delivered to the port manager in accordance with that regulation.

Penalty: 5 penalty units.

319 Cargo intended for other ports

- (1) The master or agent of a trading vessel must not unload cargo from the vessel if that cargo is intended to be unloaded at another port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a master or agent of a vessel who unloads cargo from the vessel if the cargo is intended to be unloaded at another port in accordance with an authority issued by the port manager under regulation 212.

320 Unloading and loading of cargo

- (1) The master or agent of a trading vessel must ensure that cargo is not unloaded from, or loaded on to the vessel, within a local port unless it is unloaded or loaded—

- (a) in an area set aside under regulation 200 where the loading or unloading of cargo from a trading vessel is permitted; and
- (b) in accordance with an authority issued by the port manager under regulation 212 allowing the loading on to, or unloading from, the vessel of that cargo.

Penalty: 5 penalty units.

- (2) The master or agent of a trading vessel who unloads cargo from the vessel within a local port must ensure that the cargo is not left, placed or allowed to remain in or on any wharf, land, road, building, amenity or other structure within the local port for more than 3 days after—

- (a) the vessel has departed from the local port;
or

(b) the unloading of the cargo has been completed—

whichever is earlier.

Penalty: 5 penalty units.

(3) Subregulation (2) does not apply to the master of a trading vessel who leaves, places or allows to remain any cargo in an area within the local port in accordance with an authority issued by the port manager under regulation 212.

321 Details of inward cargo to be provided to port manager

The master or agent of a trading vessel on to which cargo is to be loaded in a local port must, at least 24 hours before the time that the cargo is delivered into the local port, deliver to the port manager a manifest which—

- (a) details the type and quantity of cargo to be loaded on to the vessel in the local port; and
- (b) has been signed by the master, owner or agent.

Penalty: 5 penalty units.

322 Cargo not to be loaded until port manager notified

The master or agent of a trading vessel must ensure that cargo delivered to a local port is not loaded on to the vessel until the manifest required by regulation 321 has been delivered to the port manager in accordance with that regulation.

Penalty: 5 penalty units.

323 Recovery of fallen cargo

(1) If cargo is dropped, or falls, while being loaded on to, or unloaded from, a vessel within a local port, the master of the vessel must immediately notify

the port manager and provide details, in writing, of—

- (a) the cargo that dropped or fell; and
- (b) the approximate quantity of cargo that dropped or fell; and
- (c) the approximate location where the cargo was dropped or fell.

Penalty: 5 penalty units.

- (2) The port manager or an officer of the port manager may direct the master of a vessel, from which cargo has been dropped or fallen in the local port, to recover that cargo.
- (3) A direction of the port manager or an officer of the port manager under subregulation (2)—
 - (a) must be in writing; and
 - (b) must include a description and approximate quantity of the cargo to be recovered; and
 - (c) must specify the approximate location from which the cargo is to be recovered; and
 - (d) must specify the manner in which the cargo is to be recovered; and
 - (e) must specify the time within which the cargo must be recovered.
- (4) A master of a vessel must comply with a direction given under subregulation (2) within the time specified by the port manager or officer.

Penalty: 5 penalty units.

324 Direction to remove vessel, goods or other things

- (1) If, for reasons of good management of the local port and its facilities, the port manager or an officer of the port manager reasonably believes that a vessel in a local port is—

- (a) abandoned; or
- (b) causing an obstruction; or
- (c) likely to cause danger to the safety of any person; or
- (d) unseaworthy; or
- (e) likely to be a hazard or impediment to the safe and efficient operation of the port—

the port manager or officer may direct the owner or master of the vessel to remove that vessel from the port, or to move that vessel to elsewhere within the port, within the time specified by the port manager or officer.

- (2) Despite subregulation (1), the port manager or officer may only direct that an unseaworthy vessel that is on water be moved by towing.
- (3) If, for reasons of good management of the local port and its facilities, the port manager or officer of the port manager reasonably believes that any goods or other thing on a wharf within a local port are or is—
 - (a) abandoned; or
 - (b) causing an obstruction; or
 - (c) likely to cause danger to the safety of any person; or
 - (d) likely to be a hazard or impediment to the safe and efficient operation of the port—

the port manager or officer may direct the owner, or person who is responsible for the goods or thing, to remove the goods or thing from the port, or to move the goods or thing to elsewhere in the port, within the time specified by the port manager or officer.

- (4) A person must comply with a direction under subregulation (1) or (3) within the time specified by the port manager or officer.

Penalty: 5 penalty units.

325 Removal of abandoned vessel, goods or things

- (1) This regulation applies if—
- (a) a person who is given a direction under regulation 324(1) or (3) has not removed, or moved, any specified vessel, goods or thing within the time specified in that direction; or
 - (b) the owner or person responsible for a vessel, goods or a thing in respect of which a direction may otherwise be given under regulation 324(1) or (3) cannot be found after all reasonable efforts have been made to locate him, her or it.
- (2) The port manager or officer of the port manager may—
- (a) move the vessel, goods or thing to a place within the local port for storage; or
 - (b) dispose of the vessel, goods or thing if the port manager or officer reasonably believes that the vessel, goods or thing has or have no commercial or re-sale value.

326 Cleaning of wharf and slipway

- (1) The owner or master of a vessel that occupies a wharf or any part of a wharf must, as soon as is practicable, ensure that all portable appliances and materials used in loading or unloading the vessel are—
- (a) removed from the wharf or part of the wharf; and

(b) if appropriate, lawfully disposed of.

Penalty: 5 penalty units.

- (2) The owner or master of a vessel that occupies a wharf or slipway, or any part of a wharf or slipway must, as soon as is practicable, ensure that all portable appliances used in cleaning the vessel are removed from the wharf or slipway or part of the wharf or slipway.

Penalty: 5 penalty units.

PART 4—VEHICLE MANAGEMENT IN LOCAL PORTS

400 Vehicles

A person in charge of a vehicle must not enter, or leave the vehicle standing in, a local port except in one or other of the following circumstances—

- (a) if the vehicle enters, or is left standing in, an area set aside under regulation 200 as an area where vehicles generally, or vehicles of that class, are permitted; or
- (b) if the person is operating the vehicle in accordance with an authority issued by the port manager under regulation 212 which authorises the vehicle to enter, or be left standing in, the local port.

Penalty: 5 penalty units.

PART 5—MISCELLANEOUS

Division 1—Works

500 Works not to be undertaken

- (1) Subject to subregulation (2), a person must not, in a local port—
- (a) cause or permit any wharf, building or other structure to be erected; or
 - (b) cause or permit any alteration to an existing wharf, building or other structure; or
 - (c) cause or permit any works of any kind to be undertaken.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who undertakes an activity specified in subregulation (1)—
- (a) who is acting on behalf of the port manager to undertake works or improvements in accordance with Part 2A of the Act; or
 - (b) in accordance with an authority issued by the port manager under regulation 212.

Division 2—Recreational activities

501 Camping

- (1) A person must not camp or set up an encampment in a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who camps, or sets up an encampment in a local port in accordance with an authority issued by the port manager under regulation 212.

502 Swimming, diving, snorkelling

- (1) A person must not, in a local port, jump or dive from any wharf, or structure on a wharf, in contravention of a sign indicating that those activities are prohibited.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who, in a local port, jumps or dives from a wharf, or structure on a wharf, in accordance with an authority issued by the port manager under regulation 212.

- (3) A person must not, in a local port, swim, bathe or snorkel under or within 20 metres from—

- (a) a wharf; or
- (b) a moored vessel—

in contravention of a sign indicating that those activities are prohibited.

Penalty: 5 penalty units.

- (4) Subregulation (3) does not apply to a person who, in a local port, swims, bathes or snorkels under or within 20 metres from—

- (a) a wharf; or
- (b) a moored vessel—

in accordance with an authority issued by the port manager under regulation 212.

503 Cleaning of fish

- (1) A person must not, on a structure in a local port, clean fish.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who cleans fish in an area set aside under regulation 200 as an area where the cleaning of fish is permitted.

504 Repair of fishing equipment

- (1) A person must not, in a local port, stretch or repair fishing nets or other fishing equipment.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who stretches or repairs fishing nets or fishing equipment in an area set aside under regulation 200 as an area where those activities are permitted.

505 Fishing lines to be retrieved when vessel approaching wharf

A person who is in possession of, or in charge of, fishing lines on a wharf in a local port must ensure that all of those lines are retrieved from the water when a vessel approaches that wharf.

Penalty: 5 penalty units.

506 Placement of course markers

- (1) A person must not place any course marker in waters in a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who places course markers in waters in a local port in accordance with an authority issued by the port manager under regulation 212.

Division 3—Commercial activities

507 Commercial activities

- (1) A person must not, in a local port—
- (a) sell, display or offer articles for sale; or
 - (b) take photographs or make a film, video or audio recording, or a television or radio broadcast, for commercial gain or sale; or
 - (c) advertise any thing for sale, trade or hire; or
 - (d) solicit or collect money or orders for goods or services; or
 - (e) take part in, or advertise, any public entertainment for gain or reward.

Penalty: 5 penalty units

- (2) Subregulation (1) does not apply to a person who participates in an activity specified in subregulation (1) if the person is acting in accordance with an authority issued by the port manager under regulation 212 which authorises that activity.

Division 4—Animals in local port

508 Animals

- (1) A person must not bring any animal into, or allow an animal to remain in, a local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) a person who brings an animal into, or allows an animal to remain on board a vessel in, a local port; or

- (b) a person who brings a dog or cat into, or allows a dog or cat to remain in, a local port if that dog or cat is restrained on a leash from causing disturbance to other people or animals or damage to vegetation, amenities, facilities or natural features; or
- (c) a master, owner or agent of a trading vessel who brings stock into, or allows stock to remain in, the local port if the stock are on board the vessel; or
- (d) a person who brings stock into, or allows stock to remain in, the local port if the stock are to be loaded on to a trading vessel for transport to a place outside the local port; or
- (e) a person who brings an animal into, or allows an animal to remain in, a local port in accordance with an authority issued by the port manager under regulation 212.

509 Disturbance of wildlife

- (1) A person must not, in a local port—
 - (a) harm or disturb wildlife; or
 - (b) disturb or interfere with any nest, lair or habitat of any wildlife.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who disturbs or interferes with the nest, lair or habitat of any wildlife—
 - (a) in the course of carrying out works authorised by, or on behalf of, the port manager; or
 - (b) in accordance with an authority issued by the port manager under regulation 212 authorising that disturbance or interference.

Division 5—General

510 Offence to cut, break or interfere with vessel moorings

- (1) A person must not, in a local port—
- (a) cut, break or destroy any vessel mooring; or
 - (b) interfere with, cast off, or remove any vessel from a wharf or mooring.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) a master of a vessel who—
 - (i) cuts, breaks or destroys the mooring of a vessel of which he or she is in charge; or
 - (ii) interferes with, casts off, or removes a vessel of which he or she is in charge, from a wharf or mooring; or
 - (b) an owner of a vessel who—
 - (i) cuts, breaks or destroys the mooring of that vessel; or
 - (ii) interferes with, casts off, or removes that vessel from a wharf or mooring; or
 - (c) a person who cuts, breaks, destroys the mooring of a vessel or interferes with, casts off or removes a vessel from a wharf or mooring in an emergency.

511 Offence to trespass on vessel

- (1) A person must not, in a local port, climb on or over, or otherwise enter on to, any vessel owned by another person.

Penalty: 5 penalty units.

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- (2) Subregulation (1) does not apply to a person who climbs on or over, or otherwise enters on to, a vessel owned by another person—
- (a) with the permission of the owner of the vessel; or
 - (b) with the permission of a person authorised by, or acting on behalf of, the owner; or
 - (c) for the purposes of gaining access—
 - (i) to a vessel berthed alongside that vessel; or
 - (ii) to a wharf—
- in accordance with regulation 304.

512 Explosives, fireworks

- (1) A person must not discharge or use any fireworks or other explosives within a local port.
Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who discharges or uses any fireworks or other explosives in a local port—
- (a) in accordance with an authority issued by the port manager under regulation 212; or
 - (b) as otherwise authorised by law.

513 Offence to operate fixed fuelling installation

- (1) A person must not operate a fixed fuelling installation in a local port.
Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who operates a fixed fuelling installation in a local port in accordance with an authority issued by the port manager under regulation 212.

514 Offence to leave oily waste

- (1) A person must not, in a local port, leave or dispose of any oily waste.
Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who leaves or disposes of oily waste in a local port—
- (a) in an area set aside under regulation 200 where the leaving or disposal of oily waste is permitted; or
 - (b) in accordance with an authority issued by the port manager under regulation 212.

515 Offence to leave fishing equipment

- (1) A person must not, on a structure in a local port, leave or store any fishing or other equipment.
Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who leaves or stores fishing equipment in an area set aside under regulation 200 for the storage of fishing equipment.

516 Offence to remove lifesaving equipment

- (1) A person must not remove any lifesaving aid or equipment from a structure or facility in a local port.
Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who removes lifesaving equipment from a structure or facility in a local port—
- (a) in accordance with an authority issued by the port manager under regulation 212; or
 - (b) in an emergency.

517 Offence to deface, damage, interfere with, or remove, lights, signs, structures etc.

- (1) A person must not, in a local port, damage, deface or interfere with any light, cable, wire, building, facility, amenity, fence, sign, handrail or other structure, erected or provided by the port manager.

Penalty: 5 penalty units.

- (2) A person must not, in a local port, remove any light, cable, wire, gate, sign, handrail or other structure, erected or provided by the port manager.

Penalty: 5 penalty units

- (3) A person must not, in a local port, extinguish any light provided by the port manager for navigation or safety purposes.

Penalty: 5 penalty units.

- (4) Subregulations (1), (2) and (3) do not apply to a person who undertakes an activity specified in those subregulations in accordance with an authority issued by the port manager under regulation 212.

518 Obstruction to, or interference with, roads, gates, access areas etc.

- (1) A person must not, in a local port, damage, obstruct or interfere with any road, footpath, footway, access area, unloading area or gate.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who damages, obstructs or interferes with a road, footpath, footway, access area, unloading area or gate in a local port, in accordance with an authority issued by the port manager under regulation 212.

519 Certain gates to be kept closed

A person who enters through a gate, in a local port, which bears a sign issued under the authority of the port manager stating that the gate is to be kept closed at all times must ensure that he or she closes that gate without delay after using it.

Penalty: 5 penalty units.

520 Hindrance or danger to navigation

A person must not, in a local port, leave or deposit on, or attach to, a wharf, navigation aid or other structure, any light or any other thing which may cause a hindrance or danger to navigation.

Penalty: 5 penalty units.

521 Reporting of accident or incident not involving vessel

In addition to the reporting requirements under any other Act, if, in a local port, an accident or incident occurs, not involving a vessel—

- (a) which results in damage to any structure or property; or
- (b) which results in loss of life or injury to a person—

the person who caused the accident or incident must, if able to do so, report full details of the accident or incident to the port manager or officer of the port manager as soon as practicable.

Penalty: 5 penalty units.

522 Fires not permitted

- (1) A person must not light, kindle, use or maintain a fire in a local port.

Penalty: 5 penalty units.

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- (2) Subregulation (1) does not apply to a person who—
- (a) for the purposes of cooking or personal comfort, lights, uses or maintains a fire on board a vessel in a local port in an appliance designed for the purpose; or
 - (b) operates a fire-generated steam powered vessel within a local port; or
 - (c) lights, kindles, uses or maintains a fire in a local port in accordance with an authority issued by the port manager under regulation 212;
 - (d) lights, kindles, uses or maintains a fire on board a vessel in a local port if authorised under any other law to do so.

523 Use of certain equipment and combustible material

- (1) A person must not, in a local port, boil or heat any pitch, tar, resin, turpentine, spirits, oil or other combustible material.

Penalty: 5 penalty units.

- (2) A person must not, in a local port, use any oxy-acetylene or electrical cutting or welding apparatus or any other apparatus or tool which may cause a naked flame or naked flash.

Penalty: 5 penalty units.

- (3) A person must not, in a local port, cause any vessel to be fumigated or smoked.

Penalty: 5 penalty units.

- (4) Subregulations (1), (2) and (3) do not apply to a person who undertakes an activity specified in those subregulations in accordance with an authority issued by the port manager under regulation 212 which authorises that activity.

524 Use of grappling etc.

- (1) A person must not, in a local port, use drags or grapplings for the purpose of lifting articles from the bed of the local port, or disturb the bed of the local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who uses drags or grapplings for the purpose of lifting articles from the bed of the local port, or disturbs the bed of the local port in accordance with an authority issued by the port manager under regulation 212 which authorises that activity.

525 Removal of sand, stone etc.

- (1) A person must not, in a local port, remove any stone, sand, shell, marl, seaweed or other material from the local port.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who removes stone, sand, shell, marl, seaweed or other material from the local port in accordance with an authority issued by the port manager under regulation 212 which authorises that removal.

Division 6—Powers of port manager, officers of port manager and police

526 Officer of port manager may prohibit entry to certain areas in local port

- (1) This regulation applies if an officer of the port manager reasonably believes that for reasons of—
- (a) public safety in the local port; or
 - (b) the protection of facilities in the local port;
- or

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- (c) the orderly management of the local port—
it is necessary to prohibit people, vessels or vehicles generally, or specified classes of people, vessels or vehicles, from entering or remaining in an area within the port, or to prohibit certain activities within such an area.
- (2) The officer may cause a sign or notice to be erected or displayed at or near the area that states—
- (a) that entry to the area is prohibited either to all people, vessels or vehicles generally or to specified classes of people, vessels or vehicles; or
- (b) that all people, vessels or vehicles, or specified classes of people, vessels or vehicles, are prohibited from remaining in the area; or
- (c) that specified activities are prohibited in the area.
- (3) The sign or notice—
- (a) must be erected or displayed at or near each point of entry to the area; and
- (b) must state the reason for the prohibition; and
- (c) if the prohibition is only to apply during certain times or periods, must state the times or periods during which it applies.
- (4) The officer must ensure that the sign or notice is removed within 28 days after it is first erected or displayed.
- (5) A sign or notice erected or displayed under this regulation ceases to have effect after the expiry of the 28th day after it was first erected or displayed.

- (6) A sign or notice erected or displayed under this regulation has no effect if it provides for substantially the same prohibition as another sign or notice erected or displayed under this regulation within the preceding 10 months.

527 Offence to enter or remain in area in contravention of signs

- (1) A person must not enter, or remain in, an area within a local port to which entry is prohibited under regulation 526, in contravention of a sign or notice in or near that area giving details of that prohibition.

Penalty: 5 penalty units.

- (2) A person who is a member of a class of people which is prohibited under regulation 526 from entering into, or remaining in an area within a local port, must not enter, or remain in, that area in contravention of a sign or notice in or near that area giving details of that prohibition.

Penalty: 5 penalty units

528 Offence to use area for prohibited activity

- (1) A person must not use an area within a local port for an activity which is prohibited in that area under regulation 526, in contravention of a sign or notice in or near that area giving details of that prohibition.

Penalty: 5 penalty units.

- (2) A person who is a member of a class of people which is prohibited under regulation 526 from using an area within a local port for a specified activity, must not use that area for that activity, in contravention of a sign or notice in or near that area giving details of that prohibition.

Penalty: 5 penalty units

529 Port manager, officer or police may give directions to person causing interference etc.

- (1) This regulation applies if the port manager, an officer of the port manager or a member of the police force reasonably believes that a person in a local port is engaged in an activity which—
 - (a) may put the safety of that person or other people at risk; or
 - (b) may cause danger or unreasonable disturbance to, other people or vessels in the local port; or
 - (c) may interfere with the orderly management of the local port.
- (2) The port manager, officer or member may direct the person—
 - (a) to cease engaging in that activity; or
 - (b) to leave a specified area in a local port; or
 - (c) to leave the local port.
- (3) The person must immediately comply with the direction.

Penalty: 5 penalty units.

530 Port manager, officer or police may give directions for safety or management reasons

- (1) This regulation applies if the port manager, an officer of the port manager or a member of the police force reasonably believes that, for reasons of—
 - (a) the orderly management of the local port; or
 - (b) public safety; or
 - (c) the protection of port facilities—

it is necessary to remove a person or people from the local port or an area of the local port.

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- (2) The port manager, officer of the port manager or member of the police force may direct a person—
 - (a) to leave a specified area in the local port; or
 - (b) to leave the local port.
 - (3) The person must immediately comply with the direction.

Penalty: 5 penalty units.

531 Port manager, officer or police may direct vessel to be moved

- (1) This regulation applies if the port manager, an officer of the port manager or a member of the police force—
 - (a) reasonably believes that a master or owner of a vessel in a local port is contravening a provision of Part 2 or 3 while in charge of that vessel; or
 - (b) reasonably—
 - (i) believes that a master or owner of a vessel in a local port has just contravened a provision of Part 2 or 3 while in charge of that vessel; and
 - (ii) considers it necessary for reasons of safety, for the protection of port facilities or for the orderly management of the local port that the vessel be moved from its existing location.
- (2) The port manager, officer or member may direct the master or owner (as the case may be)—
 - (a) to move the vessel to another place within the local port; or
 - (b) to remove the vessel from the local port.

- (3) The master or owner (as the case may be) must immediately comply with the direction.

Penalty: 5 penalty units.

532 Port manager, officer or police may direct vehicle to be moved

- (1) This regulation applies if the port manager, an officer of the port manager or a member of the police force—
- (a) reasonably believes that a person in charge of a vehicle in a local port is contravening Part 4 while in charge of that vehicle; or
 - (b) reasonably—
 - (i) believes that a person in charge of a vehicle in a local port has just contravened a provision of Part 4 while in charge of that vehicle; and
 - (ii) considers it necessary for reasons of safety, for the protection of port facilities or for the orderly management of the local port that the vehicle be moved from its existing location.
- (2) The port manager, officer or member may direct the person in charge of the vehicle—
- (a) to move the vehicle to another place within the local port; or
 - (b) to remove the vehicle from the local port.
- (3) The person in charge of the vehicle must immediately comply with the direction.

Penalty: 5 penalty units.

533 Port manager, officer or police may direct person to leave

- (1) If the port manager, an officer of the port manager or a member of the police force reasonably believes that a person in a local port is contravening Part 2 or 5, the port manager, officer or member may direct that person to leave the local port.
- (2) If the port manager, officer or a member of the police force—
 - (a) reasonably believes that a person has just contravened a provision of Part 2 or 5; and
 - (b) reasonably considers it necessary for reasons of safety, for the protection of port facilities or for the orderly management of the local port—the port manager, officer or member may direct the person to leave the local port.
- (3) A person must immediately comply with the direction.

Penalty: 5 penalty units.

ENDNOTES

1. General Information

The Port Services (Local Ports) Regulations 2004, S.R. No. 81/2004 were made on 29 June 2004 by the Governor in Council under section 98 of the **Port Services Act 1995**, No. 82/1995 and came into operation on 1 July 2004: regulation 102.

The Port Management (Local Ports) Regulations 2004 will sunset on 28 June 2015: see the Subordinate Legislation (Port Management (Local Ports) Regulations 2004) Extension Regulations 2014, S.R. No. 61/2014.

The title of these Regulations was changed from the Port Services (Local Ports) Regulations 2004 to the Port Management (Local Ports) Regulations 2004 by regulation 4 of the Port Services (Local Ports) Amendment Regulations 2012, S.R. No. 70/2012.

2. Table of Amendments

This Version incorporates amendments made to the Port Management (Local Ports) Regulations 2004 by statutory rules, subordinate instruments and Acts.

Port Services (Local Ports) Amendment Regulations 2012, S.R. No. 70/2012

Date of Making: 28.6.12

Date of Commencement: 1.7.12: reg. 3

3. Explanatory Details

1. On 25 February 2004 the Marine Designated Ports Regulations 2004 (S.R. No. 16/2004) (providing for the management of designated ports within the meaning of the **Marine Act 1988**) were made, as authorised by Part 10 of that Act.

On 1 July 2004 Part 10 of the **Marine Act 1988** is to be repealed by the operation of the **Port Services (Port Management Reform) Act 2003** and provisions similar to Part 10 are to be inserted in the **Port Services Act 1995**. These provisions provide for designated ports to be described as local ports and for the administration and management of these local ports to take place through the **Port Services Act 1995**.

Because of these amendments to the **Marine Act 1988** and the **Port Services Act 1995**, on 1 July 2004 the Marine (Designated Ports) Regulations 2004 are to be revoked and these regulations are to come into operation to take their place.

The **Marine (Amendment) Act 2004** exempts these regulations from the requirements of Part 2 of the **Subordinate Legislation Act 1994**, if the Minister has certified that these regulations are the same in substance as the Marine (Designated Ports) Regulations 2004 and if they are made before 1 December 2004.

2. Under the **Marine Act 1988**, the ports listed in Column 2 of the following table had been declared as designated ports, with the person or body shown in Column 3 of the table opposite each designated port being the local authority appointed under that Act in respect of that designated port.

On 1 July 2004, section 183 of the **Port Services Act 1995** (as inserted by section 25 of the **Port Services (Port Management Reform) Act 2003**) is to come into operation, with effect that a designated port under the **Marine Act 1988** is deemed to be a local port within the meaning of the **Port Services Act 1995**, with the local authority appointed in respect of that port being deemed to be the port manager within the meaning of the **Port Services Act 1995**.

Therefore, on and from 1 July 2004, these regulations have effect with the ports listed in Column 2 of the following table being deemed to be local ports, and with the person or body shown in Column 3 of the table opposite each local port being the port manager for that port.

Port Management (Local Ports) Regulations 2004
S.R. No. 81/2004

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Name of local port</i>	<i>Column 3</i> <i>Port manager</i>
1	Port of Port Fairy	<i>Moyne Shire Council</i>
2	Port of Warrnambool	<i>Warrnambool City Council</i>
3	Port of Port Campbell	<i>Corangamite Shire Council</i>
4	Port of Apollo Bay	<i>Colac Otway Shire Council</i>
5	Port of Lorne	<i>Lorne Foreshore Committee of Management</i>
6	Port of Barwon Heads	<i>Barwon Coast Committee of Management Inc.</i>
7	Port of Port Phillip	Parks Victoria
8	Port of Western Port	Parks Victoria
9	Port of Anderson Inlet	<i>Gippsland Ports Committee of Management Inc.</i>
10	Port of Corner Inlet and Port Albert	<i>Gippsland Ports Committee of Management Inc.</i>
11	Port of Gippsland Lakes	<i>Gippsland Ports Committee of Management Inc.</i>
12	Port of Snowy River	<i>Gippsland Ports Committee of Management Inc.</i>
13	Port of Mallacoota	<i>Gippsland Ports Committee of Management Inc.</i>
