



# **PORT OF THURSDAY ISLAND**

## **PORT CHARGES**

### **AND**

## **PORT RULES**

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# INTRODUCTION

## DEFINITIONS

"Act" means the Transport Infrastructure Act 1994 (Qld) and "Regulation" means the Transport Infrastructure (Ports) Regulation Act 1994 (Qld).

"Corporation", "Ports Corporation" and "FNQPC" all mean the Far North Queensland Ports Corporation Limited, a body corporate constituted under the Government Owned Corporations (Ports) Regulation 1994 being the duly appointed port authority for the Port under the Transport Infrastructure (Ports) Regulation 1994.

"Authorised Officer" means a person so appointed for the Port under Section 5 of the Regulation.

"Wharf" means any individual wharf, jetty, pontoon, barge ramp or other facility within the Port Area which may be used by ships for the loading or discharge of cargo, goods or passengers.

"Port" means the Port of Thursday Island as defined under the Regulation.

"Port Area" means the area of strategic port land, port facilities owned or controlled by the Corporation and the Port.

"Port Facilities" means port facilities owned or controlled by the Corporation within the Port.

These Port Rules are a port notice within the meaning of the Regulation.

## INTERPRETATIONS

Unless the contrary intention is indicated by these 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 Regulation.

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

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

This document sets out some duties, responsibilities and authorities under the Transport Infrastructure Act. 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 Regulation to an authorised officer may be in addition to or may override any of the Rules in Parts B-E and H of these Rules.

# PART A - CHARGING

	Charging Rules	Penalty
1	Charges as prescribed in Schedule 1 are payable to the Corporation for use of the port.	
2	<p>All charges are payable within 30 days of the date of invoice.</p> <p>Where a person fails to pay the Corporation any charges as prescribed in Schedule 1 within 30 days of the date of issue of the invoice, the Corporation may charge interest on those moneys (or on any part which remains outstanding) from the due date to the date payment is actually received by the Corporation. The interest rate is that rate which is 2% above the Commonwealth Bank of Australia Corporate Overdraft Reference Rate. Interest will be calculated on monthly basis and will compound monthly.</p> <p>The Corporation may in its discretion waive the payment of interest.</p>	50 Penalty Units
3	<p>The master or agent of every ship berthing within the Port must lodge with the Corporation a copy of the manifest of cargo discharged at, or transshipped or intended to be shipped or carried from or within any part of the Port.</p> <p>Such copy of the manifest of cargo must specify:</p> <ol 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> </ol>	50 Penalty Units
4	<p>The Master or Agent must lodge the manifest:</p> <ol style="list-style-type: none"> <li>a) when discharging cargo, within 24 hours of the ship berthing; and</li> <li>b) when loading cargo, within 24 hours of the ship departing.</li> </ol> <p>Transshipment is to be regarded as a discharge of cargo followed by a loading of cargo.</p>	50 Penalty Units
5	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.	50 Penalty Units
6	If more than one tonnage measurement for a ship is available the greatest gross tonnage figure available shall be used for calculating port charges.	

7	<p>Where it is intended that cargo or goods will be transshipped the inward manifest with respect to that cargo or goods must be marked accordingly. Reshipment or transshipment of the cargo or goods must take place within seven (7) clear working days from the date of arrival of the inward ship, or if no ship sails for the port of transshipment within that time, then by the next available ship sailing for that port, otherwise full import and export dues must be paid.</p> <p>Cargo and goods for transshipment are charged for at the prescribed rates on both the inward and outward journeys.</p>	
8	No ship may work cargo without an Authorised Officer being in attendance.	50 Penalty Points

## PART B - CONTROL OF ACTIVITIES IN PORT

	Charging Rules	Penalty
1	<p>Any person on the Port Area must comply with any notices, markings, fences and barriers which are used to:</p> <ul style="list-style-type: none"> <li>a) regulate or prohibit access by persons to the Port Area</li> <li>b) regulate or prohibit the use of strategic port lands or Port facilities.</li> </ul>	25 Penalty Units
2	No person shall 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	No public access is permitted to any wharf whilst cargo is being worked on the wharf.	50 Penalty Units
4	The maximum loading on any wharf owned or under the control of the Corporation is, unless otherwise stipulated, 500 kg per square metre.	50 Penalty Units
5	The maximum loading on any boat ramp within the port is 5 tonnes.	50 Penalty Units
6	<p>"Without permission of the Chief Executive Officer of the Corporation no person shall:-</p> <ul style="list-style-type: none"> <li>i. consume liquor on that part of the Port marked on the attached (including any wharf or other port facility within that area) at the Port of Thursday Island; or</li> <li>ii. enter upon any wharf or jetty or barge ramp (or other port facility) whilst in a state of intoxication or whilst under the influence of liquor.</li> </ul> <p>In this rule, liquor has the same meaning as that defined in the Liquor Act 1992."</p>	50 Penalty Units

## **PART C - MOVEMENT AND MOORING OF SHIPS**

	<b>Charging Rules</b>	<b>Penalty</b>
1	Any person in charge of a ship must comply with any notices which are used to indicate rules for the movement, mooring or control of ships within the Port Area.	100 Penalty Units
2	The person in charge of a ship using a wharf shall not moor or fasten the ship to any part of the wharf 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 wharf unless it is properly moored or fastened.	100 Penalty Units
3	Dinghies shall only be moored in designated dinghy mooring areas.	100 Penalty Units
4	No ship may occupy any wharf unless that ship is taking on or discharging cargo, goods or passengers or otherwise has the approval of the Corporation.	100 Penalty Units
5	No person shall carry out repairs to the engines of a ship or any other repairs of whatsoever nature to a ship whilst it is moored at the wharves without the prior approval of the Corporation.	100 Penalty Units
6	A person shall not permit a ship to be rafted to any other ship moored at any wharf without the prior approval of the Corporation.	100 Penalty Units

# PART D - MOVEMENT, HANDLING OR STORAGE OF GOODS

	Charging Rules	Penalty				
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 cargo and goods within the Port Area.	50 Penalty Units				
2	<p>Dangerous Goods means</p> <ol style="list-style-type: none"> <li>1. Goods that are so classified under the Australian Standard AS3846 – 1998 “The Handling and Transport of Dangerous Cargoes in Port Areas” or the <i>Dangerous Goods Safety Management Act 2001 (Qld)</i>; and</li> <li>2. Any other goods which may be declared by the Chief Executive Officer to be dangerous goods for the purposes of this rule. Any 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 this rule by accessing the Corporation’s Website <a href="http://www.portsfnq.com.au">www.portsfnq.com.au</a> or by telephoning or faxing the Corporation and requesting a list of goods which have been declared by the Chief Executive Officer as dangerous goods.</li> </ol> <p>Nothing in this Rule exempts or should be taken as exempting any person from compliance with all other laws relating to dangerous goods, in particular the <i>Transport Infrastructure Act 1994</i> and the <i>Transport Operations (Marine Safety) Act 1994</i>.</p> <p>Approvals:</p> <p>A person in charge of dangerous goods who proposes to store, handle, carry, use, transport or otherwise deal with any dangerous goods within the Port must notify in a form approved by the Chief Executive Officer or cause to be notified, the Corporation at least 2 working days prior to the date on which it is anticipated the dangerous goods will enter the Port.</p> <p>A person must not store, handle, carry, use, transport or otherwise deal with any dangerous goods within the Port including the Port Area and Port Facilities where the volume or weight of dangerous goods exceed the trigger levels stated in the table in this port rule, unless written authorisation has been provided by the Chief Executive Officer. Breach of this rule is an offence.</p> <p>The Chief Executive Officer may require any application by any person to bring dangerous goods within the Port above the trigger levels to be made on a prescribed form and to require certain prescribed information such as a risk assessment to accompany such application to allow consideration by the Corporation.</p> <p><b>Trigger Levels for Risk Assessment of New Dangerous Goods Cargo:</b></p> <table border="1" data-bbox="320 2018 1182 2089"> <thead> <tr> <th data-bbox="320 2018 730 2089">Dangerous Good (and</th> <th data-bbox="730 2018 1182 2089">Trigger Level</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Dangerous Good (and	Trigger Level			<p>50 Penalty Units</p> <p>100 Penalty Units</p>
Dangerous Good (and	Trigger Level					

	<table border="1" data-bbox="320 136 1182 797"> <tr> <td data-bbox="320 136 730 197"><b>class)</b></td> <td data-bbox="730 136 1182 197"></td> </tr> <tr> <td data-bbox="320 197 730 271">Explosives (class 1.1 – 1.6)</td> <td data-bbox="730 197 1182 271">25 kg</td> </tr> <tr> <td data-bbox="320 271 730 344">Ammonium Nitrate</td> <td data-bbox="730 271 1182 344">400 t</td> </tr> <tr> <td data-bbox="320 344 730 418">Organic Peroxides</td> <td data-bbox="730 344 1182 418">125 kg</td> </tr> <tr> <td data-bbox="320 418 730 797">All other dangerous goods</td> <td data-bbox="730 418 1182 797">An increase by weight or volume of the same dangerous goods of 10% or more in a year above the weight or volume of the same dangerous goods stored, handled, carried, used, transported or otherwise dealt with by a person in the financial year ending 30 June 2003.</td> </tr> </table> <p data-bbox="304 815 655 846">Note on Risk Assessment:</p> <p data-bbox="304 869 544 900">Risk Assessment:</p> <p data-bbox="304 922 1209 1263">In evaluating new projects which entail the handling of dangerous cargoes in FNQPC ports, a risk assessment of the proposed activity will be required (as per Section 2.2 of AS3846 – 1998) to be undertaken by the proponent where the proposed quantities exceed those outlined in the Table above. The risk assessment is to be undertaken at the proponent’s cost and is required to be submitted to FNQPC as part of the approval process. FNQPC must approve the scope of the risk assessment with the project proponent before its commencement.</p> <p data-bbox="304 1285 1209 1388">All risk assessments are to be undertaken in accordance with AS4360-1999 “Risk Management” and section 18 of the Dangerous Goods Safety Management Regulation 2001.</p>	<b>class)</b>		Explosives (class 1.1 – 1.6)	25 kg	Ammonium Nitrate	400 t	Organic Peroxides	125 kg	All other dangerous goods	An increase by weight or volume of the same dangerous goods of 10% or more in a year above the weight or volume of the same dangerous goods stored, handled, carried, used, transported or otherwise dealt with by a person in the financial year ending 30 June 2003.	
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3	The Master of a ship shall be responsible for the proper slinging and transfer of all cargo loaded onto or discharged from his ship.	50 Penalty Units										
4	No person shall permit cargo or other such goods to be left on any wharf or other property of the Corporation without the prior approval of the Corporation.	50 Penalty Units										
5	<p data-bbox="209 1666 1177 1733">The Corporation accepts no responsibility for the safety or security of cargo or other goods left or stored on property under its control.</p> <p data-bbox="304 1747 1182 1845">a. The Corporation storage shed at Thursday Island is available for general use for the purpose of temporary storage of goods by carriers and consignees and consignors as follows –</p> <ul style="list-style-type: none"> <li data-bbox="341 1890 1209 2024">- <i>the carriers, consignees and consignors of goods are permitted to use the storage shed to store goods owned or being carried by them for periods of time not exceeding two (2) days;</i></li> <li data-bbox="341 2056 1209 2085">- <i>the owner or carrier is responsible for the safety and security of</i></li> </ul>	50 Penalty Units										

*the goods and for ensuring the goods are adequately and appropriately packed;*

*- the goods placed in the shed remain in the custody of the party placing the goods in the shed and the Corporation does not accept any responsibility for them;*

*- no dangerous or hazardous goods may be placed in the storage shed;*

*- goods are placed in and left in and removed from the shed by the parties at the risk of the owner and / or carrier;*

b. The Corporation (or its authorised officer) may at any time require the owner or carrier to –

*- relocate the goods within the shed; or*

*- remove all or any of the goods from the shed; or*

c. The owner or consignee or consignor of any goods placed in the shed must whenever requested by the Corporation provide full and complete details of the nature, weight, packaging and type of goods proposed to be placed or placed in the shed and of any insurance cover.

## **PART E - MOVEMENT, STOPPING OR PARKING OF VEHICLES**

	<b>Rule</b>	<b>Penalty</b>
1	A driver or a person apparently in charge of a vehicle must comply with all notices, markings, fences and barriers which are used to control the movement, stopping or parking of vehicles within the Port Area.	25 Penalty Units
2	A person must not drive a vehicle within the Port Area unless the person holds a current license for a vehicle of that type.	10 Penalty Units
3	Persons requiring vehicular access onto a wharf must first obtain written permission from the Corporation.	25 Penalty Units

# PART F - PORT DEVELOPMENT

	Rule	Penalty
1	<b>Definitions</b>	
1.1	This Rule may be known as the Thursday Island Port Development Rule	
1.2	<p>For the purpose of this Port Rule the following words have the following meanings:</p> <p>“Minister” means the Minister from time to time charged with the administration of Section 86 of the Harbours Act 1955 as continued by Section 236 of the Transport Infrastructure Act 1994.</p> <p>“Work” includes –</p> <ul style="list-style-type: none"> <li>(i) any harbour works;</li> <li>(ii) any pile, buoy, mooring or other structure;</li> <li>(iii) any works for which the sanction of the Minister is required under Section 86 of the Harbours Act 1955, as continued by Section 236 of the Transport Infrastructure Act 1994;</li> <li>(iv) Any works which may affect – <ul style="list-style-type: none"> <li>(a) the safe, secure or efficient operation of the Port;</li> <li>(b) the convenience of port users;</li> <li>(c) the environment at the port area;</li> <li>(d) the port’s operation.</li> </ul> </li> </ul>	
2	<b>No Port works without Corporation approval</b>	
2.1	<p>No person shall carry out or attempt to carry out any works on any part of the port area without first obtaining the Corporation’s approval in writing to the carrying out of that work which approval may be:</p> <ul style="list-style-type: none"> <li>- granted by the Corporation with or without conditions (which may be imposed in the discretion of the Corporation and which may include the lodgment of a security bond or guarantee); or</li> <li>- withheld by the Corporation</li> </ul> <p>in the absolute discretion of the Corporation.</p>	
3	<b>Application for Approval</b>	

3.1	<p>Any such application for approval to carry out proposed works shall: be made in such form as may be required by the Corporation; and include:</p> <p>detailed plans of the proposed works;</p> <p>(i) details of how it is proposed to carry out the proposed work; all such information as may be required under section 86 of the Harbours Act 1955 to be submitted to the Minister for Sanction;</p> <p>(ii) all such other information as the Corporation may require to enable it to reasonably consider and assess the application including:</p> <ul style="list-style-type: none"> <li>- any necessary environmental approvals under the Environmental Protection Act;</li> <li>- the predicted timing size and frequency of vessel movements in the area which may be affected by the proposed works;</li> </ul> <p>(iii) details of any anticipated noise, disturbance, or nuisance caused by the works;</p> <p>(iv) details of any anticipated or necessary disruption to any of the activities carried out on or in the Port area; details of any other necessary approvals which have been obtained by the applicant;</p> <p>(v) the impact which the proposed works will have on:</p> <ul style="list-style-type: none"> <li>- navigation in the Port;</li> <li>- movement of goods or cargo within the Port;</li> <li>- transport movement within the Port;</li> <li>- other Port users;</li> </ul> <p>(iv) independent expert reports with respect to any of the aforesaid matters.</p>	
3.2	<p>The applicant will also supply any additional information data or reports (including expert reports) the Corporation may request to enable it to fully consider the impact of the proposed works on the Port and the Port Area.</p>	
4	<p><b>Chief Executive Officer may exempt from compliance</b></p>	

4.1	The Chief Executive Officer may, by notice in writing, exempt: (i) a person; or (ii) a class of persons from compliance with all or part of any of the requirements of this Port Development Rule.	
4.2	The Chief Executive Officer may, by notice in writing provide that: (i) an area within the Port described in that notice will not be subject to all or some of the requirements of the Port Development Rule; (ii) particular works as specified in the notice will not be subject to all or some of the requirement of the Port Development Rule.	
4.3	The Chief Executive Officer may impose such conditions as the Chief Executive Officer considers appropriate on any such exemption.	
5	<b>Non-Compliance with Port Rule an offence</b>	
5.1	A person who fails to comply with this Rule (unless the person has a reasonable excuse for not complying with it) shall commit an offence	25 Penalty Units
6	<b>Rule does not exempt Applicant from compliance with other Laws</b>	
6.1	Nothing in this Port Development Rule exempts or excuses the applicant from compliance with all other laws or requirements which may apply with respect to the proposed works.	
6.2	Any approval given to any applicant under the Port Development Rule (and any exemptions given by the Chief Executive Officer under paragraph 4 of this Rule) will be subject to the applicant's compliance with all other laws and requirements applicable to the proposed works.	

# PART G – PORT SAFETY AND SECURITY

	<b>Rule</b>	<b>Penalty</b>
1	<b>Definitions</b>	
1.1	This Rule may be known as the Thursday Island Port Safety and Security Rule.	
1.2	For the purpose of this Port Rule the following words have the following meanings:  ‘Entry Restriction Order’ means any order of the Corporation restricting entry to the Port to any or all vessels based on security or safety grounds;  ‘International Ship Security Certificate’ or ‘ISSC’ has the same meaning given to that term as in the Maritime Transport Security Act 2003;  ‘Notice to Mariners’ means the “Notice to Mariners” issued by Maritime Safety Queensland;  ‘Secretary’ means the secretary from time to time of the Commonwealth Department of Transport and Regional Services.	
1.3	IMO’s ISPS Code means the International Ship and Port Facility Security Code, as published by the International Maritime Organisation.	
2	<b>Restriction of entry to Port</b>	
2.1	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 vessels, the Corporation may at its sole discretion, restrict entry of any or all vessels to the Port by the issue of an Entry Restriction Order.	
3	<b>Communication of Entry Restriction Order</b>	
3.1	Entry Restriction Orders may be communicated to:  a) all ships via a Notice to Mariners; or  b) by the Corporation to an individual ship or ships either verbally or in writing.	
4	<b>Vessels not to enter Port</b>	
4.1	No vessel shall enter the Port in non-compliance with an Entry Restriction Order.	100
5	<b>International Ship Security Certificate</b>	
5.1	The master or agent of every vessel desiring entry to the Port must lodge upon request by the Corporation at least 24 hours prior to its entry to Port a copy of its International Ship Security Certificate.	100
5.2	Failure to provide the ISSC may, at the sole discretion of the Corporation, result in the delay or denial of entry of the vessel into the Port.	

6	<b>Declaration of Security</b>	
6.1	<p>The Master or agent of every vessel that is subject to the IMO's ISPS Code that wishes to anchor or moor within port limits must, at least 48 hours prior to entry to the port:</p> <ul style="list-style-type: none"><li>▪ seek prior permission from the Corporation for entry; and</li><li>▪ provide to the Corporation any information relevant to the security of the ship or port that is requested; and</li></ul> <p>sign a Declaration of Security regarding security measures that will apply while the ship is in port.</p>	

# Part H - Regulation of Commercial Traffic Operations at Port of Port Kennedy (Thursday Island)

	Notice	Maximum Penalty
	<b>Definitions</b>	
	<p>“Commercial Traffic Operations” means:</p> <ul style="list-style-type: none"> <li>(a) the arrival, docking, berthing, mooring and departure of vessels and the arrival, parking and departure of commercial vehicles;</li> <li>(b) the embarkation and disembarkation of passengers from vessels or commercial vehicles;</li> <li>(c) the loading and unloading of passenger luggage and goods from vessels or commercial vehicles; and</li> <li>(d) any other incidental or ancillary activities to the above that are undertaken by Operators at the Facility.</li> </ul>	
	“Commercial Traffic Operations Procedure” means the procedure detailed at clauses 2 to 12 inclusive of this Port Rule.	
	“Corporation” means the Ports Corporation of Queensland, a body corporate constituted under the <i>Government Owned Corporations (Ports) Regulation 1994</i> being the duly appointed port authority for the Port under the <i>Transport Infrastructure (Ports) Regulation 2005</i> .	
	“Facility” means the passenger wharf pontoon and associated facilities that are located on Horn Island within the Port.	
	"Operators" means operators of vessels or commercial vehicles that use the Facility.	
	“Port” means the Port of Port Kennedy (Thursday Island) as defined under the <i>Transport Infrastructure (Ports) Regulation 2005</i> .	
	"Port Area" means the area of the Corporation’s strategic port land and port facilities, and within its port limits.	
	“vessels” means ferries, water taxis and other commercial vessels.	
	<b>Regulation of Commercial Traffic Operations at the Facility</b>	
1	All Operators undertaking Commercial Traffic Operations at the Facility must undertake those Commercial Traffic Operations in accordance with the Commercial Traffic Operations Procedure.	As per clauses 2 to 12 inclusive

	<b>Priority to first arriving vessel</b>	
2	The first Operator's vessel to arrive at the Facility will, for the purpose of undertaking any necessary Commercial Traffic Operations, have priority over all later arriving vessels.	
3	Until the Operator of the first vessel has completed its Commercial Traffic Operations and the first vessel has departed from the Facility, no other vessel Operator is permitted to conduct Commercial Traffic Operations at the Facility.	100 penalty units
4	If two or more vessels are berthed at the Facility at the same time, then the first Operator's vessel to arrive at the Facility will have priority in undertaking its Commercial Traffic Operations.	
	<b>Restrictions on vehicle movements</b>	
5	While a vessel or a commercial vehicle is undertaking Commercial Traffic Operations at the Facility all other commercial vehicles must remain in the car park adjacent to the toilet block near the entrance to the causeway and must park well clear of the causeway entrance to allow a clear passage for all non-commercial vehicles using the Facility to pass through.	25 penalty units
6	The next commercial vehicle waiting in line in the car park adjacent to the toilet block near the entrance to the causeway must not make its way down the causeway until any other commercial vehicle using the Facility has departed the Facility.	25 penalty units
7	Operators must at all times take extreme care when driving on the Facility, and in particular when reversing their vehicles, so as to avoid collision with other vehicles or injury or damage to any person or property using or on the Facility.	25 penalty units
	<b>Operators to act in a reasonable and considerate manner</b>	
8	Operators must undertake all Commercial Traffic Operations within a reasonable period of time having regard to the safety of passengers, the Operator's personnel and the general public.	25 penalty units
9	Operators must undertake all Commercial Traffic Operations in a considerate manner that does not unreasonably delay the Commercial Traffic Operations of other Operators or unreasonably impede the use by the general public of the Facility.	25 penalty units
	<b>Vessels to be attended by responsible person</b>	
10	Vessels moored at the Facility are to be attended by a responsible person at all times.	100 penalty units

	<b>Rough weather conditions</b>	
11	During rough weather conditions vessel Operators generally moor their vessels on the inside berth of the Facility pontoon. In rough weather conditions vessel Operators should make their own assessment as to whether it is safe to moor their vessel in a location other than on the inside berth of the Facility pontoon. If an Operator wishes to moor its vessel on the inside berth of the Facility pontoon during rough weather conditions, then it must comply with the requirements of clause 12.	
	<p>During rough weather conditions:</p> <p>(a) subject to clause 12(b), so as not to delay other Operators that may wish to use the inside berth of the Facility pontoon an Operator that has a vessel moored at the inside berth of the Facility pontoon must vacate the inside berth of the Facility pontoon as soon as is reasonably possible;</p> <p>(b) in order to ensure the safety of the vessel master and crew and all passengers, a vessel occupying the inside berth of the Facility pontoon may continue its operations at the inside berth of the Facility pontoon for a period of up to 10 minutes after the arrival of another vessel or for a longer period if the master of the other vessel is agreeable;</p> <p>(c) if necessary, an arriving vessel should radio the vessel occupying the inside berth of the Facility pontoon to make appropriate berthing arrangements.</p>	<p>100 penalty units</p> <p>100 penalty units</p>

# PART I – MARINE FUEL TRASFER ACTIVITIES AND REFUELLING FACILITIES

	Notice	Penalty
	<b>Definitions</b>	
	<p>"Corporation" means the Ports Corporation of Queensland, a body corporate constituted under the Government Owned Corporations (Ports) Regulation 1994 being the duly appointed port authority for the Port under the Transport Infrastructure (Ports) Regulation 2005.</p>	
	<p>"Port Area" means for the Port, the area of the Corporation's strategic port land (which is not within its port limits) and its port limits.</p>	
	<p>"Marine Fuel Transfer Activity" means any transfer of fuel from a container, vessel, vehicle or facility to another container, vessel, vehicle or facility over waters (including over wharves or jetties or other marine structures) in the Port Area where quantities of fuel greater than 200 litres are being transferred.</p> <p>Transfers solely on land are not regulated under this Port Rule.</p>	
	<p>"Refuelling Facility" means a building, structure, land or fixed equipment where fuel is stored or handled for the purpose of carrying out a Marine Fuel Transfer Activity. A Refuelling Facility includes a Refuelling Facility located on land or over water.</p> <p>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 Marine Fuel Transfer Activity.</p>	
	<b>Carrying Out a Refuelling Activity in the Port Area</b>	
1	<p>No person shall carry out or attempt to carry out a Marine Fuel Transfer Activity in any part of the Port Area, without holding the Corporation's written approval for the Marine Transfer Activity.</p>	25 penalty units
	<b>Application for Approval to Carry Out a Marine Fuel Transfer Activity</b>	
2	<p>Any application to the Corporation for approval to undertake a Marine Fuel Transfer Activity shall:</p> <ul style="list-style-type: none"> <li>(a) identify that part of the Port Area where the Marine Fuel Transfer Activity will be performed under the approval and the expected volumes and type of fuel to be transferred.</li> <li>(b) provide any information regarding the Marine Fuel Transfer Activity reasonably requested by the Corporation to assist in its consideration of the application.</li> </ul>	

3	<p>The Corporation may, in its absolute discretion:</p> <ul style="list-style-type: none"> <li>(a) grant an approval to undertake a Marine Fuel Transfer Activity with or without conditions; or</li> <li>(b) withhold its approval.</li> </ul>	
4	<p>The Corporation may, in its absolute discretion, revoke, suspend or impose or change a condition of an approval to undertake a Marine Fuel Transfer Activity if it considers that the Marine Fuel Transfer Activity may:</p> <ul style="list-style-type: none"> <li>(a) affect the operation of a Port;</li> <li>(b) cause damage to the Corporation's strategic port land; or</li> <li>(c) cause damage to the environment.</li> </ul>	
5	<p>A holder of an approval to undertake a Marine Fuel Transfer Activity must not breach a condition of the approval.</p>	25 penalty units
<b>Operating a Refuelling Facility in the Port Area</b>		
6	<p>No person shall operate a Refuelling Facility in any part of the Port Area without holding the Corporation's written approval for the Refuelling Facility.</p>	100 penalty units
<b>Application for Approval to Operate a Refuelling Facility</b>		
7	<p>Any application for approval to operate a Refuelling Facility shall:</p> <ul style="list-style-type: none"> <li>(a) be in writing;</li> <li>(b) identify the area where the controlled activity will be performed under the approval;</li> <li>(c) provide any information regarding the Refuelling Facility reasonably requested by the Corporation to assist in its consideration of the application..</li> </ul>	
8	<p>The Corporation may, in its absolute discretion:</p> <ul style="list-style-type: none"> <li>(a) grant an approval to operate a Refuelling Facility with or without conditions; or</li> <li>(b) withhold its approval.</li> </ul>	

9	<p>The Corporation may, in its absolute discretion, revoke, suspend or impose or change a condition of an approval to operate a Refuelling Facility if it considers it necessary to do so having regard to:</p> <ul style="list-style-type: none"><li>(a) the efficient operation of the Port; or</li><li>(b) the safety or security of the Port, its users or the Corporation's employees.</li></ul>	
10	<p>A holder of an approval to operate a Refuelling Facility must not breach a condition of the approval.</p>	100 penalty units

# SCHEDULE 1

## PORT OF THURSDAY ISLAND

- 1.0 Harbour Dues at the following rates are payable in respect of all goods discharged at or shipped from or transhipped or carried within the port.

Item No.	Description of Goods	Harbour Dues \$ (Exclusive of GST)	Harbour Dues (Inclusive of GST)
1	All cargo excluding sand and gravel & demountable buildings and similar. Per tonne or per cubic metre whichever produces the greater amount.	\$19.77	\$21.752
2	Sand/gravel per tonne	\$5.07	\$5.579
3	Demountable buildings and similar Per Cubic Metre	\$9.92	\$10.91

- 1.1 Harbour dues shall not be payable in respect of ships stores when shipped in the port for consumption or use by the loading ship.
- 1.2 Dues relate to both Import and Export. Where goods are imported and subsequently exported, a charge for both Import and Export will be made.
- 1.3 For goods discharged at Horn Island wharf and subsequently transhipped within 7 days, a harbour due charge for Import only will be made.

2.0 Tonnage Dues at the following rates are payable in respect to vessels **trading outside of the port** for each period of 24 hours or part thereof that a ship occupies a wharf under the control of the Ports Corporation of Queensland within the port. Vessels owned or operated by the lessee of a wharf are exempt from payment of a tonnage due related to the use of that leased wharf. Should a ship use more than one such wharf within a 24 hour period a separate charge for each wharf will apply.

	<b>Tonnage Dues per 24 hours or part thereof \$ excluding GST</b>	<b>Tonnage Dues per 24 hours or part thereof \$ including GST</b>
Other – ie Fuel Levy	\$0.03	\$0.34
Vessels < 50 tonne	\$25.38	\$27.92
Vessels 51- 100 tonne	\$42.89	\$47.178
Vessels 101 – 1500 tonne	\$271.67	\$298.84
Vessels > 1500 tonne	\$332.11	\$365.32

The charge for a ship lying up at a wharf shall be \$237.63 (*\$261.39 inclusive of GST*) per day or part of a day.

2.1 A ship occupies a wharf while it is:

- (a) not moving, other than because of currents or waves; and
- (b) in a position that limits another ship's access to the wharf.

3.0 Tonnage dues at the following rates are payable in respect of vessels **trading solely within the port.**

Barges and cargo vessels	\$13.34 ( <i>\$14.67 inclusive of GST</i> ) for each separate berthing on a Ports Corporation of Queensland facility.
Passenger Services	\$22.89 ( <i>\$25.18 inclusive of GST</i> ) per day per Ports Corporation of Queensland facility used.

3.1 A ship occupies a wharf while it is:

- (a) not moving, other than because of currents or waves; and
- (b) in a position that limits another ship's access to the wharf.

4.0 Commercial Activity Dues at the rate of \$60.66 per 24 hours or part thereof (*\$66.73 per 24 hours or part thereof inclusive of GST*) are payable in respect of vessels which occupy the port to carry on a commercial activity which involves trade with other vessels whilst moored within the port.

4.1 Commercial Activity Dues shall not be payable in respect of vessels whilst moored at a wharf.

4.2 Payment of the Commercial Activity Dues does not negate the need for payment of harbour and wharfage dues if applicable.

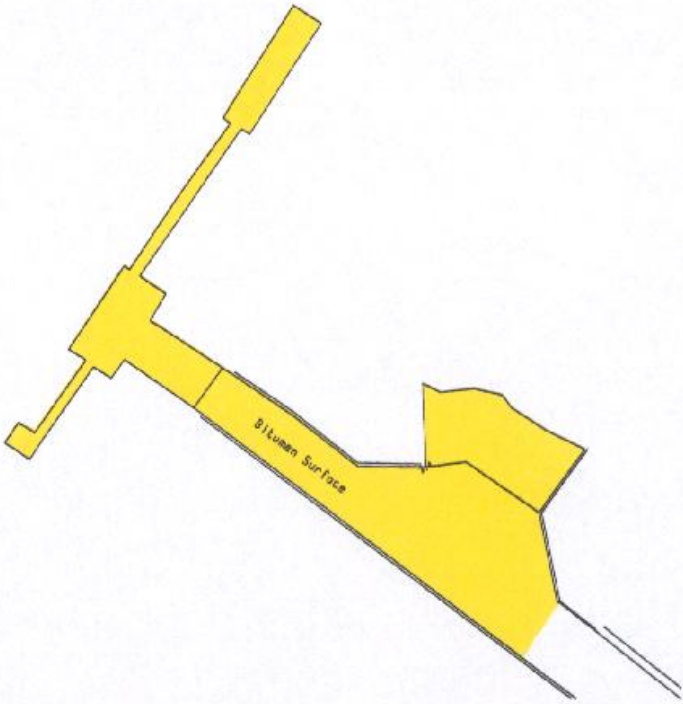
5.0 Charges for miscellaneous services as follows are payable by users of these services.

<b>Miscellaneous Charges</b>	
Water	\$5.87 per 1,000 litres or part thereof (minimum charge \$10.00). A surcharge of \$2.82 per 1,000 litres or part thereof shall apply to all water sales on Sundays and Statutory holidays. Water sales to fishing ships, luggers, and private craft shall be on a cash basis only.
Wharf Lighting and Shed Lighting	For working a ship at night \$66.53 ( <i>\$73.18 inclusive of GST</i> ) per night or part thereof
Time Working – Outside prescribed hours*	Cost as per award plus 25% to cover workers compensation, insurance, payroll tax, supervision and administration.
Storage Charges	Storage charges apply on all goods left on the wharves or in a storage shed. A Permit to Occupy for the storage of cargo on a wharf or in a storage shed can be obtained at a fee of \$3,010.76 per annum ( <i>\$3,311.83 inclusive of GST</i> ).

\* "Prescribed hours" means 7.30 a.m. to 4.30 p.m. Monday to Friday excluding public holidays.

Effective as at 1 July 2009

PORT OF THURSDAY ISLAND  
ALCOHOL PROHIBITED AREA  
(REFER TO: PORT OF THURSDAY ISLAND PORT RULES AND CHARGES - PART B SECTION 6)



PORT OF THURSDAY ISLAND  
ALCOHOL PROHIBITED AREA  
REFER TO: PORT OF THURSDAY ISLAND PORT RULES AND CHARGES - PART B SECTION 6

