**Port Management (Local Ports) Regulations 2025**

**S.R. No. /2025**

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**Port Management (Local Ports) Regulations 2025**

**S.R. No. /2025**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

MELISSA HORNE

Minister for Ports and Freight

Clerk of the Executive Council

Part 1—Preliminary

1 Objective

The objective of these Regulations is to provide for the safe, efficient and effective management of local ports.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 22 June 2025.

4 Revocation

The Port Management (Local Ports) Regulations 2015[[1]](#endnote-2) are **revoked**.

5 Definitions

In these Regulations—

***agreed activity***, in relation to a traditional owner group member, means an agreed activity within meaning of section 79 of the **Traditional** **Owner Settlement Act 2010** carried out on public land within the meaning of that Act by the member in accordance with a Part 6 traditional owner settlement agreement;

***alterations*** means any repair, maintenance, installation, modification, demolition or construction work, including work on a vessel or in respect of any equipment on a vessel, but does not include works;

***ambulance service*** has the same meaning as in the **Ambulance Services Act 1986**;

***berthing area*** means—

(a) a short-term berthing area; or

(b) a permit-only berthing area; or

(c) a 48-hour berthing area;

***camp*** means—

(a) to erect, occupy or use, for accommodation, a tent, tarpaulin or any similar form of accommodation, shelter or temporary structure; or

(b) to occupy or use a swag or sleeping bag; or

(c) to occupy or use for accommodation purposes a vehicle or other moveable form of accommodation;

***Chief Executive of Safe Transport Victoria*** means the person appointed as the Chief Executive of Safe Transport Victoria under section 115H of the **Transport Integration Act 2010**;

***commercial filming*** has the same meaning as in the **Filming Approval Act 2014**;

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

***fireplace*** means a fixed facility constructed of stone, metal, concrete or other non-flammable material provided by the port manager for the purpose of lighting, kindling or maintaining a fire;

***fisheries officer*** means an authorised officer within the meaning of the **Victorian Fisheries Authority Act 2016**;

***48-hour berthing area*** means an area in a local port where a vessel is capable of being berthed and which is not—

(a) a short-term berthing area; or

(b) a permit-only berthing area; or

(c) a prohibited berthing area;

***48-hour mooring area*** means an area in a local port where a vessel is capable of being moored and which is not—

(a) a short-term mooring area; or

(b) a permit-only mooring area; or

(c) a prohibited mooring area;

***fuelling facility*** means a mobile or fixed installation or equipment used in fuel storage or transfer that is located onshore or offshore;

***hot works*** means welding, thermal or oxygen cutting or heating or any other heat producing or spark producing activity;

***industrial waste*** has the same meaning as in the **Environment Protection Act 2017**;

***litter*** has the same meaning as in the **Environment Protection Act 2017**;

***local port permit*** means a permit issued under regulation 18;

***low value***, in relation to a good or a thing, means a value less than—

(a) in the case of a vessel, $10000; or

(b) in the case of any other good or thing, $2000;

***marine safety equipment*** has the same meaning as in the **Marine Safety Act 2010**;

***master*** has the same meaning as in the **Marine Safety Act 2010**;

***mooring area*** means—

(a) a short-term mooring area; or

(b) a permit-only mooring area; or

(c) a 48-hour mooring area;

***motor vehicle*** has the same meaning as in the **Road Safety Act 1986**;

***organised activity*** means a boat race, regatta, swimming race, competition, tournament, festival, concert, promotion, fireworks display or any other similar event;

***Part 6 traditional owner settlement*** ***agreement*** means an agreement under Part 6 of the **Traditional Owner Settlement Act** **2010**;

***permit holder*** means a person issued a local port permit;

***permit-only berthing area*** means an area subject to a set aside determination which allows a vessel to be berthed in that area by a person who holds a local port permit in relation to berthing a vessel;

***permit-only mooring area*** means an area subject to a set aside determination which allows a vessel to be moored in that area by a person who holds a local port permit in relation to mooring a vessel;

***prohibited berthing area*** means an area subject to a set aside determination which prohibits vessels from being berthed in that area;

***prohibited mooring area*** means an area subject to a set aside determination which prohibits vessels from being moored in that area;

***recreational vessel*** has the same meaning as in the **Marine Safety Act 2010**;

***set aside determination*** means a determination made by the port manager to set aside an area under regulation 10, 11, 12 or 13;

***responder agency***has the same meaning as in the **Emergency Management Act 2013**;

***sewage*** has the same meaning as in Annex IV of Schedule 1 to the **Pollution of Waters by Oil and Noxious Substances Act 1986**;

***short-term berthing area*** means an area subject to a set aside determination which allows vessels to be berthed in that area at certain specified times or for certain specified periods, but does not include a permit-only berthing area;

***short-term mooring area*** means an area subject to a set aside determination which allows vessels to be moored in that area at certain specified times or for certain specified periods, but does not include a permit-only mooring area;

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

***traditional owner group*** has the same meaning as in the **Traditional Owner Settlement Act** **2010**;

***traditional owner group entity*** has the same meaning as in the **Traditional Owner Settlement Act 2010**;

***traditional owner group member*** means a member of a traditional owner group who is bound by a Part 6 traditional owner settlement agreement that has been entered into by a traditional owner group entity appointed to represent the traditional owner group in relation to public land (within the meaning of the **Traditional Owner Settlement Act** **2010**) for the purposes of that Act;

***trailer*** has the same meaning as in the **Road Safety Act 1986**;

***transport safety officer*** has the same meaning as in the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

***vehicle*** has the same meaning as in the **Road Safety Act 1986** but does not include any of the following—

(a) a wheelchair;

(b) a motorised wheelchair;

(c) a pram or stroller;

(d) any other device used for the conveyance of a person with a disability or injury;

***wharf*** includes a pier, jetty, pontoon, quay, breakwater or boardwalk.

6 Certain regulations and other instruments prevail

The following regulations and other instruments prevail over these Regulations to the extent of any inconsistency—

(a) any regulations or other instruments made under the Marine Safety (Domestic Commercial Vessel) National Law;

(b) any regulations or other instruments made under the **Marine Safety Act 2010**;

(c) any regulations or other instruments made under the **Occupational Health and Safety Act 2004**;

(d) any regulations or other instruments made under the **Filming Approval Act 2014**;

(e) any regulations or other instruments made under the **National Parks Act 1975**;

(f) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** as they apply to any land reserved under that Act which forms part of a local port.

7 Harbour master's directions prevail

A direction given by a port manager, transport safety officer, fisheries officer or police officer under these Regulations that is inconsistent with a direction given by a harbour master (including a port manager acting as a harbour master) under Part 6.4 of the **Marine Safety Act 2010** has no effect to the extent of the inconsistency.

8 Liability for offences

(1) The following persons do not commit an offence against these Regulations, other than regulation 71, if the person carries out an activity that would otherwise constitute that offence and the person is acting in the course of the person's duties—

(a) a police officer;

(b) the Chief Executive of Safe Transport Victoria;

(c) a transport safety officer;

(d) a port manager;

(e) an officer, employee or agent of a port manager;

(f) an officer, employee or agent of a responder agency;

(g) an officer, employee or agent of an ambulance service;

(h) a fisheries officer;

(i) an authorised officer within the meaning of section 3(1) of the **Conservation, Forests and Lands Act 1987**.

(2) A person who holds a lease or licence issued under any Act in relation to land or waters which form part of a local port does not commit an offence against these Regulations, other than regulation 52, to the extent that the lease or licence authorises the activity that would otherwise constitute the offence.

Part 2—Set aside determinations

Division 1—General set aside determinations

9 Application of Division

This Division does not apply to—

(a) the berthing, mooring or anchoring of vessels in a local port; or

(b) the management of cargo in a local port, including the arrival, loading, unloading or transfer of cargo.

10 Activities in and access to areas set aside

(1) For the purposes of promoting the safe, efficient and effective management of a local port, a port manager may make a determination to set aside an area in a local port—

(a) in which the carrying out of a specified activity is permitted; or

(b) in which the carrying out of a specified activity is prohibited or restricted; or

(c) to which access is prohibited or restricted.

(2) In making a determination under subregulation (1), a port manager must have regard to the following matters—

(a) providing reasonable public access to the local port;

(b) accommodating the competing interests of local port users as far as is practicable;

(c) whether the determination will interfere with the safe operation of a vessel in the local port;

(d) protecting public health and safety;

(e) protecting, conserving and improving—

(i) local port facilities, features and amenity; and

(ii) the natural environment;

(f) the need for police officers and officers and members of any responder agency or ambulance service to have access to and through the local port to carry out their functions;

(g) whether the determination will interfere or conflict with any agreed activity that is carried out in the local port in accordance with a Part 6 traditional owner settlement agreement.

(3) A determination made under subregulation (1) may permit, prohibit or regulate more than one activity.

11 Temporary prohibition of access in certain circumstances

(1) Subject to subregulation (2), a port manager may make a determination to set aside an area in a local port in which⎯

(a) access to that area; or

(b) the carrying out of an activity in that area—

is prohibited or restricted for not more than 90 days.

(2) A port manager may only make a determination under subregulation (1)—

(a) in the event of, or in anticipation of, any fire, flood, natural disaster or other emergency; or

(b) if the port manager reasonably believes that there is imminent risk of—

(i) harm or damage to—

(A) the health or safety of any person; or

(B) local port facilities or other property; or

(C) the natural environment; or

(ii) significant interference with the safe, efficient and effective management of the local port.

(3) A port manager is not required to have regard to the matters set out in regulation 10(2) when making a determination under subregulation (1).

(4) A determination made under subregulation (1) in relation to an area in a local port replaces any previous set aside determination made by the port manager in respect of that area or any part of that area for the period specified in the temporary determination.

(5) A person must comply with a determination made under this regulation.

Penalty: 10 penalty units.

Division 2—Set aside determinations for specific purposes

12 Berthing, mooring and anchoring

A port manager may make a determination to set aside an area in a local port in which the mooring, berthing or anchoring of a vessel is—

(a) permitted; or

(b) prohibited; or

(c) restricted.

13 Management of cargo

A port manager may make a determination to set aside an area in a local port in which the management of cargo, including the arrival, loading, unloading or transfer of cargo, is—

(a) permitted; or

(b) prohibited; or

(c) restricted.

Division 3—Conditions on set aside determinations

14 Set aside determinations subject to conditions

In making a set aside determination, a port manager may include in the determination any reasonable condition which applies in relation to the activity or access that is the subject of the determination.

Division 4—Notification and record-keeping requirements

15 Notice requirements for set aside determinations

(1) As soon as practicable after making a set aside determination, a port manager must display details of the set aside determination, including any condition included in the determination, in a place or manner that ensures the information is reasonably likely to be seen and understood by relevant users of the local port.

(2) Details of any set aside determination made by a port manager—

(a) must be published in the Government Gazette and on the port manager's Internet website; and

(b) may be published in any other manner that the port manager considers appropriate.

16 Port manager to maintain records of set aside determinations

A port manager must keep a written record of any set aside determination, including any condition to which the determination is subject.

Part 3—Local port permits

Division 1—Issue of local port permit

17 Application

(1) A person may apply to the port manager of a local port for a local port permit to do any one or more of the following in the local port—

(a) berth, moor or anchor a vessel;

(b) manage cargo, including carrying out any activity related to the arrival, loading, unloading or transfer of cargo;

(c) carry out an activity which—

(i) does not fall within paragraph (a) or (b); and

(ii) would otherwise contravene these Regulations or a set aside determination;

(d) access an area which, if accessed, would otherwise contravene these Regulations or a set aside determination.

(2) An application under subregulation (1) must—

(a) specify the activity or area that the applicant is applying to carry out or access; and

(b) be in a form approved by the port manager.

(3) Despite subregulation (1), a person cannot apply under that subregulation for a local port permit to carry out an activity in the local port that would contravene a set aside determination made under regulation 11.

18 Decision on application

(1) Subject to this Division, on receiving an application under regulation 17, a port manager may—

(a) approve the application and issue a local port permit; or

(b) refuse the application.

(2) A port manager may do either or both of the following when issuing a local port permit under subregulation (1)—

(a) make the permit subject to any reasonable conditions;

(b) specify a period of effect for the permit.

19 Grounds for refusal

(1) A port manager may refuse an application under regulation 18 if the port manager reasonably believes that—

(a) the applicant has contravened—

(i) a local port permit (or a condition to which that permit is subject) previously issued to the applicant by the port manager; or

(ii) any other permit (or a condition attached to that permit) previously issued to the applicant by the port manager; or

(iii) a condition of a lease or licence referred to in regulation 8(2); and

(b) it is reasonably likely that the applicant will contravene the permit to which the application relates (or a condition to which that permit is subject) if the permit were issued.

(2) In addition, a port manager may refuse an application under regulation 18 if the application is for a local port permit under regulation 17(1)(c) or (d) and the port manager is satisfied that—

(a) carrying out the activity or accessing the area would—

(i) create a significant risk of harm or damage to—

(A) the health or safety of any person; or

(B) local port facilities or other property; or

(C) the natural environment; or

(ii) significantly interfere with—

(A) any other activity being carried out or any other area being accessed as permitted under these Regulations within the local port; or

(B) the provision of reasonable public access to the local port; or

(C) the safe, efficient and effective management of the local port; and

(b) imposing reasonable conditions on the permit would not remove the significant risk of harm or damage or significant interference referred to in paragraph (a).

20 Purpose of local port permit not to be detrimental

A port manager must not issue a local port permit under regulation 18 in respect of land in a local port that has been reserved under the **Crown Land (Reserves) Act 1978** or to which the **National Parks Act 1975** applies if the purpose of the permit is detrimental to the purpose for which the land is reserved.

21 Content of local port permit

(1) If a port manager approves an application under regulation 18, the port manager must issue the local port permit in writing.

(2) A local port permit issued under subregulation (1) must specify—

(a) the activity or area that may be carried out or accessed; and

(b) any conditions to which the permit is subject; and

(c) if the permit has a period of effect, that period.

22 Notice of refusal

(1) If a port manager refuses an application under regulation 18, the port manager must give written notice of that decision.

(2) A notice under subregulation (1) must set out the reasons for the refusal.

Division 2—Suspension, cancellation or variation of local port permit

23 Suspension of local port permit

(1) A port manager may suspend a local port permit, by written notice, if the port manager reasonably believes that—

(a) because of changed circumstances, the port manager could now refuse the application under regulation 18; or

(b) the permit holder has not complied with a condition to which the permit is subject.

(2) A notice under subregulation (1)—

(a) must set out the reasons for the suspension; and

(b) must state the period for which the local port permit is suspended, being a period of not more than 90 days; and

(c) may state the date on which the suspension takes effect.

(3) A suspension takes effect—

(a) on the day on which a notice is given under subregulation (1) to the permit holder or their employee, agent or contractor; or

(b) on a later date specified in the notice (if any).

24 Cancellation or variation of local port permit

(1) A port manager may cancel or vary a local port permit if the port manager reasonably believes that—

(a) because of changed circumstances, the port manager could now refuse the application under regulation 18; or

(b) the permit holder has not complied with a condition to which to the permit is subject; or

(c) the permit holder has contravened a provision of these Regulations.

(2) Before cancelling or varying a local port permit under subregulation (1), a port manager must—

(a) give the permit holder written notice which—

(i) states the grounds for cancelling or varying the local port permit; and

(ii) informs the permit holder that the permit holder may make a written submission in response to the notice within the time specified in the notice, which must not be less than 7 days; and

(b) consider any submission that is received within the specified time under paragraph (a)(ii).

(3) A port manager may cancel or vary a local port permit at the request of the permit holder.

(4) If a port manager cancels or varies a local port permit under subregulation (1) or (3), the port manager must give the permit holder written notice which—

(a) must specify that the permit is cancelled or specify the variation to the permit; and

(b) may state the date on which the cancellation or variation takes effect.

(5) In addition, if a port manager cancels or varies a local port permit under subregulation (1), the written notice under subregulation (4) must set out the reasons for the cancellation or variation.

(6) A cancellation or variation takes effect—

(a) on the day on which a notice is given under subregulation (4) to the permit holder or their employee, agent or contractor; or

(b) on a later date specified in the notice (if any).

Division 3—Permit offences

25 Local port permit to be in possession of permit holder

A permit holder must ensure that the local port permit is in their possession at all times while the permit holder carries out an activity or accesses an area specified in the permit.

Penalty: 10 penalty units.

26 Permit holder to produce local port permit for inspection on request

A permit holder must produce the local port permit for inspection while the permit holder carries out an activity or accesses an area specified in the permit if requested to produce the permit by—

(a) the port manager; or

(b) an officer or employee of the port manager; or

(c) the Chief Executive of Safe Transport Victoria; or

(d) a transport safety officer; or

(e) a police officer.

Penalty: 10 penalty units.

27 Offence not to comply with conditions of permit

The holder of a local port permit must comply with any condition to which the permit is subject.

Penalty: 10 penalty units.

Part 4—Management of local ports

Division 1—General set aside determination offences

28 Offence to interfere with permitted activity

(1) A person must not, in an area that is subject to a set aside determination made under regulation 10(1)(a), carry out an activity which would unreasonably obstruct or interfere with an activity that is permitted by that determination except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) A person must not, in an area that is subject to a set aside determination made under regulation 10(1)(a), carry out an activity in contravention of that determination—

(a) except in accordance with a local port permit; or

(b) unless the person is a traditional owner group member and the activity is an agreed activity.

Penalty: 10 penalty units.

29 Offence to carry out prohibited or restricted activity

A person must not carry out an activity in an area that is subject to a set aside determination made under regulation 10(1)(b) in contravention of that determination—

(a) except in accordance with a local port permit; or

(b) unless the person is a traditional owner group member and the activity is an agreed activity.

Penalty: 10 penalty units.

30 Offence to enter or remain in area where access prohibited or restricted

A person must not enter into, or remain in, an area that is subject to a set aside determination made under regulation 10(1)(c) in contravention of that determination except in accordance with a local port permit.

Penalty: 10 penalty units.

Division 2—Berthing, mooring and anchoring offences

31 Vessel to be berthed, moored or anchored in accordance with determination

(1) The master of a vessel must not berth, moor or anchor the vessel in an area that is subject to a set aside determination made under regulation 12 in contravention of that determination except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

32 Offence to install or use unapproved mooring

(1) A person must not install a mooring in a local port except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) The master of a vessel must not moor the vessel to a structure in a local port unless—

(a) the structure is specifically provided or approved by the port manager for that purpose; or

(b) the master moors the vessel in accordance with a local port permit.

Penalty: 10 penalty units.

(3) An offence against subregulation (2) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

33 Vessel not to be berthed or moored in prohibited area

(1) The master of a vessel must not berth the vessel in a prohibited berthing area except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) The master of a vessel must not moor the vessel in a prohibited mooring area except in accordance with a local port permit.

Penalty: 10 penalty units.

(3) An offence against subregulation (1) or (2) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

34 Vessel not to be berthed or moored in permit-only area without permit

(1) The master of a vessel must not berth the vessel in a permit-only berthing area except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) The master of a vessel must not moor the vessel in a permit-only mooring area except in accordance with a local port permit.

Penalty: 10 penalty units.

(3) An offence against subregulation (1) or (2) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

35 Vessel not to be anchored in mooring area

(1) The master of a vessel must not anchor the vessel in a mooring area except in accordance with a local port permit.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

36 Time limit on berthing and mooring

(1) The master of a vessel that is berthed in a berthing area or moored in a mooring area must ensure that the vessel is not berthed or moored for a continuous period that exceeds—

(a) in the case of a berthing area or mooring area that is not a 48-hour berthing area or 48-hour mooring area, the period specified under a set aside determination or in a local port permit; or

(b) in the case of a 48-hour berthing area or 48‑hour mooring area, 48 hours.

Penalty: 10 penalty units.

(2) For the purposes of subregulation (1), a vessel is not berthed for a continuous period if before the expiry of any time limit which applies in relation to the vessel's current berth the master of the vessel moves the vessel—

(a) from its current berth to a different berth so that the vessel no longer occupies any of the same space it previously occupied; or

(b) from its current berth and anchors the vessel so that the vessel no longer occupies any of the same space it previously occupied; or

(c) from its current berth to a mooring; or

(d) from its current berth to an area outside the local port.

(3) For the purposes of subregulation (1), a vessel is not moored for a continuous period if before the expiry of any time limit which applies in relation to the vessel's current mooring the master of the vessel moves the vessel—

(a) from its current mooring to a different mooring so that the vessel no longer occupies any of the same space it previously occupied; or

(b) from its current mooring and anchors the vessel so that the vessel no longer occupies any of the same space it previously occupied; or

(c) from its current mooring to a berth; or

(d) from its current mooring to an area outside the local port.

(4) For the purposes of subregulation (3)(a), in the case of a vessel moored to a structure that is specifically provided or approved by the port manager for that purpose, any movement to a different mooring on the same structure is to be disregarded, unless the movement is authorised by the port manager.

(5) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

37 Vessel to be securely berthed, moored or anchored

(1) The master of a vessel must ensure that the vessel is secure and is not capable of breaking adrift when it is berthed, moored or anchored in a local port.

Penalty: 10 penalty units.

(2) The master of a vessel must ensure that, when the vessel is anchored in a local port, it is anchored so that neither the vessel nor the anchor is capable of endangering or causing damage to another vessel, other property, port facilities or the environment.

Penalty: 10 penalty units.

(3) An offence against subregulation (1) or (2) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

38 Vessels not to lie alongside in berthing areas except as directed or permitted

(1) The master of a vessel must not berth the vessel alongside another vessel in a berthing area except—

(a) in accordance with a direction given by the port manager; or

(b) in accordance with a local port permit.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

39 Free access to and from berthed vessel

(1) The master of a vessel that is berthed at a wharf in a local port must ensure that persons and goods have free access across the deck of that vessel at all times—

(a) to and from any vessel berthed alongside that vessel; and

(b) to and from the wharf.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply if the master does not provide free access across the deck in accordance with a local port permit.

(3) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

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

(1) The master of a vessel must ensure that there is a person on board the vessel, or in the immediate vicinity of the vessel, who is authorised to act as master of the vessel if the vessel is berthed in an area that is subject to a set aside determination which permits—

(a) the loading of cargo onto, or unloading of cargo from, the vessel; or

(b) passengers to embark or disembark the vessel.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply if the master allows the vessel to be berthed without a person authorised to act as master of the vessel being on board the vessel or in the immediate vicinity of the vessel in accordance with a local port permit.

(3) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

Division 3—Cargo management offences

41 Cargo not to be managed in prohibited area

A person must not manage cargo, including undertaking any activity related to the arrival, loading, unloading or transfer of cargo, in an area that is subject to a set aside determination made under regulation 13 in contravention of that determination.

Penalty: 20 penalty units.

Division 4—Vessel management offences

42 Reporting of incidents involving hazardous port activities

A person carrying out a hazardous port activity in a local port must immediately notify the port manager of any incident involving the activity, including but not limited to the following—

(a) an explosion, fire or harmful reaction;

(b) the escape, spillage or leak of bulk cargo or liquids.

Penalty: 20 penalty units.

43 Refuelling of vessels

A person must not refuel a vessel in a local port except if the vessel is refuelled—

(a) not more than one time during any 24 hour period from a single, portable container of up to 25 litres in capacity which is suitable for containing fuel; or

(b) using a fuelling facility in an area subject to a set aside determination which permits the carrying out of that activity in that area; or

(c) in accordance with a local port permit.

Penalty: 20 penalty units.

44 Use of propellers

(1) The master of a vessel must not cause or permit any propeller or other propulsion system on board the vessel to be operated while the vessel is berthed at a wharf in a local port.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply if—

(a) the propeller or other propulsion system is operated to enable the vessel to arrive at or depart from the berth; or

(b) the master remains on board the vessel while the propeller or other propulsion system is operated and the operation does not cause harm or damage to—

(i) the health or safety of any person; or

(ii) local port facilities or other property; or

(iii) the natural environment; or

(c) the propeller or other propulsion system is operated in accordance with a local port permit.

(3) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

45 Storage of equipment and other items

(1) The master of a vessel must ensure that equipment and other items are not stowed or secured on the vessel in a local port in a manner which may cause harm or damage to the safety of any person or other property.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an owner onus offence for the purposes of Part 4.7 of the **Marine Safety Act 2010** if the relevant vessel is a recreational vessel.

Division 5—Motor vehicle management offences

46 Motor vehicle entry restricted

(1) A person driving or in charge of a motor vehicle or trailer must not enter or park the motor vehicle or trailer in a local port except if—

(a) the motor vehicle or trailer enters or is parked in an area subject to a set aside determination which permits motor vehicles or trailers entering or being parked in that area; or

(b) the motor vehicle or trailer enters or is parked in the local port in accordance with a local port permit.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an operator onus offence for the purposes of Part 6AA of the **Road Safety Act 1986**.

Division 6—Vessels, goods and other thing left unattended

47 Offence to leave unattended vessel, goods or other thing or to cause obstruction

(1) A person must not leave unattended any vessel, goods or other thing in a local port except—

(a) in accordance with requirements issued by the port manager under subregulation (2); or

(b) in accordance with a local port permit.

Penalty: 20 penalty units.

(2) For the purposes of these Regulations, a port manager may issue requirements in relation to leaving vessels, goods or other things unattended in a local port.

(3) Requirements issued under subregulation (2)—

(a) must be published in the Government Gazette and on the port manager's Internet website; and

(b) may be published in any other manner that the port manager considers appropriate.

(4) The master or owner of a vessel must not berth, moor or anchor the vessel in a manner that creates an obstruction.

Penalty: 20 penalty units.

48 Direction to move vessel, goods or other thing

(1) A port manager may give a direction that a vessel, goods or other thing be removed from the local port, or moved to another place within the local port, if the port manager reasonably believes that the vessel, goods or other thing—

(a) has or have been left unattended; or

(b) is or are causing an obstruction; or

(c) is or are likely to create a risk of harm or damage to—

(i) the health or safety of any person; or

(ii) local port facilities or other property; or

(iii) the natural environment; or

(d) is or are likely to interfere with—

(i) reasonable public access to the local port; or

(ii) the safe, efficient or effective operation of the local port; or

(e) in the case of a vessel, is derelict, unseaworthy, sinking, sunk or partially submerged.

(2) A direction given under subregulation (1) must be in writing and must be given to—

(a) in the case of a vessel, the owner or master of the vessel; or

(b) in the case of goods or any other thing, the owner of, or the person who is responsible for, the goods or other thing.

(3) A direction given under subregulation (1) may specify—

(a) the manner in which the vessel, goods or other thing is or are to be removed or moved; and

(b) the time by which the vessel, goods or other thing is or are to be removed or moved.

(4) A person to whom a direction is given under subregulation (1) must comply with the direction.

Penalty: 20 penalty units.

49 Removal of vessel, goods or other thing

(1) In accordance with subregulation (2), a port manager may move or dispose of a vessel, goods or other thing which may be the subject of a direction given under regulation 48(1) if—

(a) the owner, master or person responsible, as the case may be, has been given a direction under regulation 48(1) and has not complied with that direction within the specified time; or

(b) the owner, master or person responsible, as the case may be, cannot be identified or located after all reasonable enquiries have been made.

(2) The port manager may move the vessel, goods or other thing to a place located within or outside the local port for storage.

(3) The port manager must maintain a record of any action taken under this regulation.

(4) A person must not remove or interfere with a vessel, goods or other thing stored under subregulation (2) without the permission of the port manager.

Penalty: 20 penalty units.

50 Disposal of vessel, goods or other thing

(1) A port manager may dispose of a vessel, goods (other than goods that are perishable) or other thing by sale, destruction, appropriation or any other means if—

(a) the vessel, goods or other thing has or have been left unattended in the local port for at least one month; and

(b) the port manager is unable to identify or locate the master or owner of the vessel, or the owner or person responsible for the goods or thing, after all reasonable enquiries have been made; and

(c) the port manager reasonably believes that the vessel, goods or thing is or are of low value.

(2) A port manager may dispose of goods that are perishable and are left at the local port if—

(a) the port manager is unable to identify or locate the owner of, or person responsible for, the goods; and

(b) the port manager reasonably believes that the goods—

(i) have been abandoned; and

(ii) are perishable.

(3) The port manager must maintain a record of any action taken under this regulation.

51 Recovery of costs

(1) If a port manager has disposed of a vessel, good or other thing under regulation 50, the port manager may recover from the owner—

(a) the costs of the moving the vessel, good or other thing; and

(b) the costs of storing the vessel, good or other thing; and

(c) if the vessel, good or other thing has been disposed of, the costs of the disposal of the thing; and

(d) any relevant overhead and other indirect costs arising from the moving, storing and disposing of the vessel, good or other thing including the cost of cleaning the surrounding environment.

(2) An amount payable under subsection (1) may be recovered in any court of competent jurisdiction as a debt due to the port manager.

(3) If the vessel, good or other thing is disposed of, an amount that may be recovered under subsection (1) is to be paid out of the proceeds (if any) of the disposal.

Part 5—Activities in local ports

Division 1—Regulated activities

52 Work in a local port

(1) A person must not carry out any works in a local port—

(a) except in accordance with a local port permit; or

(b) except in accordance with requirements issued by the port manager under subregulation (2); or

(c) unless the person is a traditional owner group member and the carrying out of works is an agreed activity.

Penalty: 20 penalty units.

(2) A port manager may issue requirements in relation to the carrying out of works in a local port.

(3) Requirements issued under subregulation (2)—

(a) must be published in the Government Gazette and on the port manager's Internet website; and

(b) may be published in any other manner that the port manager considers appropriate.

(4) A person must not carry out any alterations in a local port if those alterations involve the use of hot works or dangerous goods except in accordance with a local port permit.

Penalty: 20 penalty units.

(5) A person must not carry out any alterations in a local port which do not involve the use of hot works or dangerous goods unless the alterations are carried out—

(a) in a manner that—

(i) does not cause the discharge or deposit of materials or waste on to any land or into any waters or the atmosphere; and

(ii) does not unreasonably interfere with the carrying out of any other activity or access in, or the amenity of, the local port; or

(b) in an area that is subject to a set aside determination which permits the carrying out of those alterations in that area; or

(c) in accordance with a local port permit.

Penalty: 20 penalty units.

(6) A person who carries out works or alterations in a local port must carry out those works or alterations in a manner that ensures any safety and environmental risks associated with the works or alterations are appropriately managed.

Penalty: 20 penalty units.

(7) For the purposes of subregulation (6), ***appropriately managed*** includes—

(a) identifying the nature and extent of the safety and environmental risks associated with carrying out the works or alterations; and

(b) considering the likely impact of those risks; and

(c) implementing measures and strategies to eliminate or reduce those risks as far as is reasonably practicable.

53 Camping

A person must not camp in a local port—

(a) except in accordance with a local port permit; or

(b) unless the person is a traditional owner group member and the camping is an agreed activity.

Penalty: 10 penalty units.

54 Jumping and diving

A person must not jump or dive from a wharf, a natural asset or any other infrastructure in a local port in contravention of a sign or notice erected or displayed on or near that wharf, natural asset or other infrastructure by the port manager—

(a) except in accordance with a local port permit; or

(b) unless the person is a traditional owner group member and the jumping or diving is an agreed activity.

Penalty: 10 penalty units.

55 Swimming and other in-water activities

A person must not swim, bathe, snorkel or scuba dive under or within 20 metres of a wharf in a local port in contravention of a sign or notice erected or displayed on or near that wharf by the port manager—

(a) except in accordance with a local port permit; or

(b) unless the person is a traditional owner group member and the swimming, bathing, snorkelling or scuba diving is an agreed activity.

Penalty: 10 penalty units.

56 Fishing-related activities

(1) A person must not clean fish on a wharf or other structure in a local port—

(a) except in an area subject to a set aside determination which permits the cleaning of fish on a wharf or other structure in that area; or

(b) except in accordance with a local port permit; or

(c) unless the person is a traditional owner group member and the cleaning of fish is an agreed activity.

Penalty: 10 penalty units.

(2) A person must not leave or store fishing-related equipment in a local port—

(a) except in an area subject to a set aside determination which permits the leaving or storing of fishing-related equipment in that area; or

(b) except in accordance with a local port permit; or

(c) unless the person is a traditional owner group member and the leaving or storing of fishing-related equipment is an agreed activity.

Penalty: 10 penalty units.

(3) A person must not stretch or repair fishing equipment in a local port —

(a) except in an area subject to a set aside determination which permits the stretching or repairing of fishing equipment in that area; or

(b) except in accordance with a local port permit; or

(c) unless the person is a traditional owner group member and the stretching or repairing of fishing equipment is an agreed activity.

Penalty: 10 penalty units.

57 Retrieval of fishing rods and fishing lines when vessel approaching wharf

A person who is in possession of, or in charge of, a fishing rod or fishing line on a wharf in a local port must ensure that the rod or line is retrieved from the water and any space between the wharf and a vessel approaching or departing from that wharf.

Penalty: 10 penalty units.

58 Commercial activities

(1) A person must not advertise or otherwise offer any thing or any service for sale, trade or hire in a local port except—

(a) in an area subject to a set aside determination which permits the carrying out of that activity in that area; or

(b) in accordance with a local port permit; or

(c) where the person is a traditional owner group member and the advertising or offering for sale, trade or hire is an agreed activity.

Penalty: 20 penalty units.

(2) A person must not undertake any commercial filming activity in a local port except—

(a) in an area subject to a set aside determination which permits the carrying out of that activity in that area; or

(b) in accordance with a local port permit; or

(c) where the person is a traditional owner group member and the commercial filming activity is an agreed activity.

Penalty: 20 penalty units.

59 Organised activities

(1) A person must not organise or conduct, or take part in organising or conducting, an organised activity in a local port except—

(a) in an area subject to a set aside determination which permits the carrying out of that activity in that area; or

(b) in accordance with requirements issued by the port manager under subregulation (2); or

(c) in accordance with a local port permit; or

(d) if the person is a traditional owner group member and the organised activity is an agreed activity.

Penalty: 20 penalty units.

(2) For the purposes of these Regulations, a port manager may issue requirements in relation to the organisation, or conduct, of organised activities in a local port.

(3) Requirements issued under subregulation (2)—

(a) must be published in the Government Gazette and on the port manager's Internet website; and

(b) may be published in any other manner that the port manager considers appropriate.

60 Interference with vessel moorings

(1) A person must not cut, break or destroy a vessel's mooring in a local port unless—

(a) the person is the master or owner of the vessel or is acting under the direction of the master or owner of the vessel; or

(b) the person reasonably believes there is an emergency and it is appropriate action to take.

Penalty: 10 penalty units.

(2) A person must not interfere with, cast off or remove a vessel from a wharf or mooring in a local port unless—

(a) the person is the master or owner of the vessel or is acting under the direction of the master or owner of the vessel; or

(b) the person reasonably believes there is an emergency and it is appropriate action to take.

Penalty: 10 penalty units.

61 Interference with property or infrastructure of port manager

A person must not damage, deface or interfere with any property or infrastructure in a local port which is owned, managed or otherwise provided by the port manager except in accordance with a local port permit.

Penalty: 10 penalty units.

62 Trespassing on vessels

A person must not climb on or over, or otherwise enter onto, any vessel in a local port which is owned by another person unless the first mentioned person⎯

(a) has the permission of the vessel's master or owner; or

(b) has the permission of another person authorised by, or acting on behalf of, the owner; or

(c) must do so to gain access to a vessel berthed alongside that vessel or to a wharf as a result of a direction given by the port manager under regulation 38.

Penalty: 10 penalty units.

63 Fireworks and other explosives

(1) A person must not discharge or use any fireworks or other explosives in a local port except in accordance with a local port permit.

Penalty: 20 penalty units.

(2) The master or owner of a vessel must not, without reasonable excuse, allow fireworks or explosives to be discharged in a local port by any person on board the vessel except in accordance with a local port permit.

Penalty: 20 penalty units.

64 Leaving or depositing of litter and other waste

A person must not leave or deposit any litter or industrial waste in a local port except—

(a) in a receptacle provided for that purpose; or

(b) in an area subject to a set aside determination which permits the carrying out of that activity in that area; or

(c) in accordance with a local port permit; or

(d) in the case of waste water or sewage from a vessel, if the person uses sewage pump out facilities or other similar facilities or services to dispose of the waste water or sewage.

Penalty: 10 penalty units.

65 Interference with safety equipment

A person must not remove or interfere with any marine safety equipment or other safety equipment provided by the port manager in a local port except—

(a) in an emergency; or

(b) in accordance with a local port permit.

Penalty: 20 penalty units.

66 Damage or obstruction to, or interference with, roads, gates and other areas

A person must not damage, obstruct or interfere with any road, footpath, footway, access area, unloading area or gate in a local port except in accordance with a local port permit.

Penalty: 10 penalty units.

67 Certain gates to be kept closed

A person who enters through a gate in a local port which bears a sign or notice stating that the gate is to be kept closed at all times must ensure that the person closes the gate without delay after using it except in accordance with a local port permit.

Penalty: 10 penalty units.

68 Hindrance or danger to navigation

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

Penalty: 10 penalty units.

69 Lighting of fires

A person must not light, kindle, use or maintain a fire in a local port except—

(a) on board a vessel in a suitable appliance for the purposes of cooking or personal comfort; or

(b) in a fireplace; or

(c) in accordance with a local port permit; or

(d) where the person is a traditional owner group member and the lighting, kindling, using or maintenance of a fire is an agreed activity.

Penalty: 10 penalty units.

Division 2—Directions

70 Directions to person causing interference etc.

(1) Without limiting regulation 48, a port manager, transport safety officer, fisheries officer or police officer may direct—

(a) a person in a local port—

(i) to cease carrying out an activity; or

(ii) to leave a specified area in the local port; or

(iii) to leave the local port; or

(b) the master or owner of a vessel, or a person in charge of a vehicle, in a local port—

(i) to move the vessel or vehicle to another place within the local port; or

(ii) to remove the vessel or vehicle from the local port.

(2) A port manager, transport safety officer, fisheries officer or police officer may only give a direction under subregulation (1)—

(a) in the event of, or in anticipation of, any fire, flood, natural disaster or other emergency; or

(b) if that person reasonably believes the direction is required—

(i) to prevent significant harm or damage—

(A) to the health or safety of any person; or

(B) to local port facilities or other property; or

(C) to the natural environment; or

(ii) to prevent significant interference with—

(A) the carrying out of any activity or access permitted within the local port; or

(B) reasonable public access to the local port; or

(C) the amenity of the local port; or

(iii) to otherwise prevent significant interference with the safe, efficient and effective management of the local port.

(3) A person to whom a direction is given under subregulation (1) must immediately comply with the direction.

Penalty: 20 penalty units.

Part 6—General

71 Identity cards

(1) A port manager must issue an identity card to each person to whom the port manager delegates any power conferred on it under section 44C of the Act.

(2) The identity card must include—

(a) the name of the delegate of the port manager; and

(b) a photograph of the delegate of the port manager.

(3) A delegate of a port manager must produce their identity card for inspection—

(a) before exercising any power conferred on that delegate by the port manager; or

(b) if asked to do so by any person at any time during the exercise of any power conferred on that delegate by the port manager.

(4) However, a delegate of a port manager need not produce their identity card for inspection when asked to do so if—

(a) the delegate reasonably believes that the production of the identity card would—

(i) affect the safety or welfare of any person; or

(ii) frustrate the effective exercise of a power conferred on that delegate by the port manager; or

(b) the request to produce the identity card is made by a person to whom the delegate has already produced that identity card on the same day before exercising a power conferred on the delegate by the port manager.

(5) Any exercise of a power conferred on a delegate by a port manager is not invalidated by the delegate's failure to produce their identity card.

(6) A person to whom a port manager issues an identity card under subregulation (1) must immediately return the identity card to the port manager if that person ceases to be a delegate of the port manager.

Penalty: 10 penalty units.

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Endnotes

1. Reg. 4: SR. No 71/2015. [↑](#endnote-ref-2)