

PORT OF MOURILYAN HARBOUR

BERTH MANAGEMENT PROCEDURES

TABLE OF CONTENTS

1. DEFINITIONS AND INTERPRETATIONS	3
1.1 Definitions	3
1.2 Interpretation	3
1.3 Notices and Other Communications	4
2. BERTH BOOKING – APPLICATION PROCESS	4
2.1 Agents to Provide Berth Booking Details	4
2.2 Berth Application Lodged Less Than 48 Hours Prior	5
2.3 Agents to Keep PN Informed of any Changes to Vessel ETA	5
3. BERTH BOOKING – APPLICATION REVIEW	5
4. BERTHING PROTOCOL	6
5. OPERATING DELAYS	7
6. BERTH DEPARTURE	7
7. ADVERSE WEATHER	7
8. MISSED BERTHING ALLOCATION	8
9. FINAL DECISION	8
10. GENERAL	8

1. DEFINITIONS AND INTERPRETATIONS

1.1 Definitions

In these procedures, the following terms have the meanings specified below:

“Agents” means a company or individual acting as a designated Shipping Agent responsible for handling shipments and cargo through the port of Mourilyan.

“Business Day” means a day other than a Saturday, Sunday or public holiday in either Cairns or Innisfail/Mourilyan.

“Good Operating and Maintenance Practice” means, with respect to the operation and maintenance of PN facilities, adherence to a standard of practice which includes the exercise of that degree of skill, diligence, prudence and foresight which would reasonably be expected from a competent, experienced and qualified operator of a comparable port facility.

“Material Change” means a change which in reference to a vessel ETA or ETD is \sim +/- 12 hours or is likely to impact other port users.

“PN” means Far North QLD Ports Corporation T/A Ports North.

“Port Limits” means the limits of the port of Mourilyan or Pilot Boarding Ground for the purposes of a vessel’s arrival time as determined by the Regional Harbor Master.

“Procedures” means these Berth Management Procedures, as amended from time to time.

“Turn of Arrival” means:

- (a) the vessel has reached the "port limits" as identified by the Regional Harbour Master,
- (b) the vessel is ready to be towed, berthed, de-ballasted and loaded without delay;

“Vessel” means a ship or other craft capable of transporting produce including but not limited to sugar, molasses, livestock, dry bulk, break bulk, containerised or project by sea.

1.2 Interpretation

In the interpretation of these Regulations, where the context permits:

- (a) singular includes plural and vice versa;
- (b) reference to a person includes a body corporate, association of persons, government or governmental authority; and
- (c) reference to “writing” include printing, typing, facsimile and other means of reproducing words in a visible and tangible form including electronic communications with PN.

1.3 Notices and Other Communications

(a) Wherever any notice or information required to be provided to or by the facility operator/user can be given by way of input into the Port of Mourilyan booking calendar, that notice or information must be given in that way.

(b) Any notice or information which cannot practically be given by way of a relevant entry in the booking system must be in writing and must be given by facsimile or email transmission as follows:

Ports North

Email: mourilyan.operations@portsnorth.com.au

Fax: 07 4052 3810

Mail: Ports North
PO Box 594
CAIRNS
QLD 4870

(c) All notices or communications given in accordance with article 1.3(b) will be deemed to have been duly given or made:

- (i) on the date on which the notice or communication would, in the ordinary course of the post, have been delivered to the address to which it was posted;
- (ii) when delivered; or
- (iii) if sent by fax or email, at the conclusion of an apparently successful transmission,

however, if the delivery or facsimile is affected on a day which is not a business day or after 5:00pm in the place of receipt on a business day, it will be taken to have been given or made on the next business day.

(d) Where the customer/agent initiates a communication by email, then an email response from PN to the address of the customer will be taken to be an acknowledgment to the customer of receipt of the email.

2. BERTH BOOKING – APPLICATION PROCESS

2.1 Agents to Provide Berth Booking Details

For every vessel requesting use of the main wharf facilities in the port of Mourilyan, Shipping Agents, or principals, must submit a berth application to PN Seaport operations at least seven days prior to the vessel's ETA.

- (a) The Berth Application must detail in writing the following information:

- (i) Port Name and Berth Requested
 - (ii) Vessel name and International Maritime Organisation Reference Number.
 - (iii) Type of vessel.
 - (iv) Estimated Time of Arrival (ETA) at the berth.
 - (v) Estimated Time of Departure (ETD) from the berth.
 - (vi) Cargo to be loaded.
 - (vii) Agent's name and contact details.
- (b) Where the supplied information on the Berth Application is incomplete the application will be deemed invalid and stakeholders advised accordingly.
- (c) With regards to Berth Applications the following guidelines will apply:
- (i) The ETA and period alongside/length of time berth booked in the Berth Application shall be estimated as per normal port shipping operations practice. If it is deemed by PN to be excessive and/or unusual based on previous port history or other factors, and has a potential impact on port efficiencies/other users, PN has the discretion to advise stakeholders that the booking is invalid.
 - (ii) The vessel name on a berth application is able to be changed (by substituted vessel) without penalty if no other details materially change (E.g. ETA/ETD and product to be loaded)
 - (iii) Where information on a berth application is considered to be inaccurate PN may deem the application invalid and will advise the applicant accordingly.

2.2 Berth Application Received Less Than 48 Hours Prior

Where a Berth Application is lodged less than 48 hours prior to the arrival of the vessel, it is at the express discretion of PN to approve the Berth Application dependent on the expected impact on port operations and other port facility users.

2.3 Agents to Keep PN Informed of any Material Changes to Vessel ETA

It is accepted the ETAs of vessels may vary. To this extent the estimated times nominated in a berth application for the arrival of a vessel may materially vary. Where a Material Change to a vessel berth ETA (either delay or prior arrival) is expected, the responsible vessels agent is to communicate with PN operations ASAP providing advice of the scope of the change.

3. BERTH BOOKING APPLICATION REVIEW

Once a Berth Application has been lodged with PN Operations the following will be undertaken:

- (i) The Application will be reviewed and considered on the following basis:
 - a) All information required is included on Berth Application and is sanity checked against historical operations / schedule.

- b) Existing berth bookings and berth schedule including maintenance & availability are reviewed.
 - c) Any other operational and commercial factors are included in this review.
- (ii) PN will advise the lodging party where the Berth Application is not completed and lodged in accordance with these protocols.
 - (iv) If the requested berth is not available at the time of scheduling or there is another viable option, PN will notify the relevant stakeholders of available options.
 - (v) PN will advise status of the Application (confirmation or otherwise) within 48 business hours of receiving a Berth Application.

A vessel is only able to be confirmed by PN operations:

- (i) if it complies with all aspects of this protocol; and,
- (ii) if no other port or facility user has shown a written interest in the berth at this particular time (using the Berth Application process).

Where there is more than one interested party for the berth, PN will review as per the berthing protocol below.

4. BERTHING PROTOCOL

Subject to any formal facility user priority arrangements, licences or contracts, in general the principle of first berth application received applies. Where a berth application is received for a ship which arrives on schedule it has priority access to the berth applied for providing:

- (i) The berth is vacant and ready to receive the vessel.
- (ii) Sufficient cargo is available to be worked.
- (iii) The vessel/agent has adequate labour and equipment to work the cargo within it's nominated scheduled timeframe.

This principle may not apply where:

- (i) The agents/principals reach agreement amongst themselves or with the terminal operator (where applicable) to change the order – any agreement is to be provided to PN in writing.
- (ii) Where changing the order of vessels will maximise port/berth efficiencies and infrastructure utilisation.
- (iii) A berth application has not been received as outlined in section 2.
- (iv) Where agents or other stakeholders provide insufficient, untimely, inaccurate or incomplete information to PN.

NB. PN may change the priority of the users berthing at the main wharf at its absolute discretion, including without limitation, due to the nature of the cargo to be worked, the estimated time that any Vessel may be at the Facility or the weather conditions from time to time.

5. OPERATING DELAYS

Where the cargo operations on a vessel are suspended for any reason other than natural causes (e.g. tide and weather), or which Australian regulatory authorities detain, it may remain alongside at the discretion of PN following consultation with the vessel agent.

Where a vessel delay causes any arriving ships to proceed to anchorage, PN in consultation with affected agents/principals will determine the amended vessel line-up. The determination will be based on all relevant facts including the operations of the parties concerned and the ramifications thereof.

Where another vessel is competing for the berth, PN may, at its discretion, require the removal of the vessel from the berth subject to prevailing circumstances unless the agents/principals reach agreement amongst themselves or with the terminal operator (where applicable) to change the order.

Where the cargo operations on a vessel delays the departure of that vessel past its nominated ETD to the extent that the following vessel misses its allocated time slot, all costs associated with moving a vessel from the berth as well as associated vessel delays will be to the account of the owner, principal or agent of the vessel.

6. BERTH DEPARTURE

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

7. ADVERSE WEATHER

Berthing and de-berthing of vessels during adverse weather conditions will occur at the discretion of the Regional Harbour Master in consultation with PN. It should be noted that under certain climatic conditions it may be possible to berth/de-berth one type of vessel and not another. Such decisions are made at the sole discretion of the Regional Harbour Master and PN.

Where excessive rainfall has delayed the loading of a vessel and weather forecasts indicate continuing inclement weather, a consultative process will be initiated to determine the implications of a vessel which is unable to work remaining at the berth. This will be weighed against the ship being moved to anchorage to permit other vessels whose activities are unaffected by the rain to occupy the berth. All costs associated with moving a vessel from the berth will be to the account of the owner, principal or agent of the vessel.

8. MISSED BERTHING ALLOCATION

Where a vessel misses its final allocated ETA (promulgated 48 hours prior to arrival), PN may at its absolute discretion revise the shipping schedule to accommodate the vessel, having regard to the following criteria:

- (i) Berth availability;
- (ii) Turn of arrival;
- (iii) Efficiency of port operations; and
- (iv) Port safety and security.

All costs associated with any revision to accommodate the vessel will be to the account of the owner, principal, or agent of the vessel.

9. FINAL DECISION

Any decision regards to allocation of berth priorities made by PN Manager Operations, or his delegate, in these circumstances is to be considered final.

10. GENERAL

PN reserves the right to amend these procedures or any related documents at any time. Any changes to the above will be made following due consultation with agents, owners, shipping customers and stevedores, but PN's decision in relation to any changes will be final.

Any direction from PN's Manager Operations, or his delegate will be provided via the updated Mourilyan shipping calendar and communications with agents (or principles if the principle is the agent).

At all times, berth management will be at the discretion of PN. PN reserves the right to vary the berthing rotation or order the removal of a vessel from a berth.

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

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

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