

PORT NOTICE

Transport Infrastructure Act 1994

MOORING AREA RULES AND REGULATIONS

These Port of Bundaberg Mooring Area Rules and Regulations (the **Rules**) apply to all areas within the Mooring Area.

1. In these Rules, the following definitions apply unless the context requires otherwise:

Act	means the <i>Transport Infrastructure Act 1994</i> as amended from time to time.
Anchor	means the act of securing any vessel to a Boat Harbour floor in a temporary or permanent manner.
Aquatic Event	means any on or in water promotion or event whether of a commercial or non-commercial nature.
Authorised Officer	means an authorised officer pursuant to Chapter 8 of the Act.
Corporation	means the Gladstone Ports Corporation Limited (ACN 131 965 896).
Moor	means the act of securing any vessel to a Mooring.
Mooring	means any wharf, jetty, pile, pontoon, buoyed anchor or floating marina berth within a Mooring Area.
Mooring Area	means the designated mooring area shown on nautical chart AUS 242.
Mooring Right	means a right granted by the Corporation to Moor a vessel in a Boat Harbour.

- A person must not moor a vessel within the Mooring Area without the prior written approval of the Corporation.
- A person must not assign or sublet a Mooring Right within the Mooring Area without the prior written approval of the Corporation.
- Except in the case of an emergency, a person must not place a Mooring, Anchor or other fixture in or on the Mooring Area without the prior written approval of the Corporation.
- A person must not Moor a vessel to any public Mooring within the Mooring Area except for the following purposes:
 - taking on board stores, water or fuel;
 - off loading or loading cargo or goods; or
 - embarking or disembarking passengers.

The maximum time permitted alongside a public Mooring is one (1) hour.
- A person must not use a public jetty in the Mooring Area for commercial purposes without the prior written approval of the Corporation. Approval may be contingent upon the payment of a fee.
- Mooring lines must be of a suitable size and condition to ensure the safety of the vessel.
- A person must not double up vessels on a Mooring in the Mooring Area.
- A person must not stage or promote any Aquatic Event within the Mooring Area without prior written approval of the Corporation.
- A person must not use or attempt to use a sailboard or a windsurfer in the Mooring Area.
- A person must not navigate a vessel carelessly or recklessly or sail in the Mooring Area for any purposes other than access and egress.

- A person must not discharge litter, bilge water sewage or other foreign material overboard from a vessel within the Mooring Area.
- A person must not carry out major maintenance or repairs to any vessel in the Mooring Area except in a part of the Mooring Area designated by the Corporation specifically for that purpose.
- A person must not use a public boat ramp in the Mooring Area except for the purpose of launching or retrieving a vessel. When using a public boat ramp, the combined weight of the vessel and vehicle must not exceed three (3) gross tonnes. Persons who use the ramp must not unnecessarily impede or obstruct the use of the ramp by other users.
- A person must not live aboard any vessel Anchored or Moored within the Mooring Area for a period in excess of forty-eight (48) hours over any seven (7) consecutive days.
- Where a person is granted a Mooring Right, the person must pay to the Corporation a mooring fee as determined from time to time by the Corporation.
- All fees must be paid in advance.
- Subject to clause 19 below, fees are non-refundable.
- A Mooring Right may be terminated by the holder of the Mooring Right by giving one month's written notice to the Corporation. If a Mooring Right is terminated pursuant to this clause within a period of three months after the commencement date of the Mooring Right, the holder of the Mooring Right is entitled to a pro-rata refund of the balance of the term of the Mooring Right calculated in whole months.
- A Mooring Right may be terminated by the Corporation:
 - by giving one month's notice written notice to the holder of the Mooring Right; or
 - by giving 7 days written notice to the holder of the Mooring right, if the holder has committed a breach of the Act, a regulation pursuant to the Act or these Rules.
- Upon termination of a Mooring Right or other agreement between the Corporation and any person in relation to a Mooring Right, all vessels moored at the Mooring and all other property must be removed as soon as practicable and within the time period specified by the Corporation by notice in writing.

BREACH OF THIS PORT NOTICE CONSTITUTES AN OFFENCE AGAINST THE ACT

Maximum penalty:

- If the offence relates to the movement, mooring of, or other activities on or by, a ship: 100 Penalty Units;
- If the offence relates to the movement, handling or storage of goods: 50 Penalty Units; or
- If the offence related to any other matter dealt with in this notice: 25 Penalty Units, per offence.

