

# **PORT OF MOURILYAN HARBOUR**

## **BERTH MANAGEMENT PROCEDURES**

## Table of Contents

<b>1.</b>	<b>DEFINITIONS AND INTERPRETATIONS .....</b>	<b>2</b>
1.1	Definitions .....	2
1.2	Interpretation .....	2
1.3	Notices and Other Communications .....	4
<b>2.</b>	<b>PURPOSE.....</b>	<b>4</b>
<b>3.</b>	<b>BERTHING PROTOCOLS .....</b>	<b>5</b>
<b>4.</b>	<b>PRIORITY BERTHING RIGHTS.....</b>	<b>6</b>
<b>5.</b>	<b>BERTH BOOKING – APPLICATION PROCESS.....</b>	<b>7</b>
5.1	Shipping Schedule .....	7
5.2	Berth Application .....	8
5.3	Berth Application Received Less Than 48 Hours Prior .....	9
5.4	Agents to Keep PN Informed of any Material Change to Vessel ETA .....	9
<b>6.</b>	<b>BERTH APPLICATION REVIEW AND APPROVAL .....</b>	<b>9</b>
<b>7.</b>	<b>OPERATING DELAYS .....</b>	<b>10</b>
<b>8.</b>	<b>BERTH DEPARTURE .....</b>	<b>10</b>
<b>9.</b>	<b>ADVERSE WEATHER .....</b>	<b>11</b>
<b>10.</b>	<b>MISSED BERTHING ALLOCATION .....</b>	<b>11</b>
<b>11.</b>	<b>FINAL DECISION .....</b>	<b>11</b>
<b>12.</b>	<b>GENERAL .....</b>	<b>11</b>

## 1. DEFINITIONS AND INTERPRETATIONS

### 1.1 Definitions

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

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

**“Approved Booking”** means a booking for berthing a Vessel at the Wharf accepted by Ports North and confirmed in writing by PN following receipt of a berth application in the required form.

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

**“Conveyor Systems”** means conveyor galleries, belts and other equipment or devices used for transporting goods and includes any equipment or structures used with or associated with the conveyor system including any weigh tower buildings or equipment or devices used for weighing goods.

**“Facilities”** means the improvements from time to time on the Wharf and includes all buildings, sheds, Storage facilities, Conveyor Systems, fixtures, fittings, plant and equipment and transport infrastructure on the Wharf excepting:

- I. the Wharf;
- II. Navigational Equipment.

**“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 ~+/- 12 hours or is likely to impact other Wharf Users.

**“Pilot Boarding Ground”** means the location at the seaport designated from time to time for pilots to board or depart from a Vessel.

**“PN”** means Far North Queensland Ports Corporation Limited trading as 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.

**"Priority Vessel"** means a Sugar Vessel

**"Procedures"** means these Berth Management Procedures, as amended from time to time.

**"Shipping Schedule"** means a schedule of Vessel movements prepared by the Wharf User relating to the use of the Wharf by the nominated Vessels.

**"STL"** means Sugar Terminals Limited ACN 084 059 601.

**"Sugar"** means all raw sugar, refined sugar, crystal sugar, sugar syrups, inverted syrups, liquid sugar, molasses and any other form of sugar which is manufactured.

**"Sugar Vessel"** means a Vessel berthing at the Wharf for the purpose of loading or unloading Sugar utilising the STL Facilities.

**"Turn of Arrival"** means a Vessel:

- (a) has reached the "Port Limits"; and
- (b) is ready to be towed, berthed, de-ballasted and cargo loaded/discharged without delay.

**"Vessel"** means a ship or other craft capable of transporting produce including but not limited to sugar, molasses, fuel, livestock, dry bulk, break bulk, containers, silica sand and other minerals.

**"Wharf"** means the wharf structure for berthing of Vessels.

**"Wharf Land"** means the land described as Lot 557 on SP117968 on which the Wharf is located.

**"Wharf User"** means a party approved by PN to berth Vessels at the Wharf.

## 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 or email transmission 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 email transmission as follows:

#### **Ports North**

Email: [mourilyan.operations@portsnorth.com.au](mailto:mourilyan.operations@portsnorth.com.au); and  
[Seaport.Operations@portsnorth.com.au](mailto:Seaport.Operations@portsnorth.com.au)

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 at the conclusion of an apparently successful transmission of the email,
- (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. PURPOSE**

These Procedures have been produced by PN to establish the berthing priority and berth allocation protocols that apply at the Port of Mourilyan for all Wharf Users.

The overarching principle regarding berth allocation and management is to optimise berth utilisation at the Port.

The intention is to provide clarity to all parties on the berth allocation approach in order to minimise conflicts and maximise efficiency of operations across all cargoes and Vessels.

These Procedures apply at the Port of Mourilyan Wharf.

## **3. BERTHING PROTOCOL**

Subject to Priority Berthing Rights at the Wharf (see Section 4), in general the principle of “first come-first served” applies - that is, a Vessel arriving first at the Pilot Boarding Ground will be allocated access to the berth applied for **provided**:

- i. A berth application has been received as outlined in section 5 and it has been confirmed by PN as an Approved Booking;
- ii. Sufficient cargo is available to be worked;
- iii. The Vessel/Agent has adequate labour booked to commence working cargo immediately once the Vessel is ready to be worked on a 24 hours/day, 7 days a week basis;
- iv. Sufficient resources and equipment has been arranged to complete cargo loading/discharge operations within the time period specified in the Booking Application.

This principle may not apply where any of the following apply:

- i. A Priority Vessel is scheduled to utilise the berth at the Wharf, these Procedures as they relate to submission of a Shipping Schedule and the Berth Booking Application Process for the Vessel have been met and an Approved Booking confirmed by PN;
- ii. The Agents/principals reach agreement amongst themselves to change the order and any agreement is provided to PN in writing by email;
- iii. Changing the order of Vessels will, subject to Priority Berthing Rights, optimise port/berth efficiencies and infrastructure utilisation;
- iv. A berth application for the Vessel has not been received as outlined in section 5 and an Approved Booking has not been confirmed as outlined in Section 6;
- v. Insufficient, untimely, inaccurate or incomplete information relating to the berthing is provided to PN.

Where, owing to unusual circumstances, disruption to the existing schedule occurs (e.g. labour strikes, equipment failure etc.) PN may take reasonable action, including but not limited to, modifying the schedule to minimise the overall impact to all port users.

To ensure the most efficient utilisation of the Wharf PN may change the priority of the Vessels berthing at the Wharf, in circumstances where it is reasonably deemed required for port and wharf operational purposes. Where any changes to the priority are made, PN will endeavour to consult prior to the decision with the relevant shipping agents for the affected Vessels.

#### **4. PRIORITY BERTHING RIGHTS**

Priority Berthing Rights are given to Priority Vessels.

Berthing priority will be given to a:

- (a) Priority Vessel over other Vessels where:

- i. A berth application has been received;
- ii. the berthing protocol in Section 3 of these Procedures has been complied with;
- iii. an Approved Booking is confirmed as outlined in sections 5 and 6;
- iv. the Vessel/agent has provided a declaration of readiness to work the nominated cargo; and
- v. The Vessel arrives at the pilot boarding ground within twelve (12) hours prior to the ETA nominated on the berth application submitted under section 5; and

(b)

In the event of late arrival within six (6) hours of the nominated ETA, PN may, in its absolute discretion, give priority for the Wharf to the first Vessel to arrive at the pilot boarding ground.

In the event that any Vessel is on the Wharf at the designated ETA of a Priority Vessel, the berthed Vessel will be allowed to delay berthing of the Priority Vessel to complete loading or unloading of cargo:

- i. in the case of a Vessel that is not a Priority Vessel – by up to 12 hours; and
- ii. in the case of a Priority Vessel, by the later of:
  - a. 12 hours; or
  - b. when the Priority Vessel has been on the Wharf for 72 hours.

If loading or unloading of cargo from the Vessel on the Wharf is not able to be completed within that window, it may be required, at the absolute discretion of PN, to vacate the Wharf to allow the Priority Vessel to berth on arrival.

## **5. BERTH BOOKING – APPLICATION PROCESS**

### **5.1 Shipping Schedule**

#### **5.1.1 One Month Rolling Schedule**

Wharf Users / Vessel Agents are to provide to PN, no later than the seventh (7<sup>th</sup>) day of each calendar month, a Shipping Schedule for the following month (Forecast Period).

*For example, a Shipping Schedule submitted by 7 January will provide forecast shipping information for February.*

#### **5.1.2 Wharf Bookings Calendar**

- i. PN will prepare a Wharf Bookings Calendar following receipt of the Shipping Schedule from Wharf Users and circulate the Wharf Bookings Calendar to all Wharf Users as soon as possible, and no later than the 14th day of each calendar month.
- ii. All Wharf Users must provide an updated Shipping Schedule to PN whenever there is a change to the Shipping Schedule for the Forecast Period.
- iii. PN must circulate an updated Wharf Bookings Calendar on a regular basis and at least weekly where changes have been made to the Wharf Booking Calendar.

### **5.1.3 Shipping Forecast Information**

The following information must be included in the Shipping Schedule:

- i. Name of each Vessel (if available);
- ii. Number of forecast Vessel visits;
- iii. Nature of cargo for each named Vessel; and
- iv. ETA and ETD.

### **5.1.4 Dealing with Scheduling Clashes**

Where arrival periods nominated in Shipping Schedules submitted by Wharf Users overlap the following rules will apply:

- i. A Priority Vessel will have priority berthing rights subject to receipt of an Approved Booking and compliance with the berth booking application process;
- ii. , Vessel visits nominated by a Wharf User in respect of a Priority Vessel shall receive priority subject to compliance with these Procedures.
- iii. Berthing of all non-priority Vessels, will be subject to compliance with these Procedures and the Berthing Priority Rights contained herein.

PN will update the Wharf Bookings Calendar and advise Wharf Users of clashes as soon as possible and in any case within five (5) days of receipt of Shipping Schedules.

### **5.1.5 Changes to Wharf Bookings Calendar**

- i. Where a Wharf User requests changes to its Shipping Schedule following monthly update of the Wharf Bookings Calendar by PN, any change will be at the absolute discretion of PN and in the event that the requested change results in a clash with a pre-existing scheduled Vessel visit nominated by another Wharf User, the latter will have berthing priority.

PN will otherwise liaise with Wharf User/s to resolve any clashes identified.

## **5.2 Berth Application**

For every Vessel requesting to berth at the Wharf, Agents, or principals, must submit a Berth Application to PN Seaport operations at least seven (7) days prior to the Vessel's ETA.

- i. The Berth Application must detail in writing the following information:



- a. Port Name and Berth Requested
  - b. Vessel name and International Maritime Organisation Reference Number.
  - c. Type of Vessel.
  - d. Estimated Time of Arrival (ETA) at the berth.
  - e. Estimated Time of Departure (ETD) from the berth.
  - f. Cargo to be loaded.
  - g. Agent's name and contact details.
  - h. Confirmation that the berthing application is consistent with booking calendar and Shipping Schedule
- ii. Where the supplied information on the Berth Application is incomplete the application will be deemed invalid and stakeholders advised accordingly.
- iii. With regards to Berth Applications the following guidelines will apply:
- a. 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.
  - b. 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)
  - c. Where information on a Berth Application is considered to be inaccurate PN may deem the application invalid and will advise the applicant accordingly.

### **5.3 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.

### **5.4 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.

## **6. BERTH APPLICATION REVIEW AND APPROVAL**

- i. Once a Berth Application has been lodged with PN Operations the following will be undertaken:
  - a. The Application will be reviewed and considered on the following basis:

- (i) All information required is included on Berth Application and is sanity checked for accuracy against historical operations or schedules.
  - (ii) Existing berth bookings and berth schedules including maintenance & availability are reviewed.
  - (iii) Any other operational and commercial factors are included in this review.
- b. PN will advise the lodging party where the Berth Application is not completed and lodged in accordance with these protocols.
  - c. 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.
  - d. PN will advise status of the Application (confirmation or otherwise) within 48 business hours of receiving a Berth Application.
  - e. A Berth Application will not be deemed approved until written confirmation of acceptance of the booking is received from PN.
  - f. Where there is more than one interested party for the berth, PN will review as per the berthing protocols outlined in Section 3, Priority Berthing arrangements outlined in Section 4 and Berth Booking Application Process outlined in Section 5.

## **7. 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.

## **8. 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.

## **9. ADVERSE WEATHER**

Berthing and de-berthing of Vessels during adverse weather and /or tidal 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

## **10. MISSED BERTHING ALLOCATION**

Where a Vessel misses its final allocated ETA, PN may at its absolute discretion revise the Wharf Bookings Calendar 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.

## **11. FINAL DECISION**

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

## **12. 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.

PN shall be under no liability to any person or entity, for any loss, damage or costs, of whatever nature, whether direct or indirect (including but not limited to, consequential losses and loss of profits) arising out of, or in connection with, or as a consequence of, timing of access to the Wharf (including denial of access to the Wharf) or directions to vacate the Wharf or any other

decisions and/or directions made by PN in the management and administration of these Procedures however arising.

Any direction from PN's General Manager Operations, or his delegate will be provided via the updated Mourilyan Wharf Bookings 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 Procedures 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).