

Queensland



*Transport Infrastructure Act 1994*

# **TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994**

**Reprinted as in force on 12 January 2001  
(includes amendments up to SL No. 340 of 2000)**

**Reprint No. 3A**

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## Information about this reprint

This regulation is reprinted as at 12 January 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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(PORTS) REGULATION 1994**

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## **TRANSPORT INFRASTRUCTURE (PORTS) REGULATION 1994**

[as amended by all amendments that commenced on or before 12 January 2001]

### **PART 1—PRELIMINARY**

#### *Division 1—Introduction*

##### **Short title**

1. This regulation may be cited as the *Transport Infrastructure (Ports) Regulation 1994*.

#### *Division 2—Interpretation*

##### **Definitions**

3. In this regulation—

“**authorised officer**” means a person who is appointed under this regulation as an authorised officer.

“**high-water mark**” means ordinary high-water mark at spring tides.

“**indication**” given by an official traffic sign has the same meaning as in the *Transport Operations (Road Use Management) Act 1995*.

“**low-water mark**” means ordinary low-water mark at spring tides.

“**obstruct**” includes hinder, resist, insult and attempt to obstruct.

“**official traffic sign**” means an official traffic sign within the meaning of the *Transport Operations (Road Use Management) Act 1995*.

“**port**” does not include airport.

“**port area**” of a port authority means the area of its strategic port land, port

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facilities and port.

**“port facilities”** of a port authority means port facilities owned or controlled by it.

**“port notice”** means a notice by a port authority that is—

- (a) erected or displayed—
  - (i) at each entrance commonly used by persons to gain access to its port area; or
  - (ii) on its port area; or
- (b) a document given to a person having access to or using its port area.

**“requirement”** of a port notice includes a direction, instruction, indication, condition or other provision contained in the port notice.

### **References to latitude or longitude**

**3A.** A reference in this regulation to latitude or longitude is a reference to latitude or longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

### *Division 3—Application of regulation*

#### **Application of regulation**

- 4.** This regulation (other than part 6) does not apply to—
- (a) the Cairns Port Authority in relation to its airport; or
  - (b) the Mackay Port Authority in relation to its airport.



## **PART 2—AUTHORISED OFFICERS**

### **Appointment of authorised officers**

**5.(1)** A port authority may appoint a person to be an authorised officer under this regulation if the authority is satisfied the person has the necessary training, or knowledge and experience, to be an authorised officer.

**(2)** A port authority may restrict an authorised officer's powers by written notice given to the officer.

### **Identity cards**

**6.(1)** A port authority must issue an identity card to each authorised officer appointed by the port authority.

**(2)** The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be signed by the authorised officer; and
- (c) identify the person as an authorised officer of the port authority.

**(3)** A person who ceases to be an authorised officer must, as soon as practicable, return his or her identity card to the port authority, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

**(4)** This section does not apply to an authorised officer who is a police officer.

### **Production or display of authorised officer's identity card**

**7.(1)** An authorised officer (other than a police officer in uniform) may exercise a power under this regulation in relation to someone else only if the officer—

- (a) first produces his or her identity card for inspection by the person;  
or
- (b) has his or her identity card displayed so that it is clearly visible to

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the person.

(2) However, if for any reason, it is not practicable to comply with subsection (1), the authorised officer must produce the identity card for inspection by the person at the first reasonable opportunity.

## **PART 3—CONTROL OF ACTIVITIES AT PORTS**

### *Division 1—Port notices*

#### **Port notices—general control of activities**

**8.(1)** A port authority may, by port notice, control access to, or the use of, its strategic port land, port facilities or areas in its port where activities may affect the port's operation.

(2) Without limiting subsection (1), the port authority may, by port notice, control activities or conduct at the port area for—

- (a) maintaining or improving the safe, secure or efficient operation of its port; or
- (b) maintaining or improving the convenience of port users; or
- (c) protecting the environment at the port area.

(3) The power conferred by another provision of this division to control by port notice does not limit the power conferred by this section.

#### **Port notices—movement or mooring of ships etc.**

**9.(1)** A port authority may, by port notice, control the movement or mooring of ships at its port facilities.

(2) A port authority may also, by port notice, control the movement or mooring of ships if the movement or mooring may affect the port's operation.

(3) In addition, a port authority may, by port notice, control activities on

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or by ships moored at its port facilities or in its port if the activities may affect the port's operation.

**Port notices—movement, handling or storage of goods**

**10.** A port authority may, by port notice, control the movement, handling or storage of goods loaded, unloaded or transhipped to or from ships using its port facilities or on its port facilities or strategic port land.

**Port notices—movement of passengers**

**11.** A port authority may, by port notice, control the movement of passengers to or from ships using its port facilities or on its port facilities or strategic port land.

**Port notices—movement, stopping or parking of vehicles**

**12.** A port authority may, by port notice, control the movement, stopping or parking of vehicles on its strategic port land or at its port facilities, including, for example—

- (a) fixing a maximum speed limit; or
- (b) indicating a pedestrian crossing; or
- (c) indicating a place where driving, parking or standing of a vehicle is restricted or prohibited.

**Port notices—movement, stopping or parking of trains**

**13.** A port authority may, by port notice, control the movement, stopping or parking of trains on its strategic port land or at its port facilities, including, for example, indicating where the parking of trains is restricted or prohibited.

**Noncompliance with port notices**

**14.** A person must comply with a port notice, unless the person has a reasonable excuse for not complying with it.

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Maximum penalty—

- (a) for contravention of a requirement of a port notice about the movement or mooring of, or activities by, ships—100 penalty units; or
- (b) for contravention of a requirement of a port notice about the movement, handling or storage of goods—50 penalty units; or
- (c) for contravention of another port notice—25 penalty units.

**Port notices generally**

**15.(1)** A port notice—

- (a) must indicate the area to which the notice applies; and
- (b) if contravention of a requirement of the notice is an offence against this regulation—must state that it is an offence and the maximum penalty for the offence; and
- (c) may be in the form of an official traffic sign and, if it is, is taken to contain the indication given by the corresponding official traffic sign.

(2) Evidence that a sign was erected or displayed on, or at the entrance to, the port authority's port area is evidence that the notice was erected or displayed by the authority.

(3) A port notice erected or displayed on, or at an entrance to, a port authority's port area must be clearly visible to passers by.

**Port notice may refer to documents held by port authority**

**16.(1)** A port notice may require a person to comply, in whole or in part, with a requirement of a stated document held by the port authority.

(2) However, the requirement must be able to be made by a port notice under this division.

(3) The notice must—

- (a) if the document is a standard—state that a copy of the standard is available for inspection or for purchase at reasonable cost at a

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stated office of the port authority during normal business hours in the locality to which the notice relates; or

- (b) if the document is not a standard—include a copy of the document or—
- (i) include a summary of the requirement or a table of the document’s provisions that concern the requirement; and
  - (ii) state that a copy of the document is available free of charge at a stated office of the port authority during normal business hours in the locality to which the notice relates.

(4) In this section—

“**standard**” means a Standards Australia standard or other document or a code, guide, rule, specification or standard—

- (a) adopted, made or published by the—
- (i) International Association of Ports and Harbours; or
  - (ii) International Chamber of Shipping; or
  - (iii) International Maritime Organisation; or
  - (iv) Oil Companies International Marine Forum.
- (b) mentioned in the *Transport Operations (Marine Safety) Regulation 1995*, section 110, definition “dangerous cargo code”.<sup>1</sup>

*Examples of things a standard may be about—*

- The movement or mooring of ships.
- The movement, handling or storage of goods.
- Fire or hazard protection.
- Emergency procedures.

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<sup>1</sup> *Transport Operations (Marine Safety) Regulation 1995*, section 110 (Definitions)

***Division 2—General powers of authorised officers***

**Directions—safety and security**

**17.(1)** An authorised officer may give directions to persons on a port authority's strategic port land or at its port facilities, or in areas in its port where activities may affect the port's operations, if the directions are reasonably necessary for the purpose of ensuring the safety or security of the port area, its users and the port authority's employees.

**(2)** The power conferred on authorised officers by another provision of this division does not limit the power conferred on authorised officers by this section.

**Control of movement or mooring of ships etc.**

**18.(1)** An authorised officer may control the movement or mooring of ships at a port authority's port facilities and, for the purpose, may give directions to persons apparently in charge of ships.

**(2)** An authorised officer may also control the movement and mooring of ships in a port authority's port if the movement or mooring may affect the port's operation and, for the purpose, may give directions to persons apparently in charge of ships.

**(3)** In addition, an authorised officer may control activities on or by ships moored at its port facilities or in its port if the activities may affect the port's operation and, for the purpose, may give directions to persons apparently in charge of ships.

**Control of movement, handling or storage of goods**

**19.** An authorised officer may control the movement, handling or storage of goods loaded, unloaded or transhipped to or from ships using its port facilities or on its port facilities or strategic port land and, for the purpose, may give directions to persons apparently in charge of goods at the port.

### **Control of movement of passengers**

**20.** An authorised officer may control the movement of passengers to or from ships using its port facilities or on its port facilities or strategic port land and, for the purpose, may give directions to persons at the port.

### **Control of movement, stopping or parking of vehicles**

**21.** An authorised officer may control the movement, stopping or parking of vehicles on its strategic port land or at its port facilities and, for the purpose, may give directions to drivers of vehicles and other persons at the port.

### **Control of movement, stopping or parking of trains**

**22.** An authorised officer may control the movement, stopping or parking of trains on its strategic port land or at its port facilities and, for the purpose, may give directions to train drivers at the port.

### **Noncompliance with directions**

**23.** A person must comply with a direction given to the person by an authorised officer under this division, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—

- (a) for contravention of a direction about the movement or mooring of, or activities by, ships—100 penalty units; or
- (b) for contravention of a direction about the movement, handling or storage of goods—50 penalty units; or
- (c) for contravention of another direction—25 penalty units.

***Division 3—Moving illegally moored ships, illegally parked vehicles or  
trains and illegally left goods***

**Moving illegally moored ships**

**24.(1)** This section applies if—

- (a) an authorised officer believes on reasonable grounds that—
  - (i) a ship is moored at a port facility or in a port in contravention of a requirement of a port notice or a direction of an authorised officer under division 2; and
  - (ii) it is necessary to move the ship having regard to—
    - (A) the convenience of ships or persons using the port; or
    - (B) the safety or security of the port, its users or the port authority’s employees; and
- (b) the authorised officer—
  - (i) cannot immediately find the ship’s master or another person in charge of the ship; or
  - (ii) believes on reasonable grounds that neither the ship’s master, nor any other person in charge of the ship, is able or willing to move the ship immediately.

**(2)** The authorised officer may take steps that are necessary and reasonable to have the ship moved.

**Moving illegally parked vehicles and trains**

**25.(1)** This section applies if—

- (a) an authorised officer believes on reasonable grounds that—
  - (i) a vehicle or train is parked on a port authority’s strategic port land or at its port facilities in contravention of a requirement of a port notice or a direction of an authorised officer under division 2; and
  - (ii) it is necessary to move the vehicle or train having regard to—



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- (A) the convenience of vehicles, trains or persons using the port area; or
  - (B) the safety or security of the port area, its users or the port authority's employees; and
- (b) the authorised officer—
- (i) cannot immediately find the driver of the vehicle or train or another person in charge of the vehicle or train; or
  - (ii) believes on reasonable grounds that neither the driver of the vehicle or train, nor any other person in charge of the vehicle or train, is able or willing to move the vehicle or train immediately.

(2) The authorised officer may take steps that are necessary and reasonable to have the vehicle or train moved.

### **Moving illegally left goods**

**26.(1)** This section applies if—

- (a) an authorised officer believes on reasonable grounds that—
  - (i) goods have been left in a port authority's port area in contravention of a requirement of a port notice or a direction of an authorised officer under division 2; and
  - (ii) it is necessary to move the goods having regard to—
    - (A) the efficient operation of the port area; or
    - (B) the safety or security of the port area, its users and the port authority's employees; and
- (b) the authorised officer—
  - (i) cannot immediately find the owner or other person in charge of the goods; or
  - (ii) believes on reasonable grounds that neither the owner, nor any other person in charge of the goods, is able or willing to move the goods immediately.

(2) The authorised officer may take steps that are necessary and

reasonable to have the goods moved or, if the goods are perishable or of little or no value, treat the goods as abandoned property.

## **PART 4—LIABILITY FOR, AND RECOVERY OF, CHARGES AND EXPENSES**

### *Division 1—Liability for charges and expenses*

#### **Persons who are liable for charges**

**27.(1)** If charges are payable for a ship, the liability for the charges falls jointly and severally on the owner of the ship, the master of the ship, the agent of the owner of the ship and any other person who has made himself or herself liable for the charges.

**(2)** If charges are payable for goods, the liability for the charges falls jointly and severally on the owner of the goods, the consignor and consignee of the goods, the shipper, the agent for the sale or custody of the goods, the person entitled to possession of the goods and the master of the ship.

**(3)** If charges are payable for passengers, the liability for the charges falls jointly and severally on the owner of ship, the master of the ship, the agent of the owner of the ship and any other person who has made himself or herself liable for charges.

#### **Liability for movement of ships, goods, vehicles or trains**

**28.(1)** If a port authority incurs reasonable expenses because an authorised officer takes steps under this regulation to have a ship or goods moved, the amount of the expenses is a debt payable jointly and severally to the authority by the persons who would be liable for any charges payable for the ship or goods.

**(2)** If a port authority incurs reasonable expenses because an authorised officer takes steps under this regulation to have a vehicle or train moved, the

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amount of the expenses is a debt payable jointly and severally to the authority by the owner and driver of the vehicle or train.

***Division 2—Recovery of charges and expenses by detention***

**Meaning of “property” in division**

**29.** In this division—

**“property”** means a ship, goods, a vehicle or a train, and includes anything attached to, or contained in, a ship, vehicle or train.

**Detention for outstanding charges and interest, or expenses**

**30.(1)** If charges are payable to a port authority for a ship (including any charges payable for passengers of the ship), goods, a vehicle or a train (the **“property”**) that is in its port area, the port authority may detain the property as security for the recovery of the charges and any interest on the charges.

**(2)** If a port authority incurs reasonable expenses because an authorised officer takes steps under this regulation to have property moved, the port authority may detain the property as security for the recovery of the expenses.

**(3)** A port authority may take steps that are necessary and reasonable to give effect to the detention of property under this section.

**Notice to owner**

**31.(1)** As soon as practicable but within 14 days after property has been detained under this division by a port authority, the authority must give to its owner a written notice stating that it has been detained, explaining how it may be recovered and stating that it may be sold if it is not recovered.

**(2)** If the owner cannot be decided or located within 14 days after the detention, the notice may be given by publishing it in a newspaper circulating generally in the State.

**(3)** This section does not apply to perishable goods if it is impracticable,

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having regard to the nature and condition of the goods, to give the notice required by the section.

### **Return of property on payment**

**32.** The authority must return the property to its owner if—

- (a) a port authority detains property under this division; and
- (b) the charges and any interest, or the expense, and any additional expenses reasonably incurred by the authority in detaining, or taking steps to sell, the property are paid before the authority sells it.

### **Sale of property if payment not made**

**33.(1)** This section applies if—

- (a) a port authority detains property under this division; and
- (b) the charges and any interest, or expense, and any additional expenses reasonably incurred by the authority in detaining the property (the “**total amount owing**”), are not paid within 2 months after notice of the detention is given to its owner under this division.

**(2)** The port authority may—

- (a) sell the property; or
- (b) if the proceeds of sale of the property are not likely to cover the total amount owing and the reasonable expenses that would be incurred by the authority in selling the property—dispose of the property in the way it considers appropriate.

**(3)** Despite anything else in this division, if the property is perishable goods, the port authority may sell the property immediately if it is impracticable, having regard to the nature and condition of the property, for it to be detained by the authority.

**(4)** If the property is sold, the proceeds of the sale must be applied in the following order—

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- (a) in payment of the expenses reasonably incurred by the port authority in selling the property (the “**sale expenses**”);
- (b) in payment of the total amount owing to the port authority in relation to the property;
- (c) in payment of any balance to the owner.

(5) If the proceeds of the sale are less than the total of the sale expenses and total amount owing, the difference is a debt payable to the port authority by the persons who were or would be liable for the payment of any charge for the property.

(6) Compensation is not recoverable against the port authority for a payment under this section.

## **PART 5—GENERAL PROVISIONS ABOUT PORT MANAGEMENT**

### **Power to require name and address**

**34.(1)** An authorised officer may require a person to state the person’s name and address if the officer—

- (a) finds the person committing an offence against the Act or this regulation; or
- (b) finds the person in circumstances that lead, or has information that leads, the officer to suspect on reasonable grounds that the person has just committed an offence against the Act or this regulation.

(2) When making the requirement, the authorised officer must warn the person it is an offence to fail to state the person’s name and address unless the person has a reasonable excuse.

(3) The authorised officer may require the person to give evidence of the correctness of the person’s stated name and address if the authorised officer suspects, on reasonable grounds, the stated name or address is false.

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(4) A person must comply with the authorised officer's requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

(5) The person does not commit an offence against this section if—

- (a) the authorised officer required the person to state the person's name and address on suspicion of the person having committed an offence against the Act or this regulation; and
- (b) the person is not proved to have committed the offence.

### **Inspection of documents, ships, goods and vehicles**

**35.(1)** An authorised officer may require a person who is or may be liable to pay charges to a port authority to produce for the officer's inspection documents under the person's control relevant to deciding whether the person is liable to pay the charge and, if so, the amount of the charge.

(2) The person must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—50 penalty units.

(3) The person in charge of a ship, goods, a vehicle or a train that is on a port authority's land, at its port facilities, or in its port where activities may affect the port's operation, must allow an authorised officer to enter and inspect the ship, inspect the goods or enter and inspect the vehicle for the purpose of deciding whether charges are payable for the ship, goods, vehicle or train and, if so, the amount of the charge.

(4) The authorised officer may, if necessary, enter by passing through land or over facilities under the control of someone other than the port authority.

### **Obstructing authorised officers**

**36.** A person must not obstruct an authorised officer in the exercise of a power, unless the person has a reasonable excuse.

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*Example—*

This regulation allows an authorised officer to enter land or a ship by passing through someone else's land to decide whether charges are payable for the ship. If the authorised officer is obstructed by a person from entering the land or ship, the person commits an offence against this section.

Maximum penalty—50 penalty units.

### **Conduct causing public nuisance**

**37.** A person must not, in a port authority's port area, be disorderly or create a disturbance.

Maximum penalty—50 penalty units.

### **Power to deal with persons causing public nuisance etc.**

**38.(1)** This section applies if an authorised officer in a port authority's port area—

- (a) finds a person committing an offence against section 37 (Conduct causing public nuisance); or
- (b) finds a person in circumstances that lead the authorised officer to suspect on reasonable grounds that the person has just committed an offence against section 37; or
- (c) has information that leads the authorised officer to suspect on reasonable grounds that the person has just committed an offence against section 37; or
- (d) reasonably believes, having regard to the way the person is behaving, that a person's presence in the port area may pose a threat to the safety or security of the port area, its users or the port authority's employees; or
- (e) has information that leads the authorised officer to believe, on reasonable grounds, a person's presence in the port area may pose a threat to the safety or security of the port area, its users or the port authority's employees; or
- (f) reasonably believes that a person is in the port area without lawful justification or excuse.

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(2) The authorised officer may direct the person to leave the port area or a part of the port area.

(3) A direction under subsection (2) to leave the port area may include a direction not to re-enter the port area, or a part of the port area, for 24 hours.

(4) A person must not contravene a direction given to the person under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—100 penalty units.

### **Damaging etc. port notices**

**39.** A person must not unlawfully remove, damage or interfere with a port notice erected or displayed on, or at an entrance to, a port authority's port area.

Maximum penalty—25 penalty units.

### **Power to hand over certain offenders to the police**

**40.** An authorised officer who finds a person in a port authority's port area—

- (a) committing an offence against section 37 (Conduct causing public nuisance); or
- (b) committing an offence against section 38(4) (Power to deal with persons causing public nuisance etc.); or
- (c) committing an offence against section 39 (Damaging etc. port notices); or
- (d) unlawfully damaging other property;

may take the person immediately to a police officer, using only such force as is necessary and reasonable.

### **Police power of arrest**

**41.(1)** This section applies to an offence against the following provisions—



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- section 34 (Power to require name and address)
- section 38(4) (Power to deal with persons causing public nuisance etc.).

(2) A police officer may arrest a person if—

- (a) the officer—
  - (i) finds the person committing an offence to which this section applies; or
  - (ii) finds the person in circumstances that lead, or has information that leads, the officer to suspect on reasonable grounds that the person has just committed an offence to which this section applies; and
- (b) the officer believes on reasonable grounds that a proceeding against the person by way of complaint and summons would be ineffective.

**Persons who are liable for damage to port authority's works etc.**

**42.(1)** If damage is caused by a ship to a port authority's works or infrastructure, the liability for the damage falls jointly and severally on the owner of the ship, the master of the ship and the agent of the owner of the ship.

(2) If damage is caused by floating or submerged material to a port authority's works or infrastructure, the owner of the material is liable for the damage if it is intentionally, recklessly or negligently caused by the owner.

**Approval for burning, welding etc. in certain ports**

**43.(1)** In this section—

“port authority” means—

- (a) the Mackay Port Authority; or
- (b) the Port of Brisbane Corporation.

(2) A port authority may give a person written approval, for a ship in the port, to burn, weld, rivet or carry out a similar operation.

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(3) An approval may be subject to conditions.

(4) A person must not—

- (a) for a ship in a port—burn, weld, rivet or carry out a similar operation without the written approval of the port authority; or
- (b) breach a condition of an approval.

Maximum penalty—100 penalty units.

(5) The person in charge of a ship for which an approval is in force must allow an authorised officer to enter and inspect the ship to ensure this section is complied with.

(6) The authorised officer may, if necessary, enter by passing through land or over facilities under the control of someone other than the port authority.

### **Approval of operation of tug service in certain ports**

**44.(1)** In this section—

**“port authority”** means—

- (a) the Bundaberg Port Authority; or
- (b) the Cairns Port Authority; or
- (c) the Gladstone Port Authority; or
- (d) the Mackay Port Authority; or
- (e) the Townsville Port Authority.

(2) A port authority may give a person written approval to operate a tug service in the port.

(3) An approval may be subject to conditions.

(4) A person must not—

- (a) operate a tug service in a port of a port authority without the written approval of the port authority; or
- (b) breach a condition of an approval.

Maximum penalty for subsection (4)—50 penalty units.

### **Approval of operation of fuelling facility in certain ports**

**45.(1)** In this section—

**“port authority”** means—

- (a) the Bundaberg Port Authority; or
- (b) the Gladstone Port Authority; or
- (c) the Mackay Port Authority; or
- (d) the Port of Brisbane Corporation; or
- (e) the Ports Corporation of Queensland; or
- (f) the Rockhampton Port Authority.

**(2)** A port authority may give a person written approval to operate a fuelling facility to or from a ship in the port.

**(3)** An approval may be subject to conditions.

**(4)** A person must not—

- (a) operate a fuelling facility to or from a ship in a port without the written approval of the port authority; or
- (b) breach a condition of an approval.

Maximum penalty—50 penalty units.

**(5)** The owner of a facility for which an approval is in force must allow an authorised officer to enter and inspect the facility to ensure this section is complied with.

**(6)** The authorised officer may, if necessary, enter by passing through land or over facilities under the control of someone other than the port authority.

### **Appeals**

**46.(1)** This section applies to a decision under this regulation to refuse, revoke, or impose or change conditions of—

- (a) an approval, for a ship in a port, to burn, weld, rivet or carry out a similar operation; or

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(b) an approval to operate a fuelling facility to or from a ship in a port.

(2) A person whose interests are affected by a decision to which this section applies may appeal to a Magistrates Court.

(3) A person who may appeal against or seek a review of a decision is entitled to receive a statement of reasons for the decision.

(4) An appeal lies under subsection (2) against a decision made by a delegate of the relevant port authority only if the applicant has sought a review by the port authority of the decision.

(5) The *Transport Planning and Coordination Act 1994*, sections 31 to 36D, apply to an appeal or review as if references to the chief executive were references to the port authority.

### **Time for making appeals**

**47.(1)** An appeal by a person against a decision must be made before the end of 28 days after—

- (a) a document setting out the decision was given to the person; or
- (b) if the document does not set out a statement of reasons for the decision and the person requests a statement of reasons within 28 days after the document was given to the person—the person is given the statement of reasons.

(2) However, the Magistrates Court may extend the period for making an appeal.

### **Disposal of abandoned property**

**48.(1)** In this section—

**“abandoned property”** means property (including ships, vehicles and anything attached to, or contained in, ships or vehicles) that a port authority believes on reasonable grounds has been abandoned.

(2) If a port authority finds abandoned property at its port area and intends to take action under this section, the authority—

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- (a) must take reasonable steps to locate the owner of the property;  
and
- (b) may have the property moved to a place it considers appropriate.

(3) As soon as practicable but within 14 days after finding the abandoned property and deciding to take action under this section, the authority must give to the owner of the property a written notice describing the property, stating that the property has been found, explaining how it may be recovered and stating that it may be sold or disposed of if it is not recovered.

(4) If the owner cannot be located within the 14 days mentioned in subsection (3), the notice may be given by publishing it in a newspaper circulating generally in the State.

(5) If a person claims the abandoned property within 1 month after the notice is given, the port authority must return the property to the person—

- (a) satisfies the port authority that the person is the owner of the property; and
- (b) pays the expenses reasonably incurred by the authority in dealing with the property under this section.

(6) If a person does not claim the abandoned property within 1 month after the notice is given, the port authority may—

- (a) sell the property; or
- (b) dispose of the property in the way it considers appropriate if the proceeds of sale of the property are not likely to cover the total of—
  - (i) the expenses reasonably incurred by the authority in selling the property; and
  - (ii) the expenses reasonably incurred by the authority in dealing with the property under this section; and
  - (iii) any charges, interest and other expenses owing to the authority in relation to the property.

(7) Despite anything else in this section, if the abandoned property is perishable, the port authority may sell the property immediately if it is

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impracticable, having regard to the nature and condition of the property, for it to be detained by the authority.

(8) If the abandoned property is sold, the proceeds of the sale must be applied in the following order—

- (a) in payment of the expenses reasonably incurred by the port authority in selling the property;
- (b) in payment of the expenses reasonably incurred by the authority in dealing with the property under this section;
- (c) in payment of any charges, interest and other expenses owing to the authority in relation to the property;
- (d) in payment of any balance to the owner.

(9) If the proceeds of the sale are less than the total of the expenses mentioned in subsection (8)(a), (b) and (c), the difference is a debt payable to the port authority by the owner.

(10) Despite anything else in this section, if the abandoned property has no value or insufficient value to justify its sale, the authority may dispose of the property in the way it considers appropriate.

(11) Compensation is not recoverable against the port authority for a payment under this section.

## **PART 6—OTHER GENERAL PROVISIONS**

### **Protection from liability—employees etc.**

**50.(1)** In this section—

“**official**” means an employee of a port authority or a person (other than a director of its board) acting for a port authority.

(2) An official is not civilly liable for an act or omission done honestly and without negligence for a port authority.

## PART 6A—MISCELLANEOUS

### Declaration of port authorities

**50A.(1)** Each associate under the *Government Owned Corporations (Ports) Regulation 1995* is a port authority.<sup>2</sup>

**(2)** The names of the associates are—

- Bundaberg Port Authority
- Cairns Port Authority
- Mackay Port Authority
- Rockhampton Port Authority
- Townsville Port Authority.

### Port limits

**51.** The limits of the ports named in schedule 1 are set out in the schedule.<sup>3</sup>

### Port management

**52.(1)** Schedule 2 lists existing ports and the port authority that manages each port.

**(2)** Schedule 2 is included for information purposes only.

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<sup>2</sup> The associates are established under the *Government Owned Corporations (Ports) Regulation 1995*. Under that regulation, they become statutory GOCs. Accordingly, as well as the functions and powers set out in the Act, chapter 7 (Port infrastructure), part 3 (Functions and powers of port authorities), each associate has the general powers set out in the *Government Owned Corporations Act 1993*, section 149 (General powers of statutory GOCs). However, a statutory GOC's powers are subject to the restrictions mentioned in that Act, section 150 (Restrictions on powers of statutory GOCs).

<sup>3</sup> Maps of the port limits may be inspected on the department's website on the internet ([www.transport.qld.gov.au/ports](http://www.transport.qld.gov.au/ports)) or at the office of the port authority for a port.

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**Places that stop being ports**

**53.(1)** The following stop being ports under the Act—

- Port of Bowen
- Port of Margaret Bay.

**(2)** To remove doubt, it is declared that any other port under the Act that is not listed in schedule 1 also stops being a port.

**Change of name of Port of Innisfail**

**54.** The name of the port known as Innisfail is changed to Mourilyan.



## **SCHEDULE 1**

### **PORT LIMITS**

section 51

#### **Port of Abbot Point**

The Port of Abbot Point consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at longitude 147° 59.06' east on the mainland
- to latitude 19° 47.91' south, longitude 147° 59.06' east
- to latitude 19° 47.91' south, longitude 148° 08.06' east
- to the high-water mark at the northern extremity of Gloucester Head on Gloucester Island
- along the high-water mark of Gloucester Island, in a westerly then southerly direction, to the southern extremity of Gloucester Island
- to the high-water mark at the northern extremity of Cape Gloucester on the mainland
- along the high-water mark, initially in a southerly direction, to the intersection with the northern edge of the wharf at Bowen
- to the port entrance beacon to Bowen Boat Harbour
- to the high-water mark at the southern extremity of Dalrymple Point
- along the high-water mark, initially in a northerly direction, to longitude 147° 59.06' east on the mainland;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

## SCHEDULE 1 (continued)

**Port of Brisbane**

The Port of Brisbane consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of Caloundra Head
- to the high-water mark at the northern extremity of North Point on Moreton Island
- along the high-water mark of the western side of Moreton Island to Reeders Point on Moreton Island
- to the southern corner of lot 548 on plan SL 8565 (at Lytton)
- along the high-water mark in a northerly direction to lot 573 on plan SL 12145 at station 3 (beside Aquarium Passage)
- to the high-water mark on lot 468 on plan SL 5433 at station 18 (beside Aquarium Passage)
- along the high-water mark of the Brisbane River to the north western extremity of Bulimba Point
- to the high-water mark at the eastern extremity of Newstead Park
- to the high-water mark at the northern junction of Breakfast Creek and the Brisbane River
- along the high-water mark of the Brisbane River and Moreton Bay to the eastern entrance of the Kedron Brook Floodway
- to the high-water mark at South Point on Bribie Island
- along the high-water mark of the southern and eastern sides of Bribie Island to the northern extremity of Bribie Island
- to the high-water mark at the eastern extremity of Caloundra Head.

## SCHEDULE 1 (continued)

**Port of Bundaberg**

The Port of Bundaberg consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following—

- the Burnett River, from the Burnett River Barrage to the river mouth
- the area from the river mouth within a 4 n mile radius centred at the Burnett Heads lighthouse;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into the waters.

**Port of Burketown**

The Port of Burketown consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at latitude 17° 33.81' south, longitude 139° 44.97' east in the vicinity of Stokes Point
- to latitude 17° 26.83' south, longitude 139° 48.31' east
- to latitude 17° 27.38' south, longitude 139° 49.33' east
- to the high-water mark at latitude 17° 34.55' south, longitude 139° 45.89' east in the vicinity of Kangaroo Point
- along the high-water mark of the east bank of the Albert River to the head of navigation
- to the high-water mark on the west bank of the Albert River at the head of navigation
- along the high-water mark on the west bank of the Albert River to latitude 17° 33.81' south, longitude 139° 44.97' east in the vicinity of Stokes Point;

## SCHEDULE 1 (continued)

but does not include the area covered by waters of rivers and creeks within the boundary, other than the Albert River, that are upstream from the mouths of the rivers or creeks.

**Port of Cairns**

The Port of Cairns consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the northern extremity of Taylor Point
- to the low-water mark at the northern extremity of the coral reef surrounding Green Island (approximate latitude 16° 45.62' south, longitude 145° 58.00' east)
- along the low-water mark of the coral reef, initially in an easterly direction, to the eastern extremity of the coral reef surrounding Green Island (approximate latitude 16° 45.89' south, longitude 145° 59.91' east)
- to the high-water mark on the northern shore of Fitzroy Island (latitude 16° 55.33' south, longitude 145° 59.91' east)
- along the high-water mark of Fitzroy Island, initially in a south-westerly direction, to latitude 16° 56.32' south, longitude 145° 59.91' east on the southern shore
- to latitude 17° 00.45' south, longitude 145° 59.91' east
- to the high-water mark at the eastern extremity of the northern bank of Buddabadoo Creek on the mainland
- along the high-water mark, initially in a northerly direction, to the northern extremity of Taylor Point;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

## SCHEDULE 1 (continued)

**Port of Cape Flattery**

The Port of Cape Flattery consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the north-eastern extremity of Lookout Point
- to latitude 14° 49.91' south, longitude 145° 15.87' east
- to latitude 14° 55.11' south, longitude 145° 22.17' east
- to latitude 14° 59.91' south, longitude 145° 23.07' east
- to the high-water mark on the mainland at latitude 14° 59.91' south
- along the high-water mark, initially in a northerly direction, to the north eastern extremity of Lookout Point;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Cooktown**

The Port of Cooktown consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of Monkhouse Point
- to a point on the mainland bearing 348° magnetic from the eastern extremity of Monkhouse Point
- along the high-water mark, initially in a southerly direction, to the eastern extremity of Monkhouse Point;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

## SCHEDULE 1 (continued)

**Port of Gladstone**

The Port of Gladstone consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the most eastern extremity of Connor Bluff on Curtis Island
- to latitude 23° 53.80' south, longitude 151° 32.60' east
- to latitude 23° 57.12' south, longitude 151° 32.60' east
- to the high-water mark at the most northern extremity of Tiber Point on Hummock Hill Island
- then due west across Colosseum Inlet to the high-water mark of Wild Cattle Island
- along the high-water mark of Wild Cattle Island, in a north-westerly direction, to the northern extremity of Wild Cattle Island
- then due west to the high-water mark on the mainland
- along the high-water mark, initially in a northerly direction, to the north bank of Munduran Creek at its junction with The Narrows
- to the high-water mark on the north bank of Monte Christo Creek on Curtis Island at its junction with The Narrows
- along the high-water mark, initially in a south-easterly direction, to the most eastern extremity of Connor Bluff on Curtis Island;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Hay Point**

The Port of Hay Point consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of the north

## SCHEDULE 1 (continued)

bank of the mouth of Bakers Creek

- to latitude 21° 09.91' south, longitude 149° 20.06' east
- to latitude 21° 09.91' south, longitude 149° 30.06' east
- to latitude 21° 17.91' south, longitude 149° 30.06' east
- to the high-water mark on the mainland at latitude 21° 17.91' south
- along the high-water mark, initially in a northerly direction, to the eastern extremity of the north bank of the mouth of Bakers Creek;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Karumba**

The Port of Karumba consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the northern extremity of the west bank of the mouth of the Norman River
- along the high-water mark, initially in a south-westerly direction, to latitude 17° 30.0' south
- to latitude 17° 24.0' south, longitude 140° 41.0' east
- to latitude 17° 20.2' south, longitude 140° 47.9' east
- to the high-water mark on the mainland at latitude 17° 25.5' south
- along the high-water mark, initially in a south-westerly direction, to longitude 140° 52.0' east on the north bank of the Norman River
- to the high-water mark on the south bank of the Norman River at longitude 140° 52.0' east

## SCHEDULE 1 (continued)

- along the high-water mark, initially in a north-westerly direction, to the northern extremity of the west bank of the mouth of the Norman River;

but does not include the waters of rivers and creeks within the boundary, other than the Norman River, that are upstream from the mouths of the rivers or creeks.

**Port of Lucinda**

The Port of Lucinda consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at latitude  $18^{\circ} 28.71'$  south on the eastern side of Hinchinbrook Island
- to latitude  $18^{\circ} 28.71'$  south, longitude  $146^{\circ} 25.97'$  east
- to latitude  $18^{\circ} 34.71'$  south, longitude  $146^{\circ} 25.97'$  east
- to the high-water mark on the mainland at latitude  $18^{\circ} 34.71'$  south
- along the high-water mark, initially in a northerly direction, to the northern extremity of the east bank of the mouth of Post Office Creek
- to the high-water mark on the eastern side of Hinchinbrook Island at longitude  $146^{\circ} 19.52'$  east
- along the high-water mark of Hinchinbrook Island, initially in an easterly direction, to latitude  $18^{\circ} 28.71'$  south on the eastern side of Hinchinbrook Island;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.



## SCHEDULE 1 (continued)

**Port of Mackay**

The Port of Mackay consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the northern extremity of Slade Point
- to latitude 21° 03.81' south, longitude 149° 22.06' east
- to latitude 21° 09.91' south, longitude 149° 22.06' east
- to latitude 21° 09.91' south, longitude 149° 20.06' east
- to the high-water mark at the eastern extremity of the north bank of the mouth of Bakers Creek
- along the high-water mark, initially in a northerly direction, to the northern extremity of Slade Point;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Maryborough**

The Port of Maryborough consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at latitude 25° 06.91' south on the mainland
- to the high-water mark at latitude 25° 06.91' south on Fraser Island
- along the high-water mark of Fraser Island, initially in a southerly direction, to the eastern extremity of Hook Point on Fraser Island
- to the high-water mark at the eastern extremity of Inskip Point on the mainland
- along the high-water mark, initially in a north-westerly direction, to latitude 25° 06.91' south on the mainland;

## SCHEDULE 1 (continued)

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Mourilyan**

The Port of Mourilyan consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of Clump Point
- to the high-water mark at the eastern extremity of Kent Island (also known as North Barnard Island)
- to the high-water mark at the eastern extremity of Heath Point
- along the high-water mark, initially in a southerly direction, to the south-eastern of Clump Point;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Port Kennedy (Thursday Island)**

The Port of Port Kennedy consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the western extremity of Smith Point on Horn Island
- to the high-water mark at the northern extremity of Heath Point on Prince of Wales Island
- to the high-water mark at the eastern extremity of Webb Point on Friday Island
- along the high-water mark of Friday Island, initially in a westerly direction, to the western extremity of Pott Point on Friday Island
- to the high-water mark at the western extremity of Tucker Point on Goode Island

SCHEDULE 1 (continued)

along the high-water mark of Goode Island, initially in an south-easterly direction, to the eastern extremity of Tessa Head on Goode Island

- to the high-water mark at the western extremity of Hammond Island (known as Diamond Point)
- along the high-water mark of Hammond Island, initially in a south-easterly direction, to the eastern extremity of Menmuir Point on Hammond Island
- to the high-water mark at the northern extremity of King Point on Horn Island
- along the high-water mark of Horn Island, initially in a westerly direction, to the western extremity of Smith Point on Horn Island.

**Port of Quintell Beach**

The Port of Quintell Beach consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of the south bank of Quintell Creek
- to latitude 12° 46.81' south, longitude 143° 22.73' east
- to latitude 12° 50.26' south, longitude 143° 22.73' east
- to the high-water mark at the eastern extremity of the north bank of the Claudie River
- along the high-water mark, initially in a northerly direction, to the eastern extremity of the south bank of Quintell Creek;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

## SCHEDULE 1 (continued)

**Port of Rockhampton**

The Port of Rockhampton consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of Cattle Point
- to the high-water mark at the southern extremity of Arch Rock
- to the high-water mark at the northern extremity of Cape Keppel on Curtis Island
- along the high-water mark, in a westerly then southerly direction, to the north bank of Monte Christo Creek at its junction with The Narrows
- to the high-water mark on the north bank of Munduran Creek at its junction with The Narrows
- along the high-water mark, in a northerly direction, to the northern extremity of Division Point
- to latitude 23° 33' south, longitude 150° 58' east
- to the high-water mark at latitude 23° 33' south on Balaclava Island
- along the high-water mark of Balaclava Island, in a northerly then westerly direction, to the western extremity of Kazatch Point
- to the high-water mark at the northern extremity of Chersonese Point
- along the high-water mark on the east bank of Raglan Creek to latitude 23° 36.9' south
- to the high-water mark at latitude 23° 36.9' south on the west bank of Raglan Creek
- along the high-water mark, in a northerly then westerly direction, to longitude 150° 50' east on the south bank of Casuarina Creek
- to the high-water mark at longitude 150° 50' east on the north bank of Casuarina Creek

SCHEDULE 1 (continued)

- along the high-water mark, in an easterly direction, to the eastern extremity of Shell Point on Casuarina Island
- to the high-water mark at the eastern extremity of Cattle Point.

**Port of St Lawrence**

The Port of St Lawrence consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the eastern extremity of North Red Bluff
- to the high-water mark at approximately latitude 22° 16.78' south, longitude 149° 55.08' east, in the vicinity of some low red cliffs
- along the high-water mark, initially in a southerly direction, to the eastern extremity of North Red Bluff;

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Townsville**

The Port of Townsville consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the northern extremity of Cape Cleveland
- to latitude 19° 05.41' south, longitude 146° 52.06' east
- to latitude 19° 05.41' south, longitude 146° 45.06' east
- to the high-water mark on the mainland at longitude 146° 45.06' east
- along the high-water mark, initially in an easterly direction, to the northern extremity of Cape Cleveland;

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**SCHEDULE 1 (continued)**

and includes the area covered by waters of navigable rivers and creeks flowing directly or indirectly into waters within the boundary.

**Port of Weipa**

The Port of Weipa consists of the area covered by waters, including tidal waters, of the sea or waters connecting with the sea within the following boundary—

- from the high-water mark at the northern extremity of Boyd Point
- to the high-water mark at the western extremity of Jantz Point (west of Duyfken Point)
- along the high-water mark, initially in a south-easterly direction, to latitude 12° 29.0' south on the west bank of Pine River Bay
- to the high-water mark at latitude 12° 29.0' south on the east bank of Pine River Bay
- along the high-water mark, initially in a southerly direction, to longitude 141° 57.0' east on the north bank of the Mission River
- to the high-water mark at longitude 141° 57.0' east on the south bank of the Mission River
- along the high-water mark, initially in a westerly direction, to longitude 141° 57.0' east on the north bank of the Embley River
- to the high-water mark at longitude 141° 57.0' east on the south bank of the Embley River
- along the high-water mark, initially in a westerly direction, to latitude 12° 51.0' south on the east bank of the Hey River
- to the high-water mark at latitude 12° 51.0' south on the west bank of the Hey River
- along the high-water mark, initially in a northerly direction, to the northern extremity of Boyd Point;

SCHEDULE 1 (continued)

but does not include the waters of rivers and creeks within the boundary, other than the Mission, Embley and Hey Rivers, that are upstream from the mouths of the rivers or creeks.

**SCHEDULE 2****PORT MANAGEMENT**

section 52

<b>Port</b>	<b>Port authority</b>
Abbott Point	Ports Corporation of Queensland
Brisbane	Port of Brisbane Corporation
Bundaberg	Bundaberg Port Authority
Burketown	Ports Corporation of Queensland
Cairns	Cairns Port Authority
Cape Flattery	Ports Corporation of Queensland
Cooktown	Ports Corporation of Queensland
Gladstone	Gladstone Port Authority
Hay Point	Ports Corporation of Queensland
Karumba	Ports Corporation of Queensland
Lucinda	Ports Corporation of Queensland
Mackay	Mackay Port Authority
Maryborough	Ports Corporation of Queensland
Mourilyan	Ports Corporation of Queensland
Port Kennedy	Ports Corporation of Queensland
Quintell Beach	Ports Corporation of Queensland
Rockhampton	Rockhampton Port Authority
St Lawrence	Ports Corporation of Queensland
Townsville	Townsville Port Authority
Weipa	Ports Corporation of Queensland



## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 January 2001. Future amendments of the Transport Infrastructure (Ports) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

*Transport Infrastructure (Ports) Regulation  
1994*

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### 3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 300 of 1994	19 August 1994
2	to SL No. 215 of 1995	29 January 1996
2A	to SL No. 95 of 1997	2 May 1997
2B	to SL No. 485 of 1997	26 May 1998
2C	to SL No. 286 of 1999	17 January 2000
2D	to SL No. 94 of 2000	2 June 2000
3	to SL No. 94 of 2000	4 August 2000

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### **Transport Infrastructure (Ports) Regulation 1994 SL No. 252**

made by the Governor in Council on 30 June 1994  
 notfd gaz 1 July 1994 pp 1170–7  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 1994 (see s 2)  
exp 1 September 2004 (see SIA s 54)

as amended by—

### **Transport Infrastructure (State-controlled Roads) Regulation 1994 SL No. 300 pts 1, 6**

notfd gaz 12 August 1994 pp 1732–3  
 commenced on date of notification

### **Transport Infrastructure (Ports) Amendment Regulation (No. 1) 1994 SL No. 451**

notfd gaz 16 December 1994 pp 1792–7  
 commenced on date of notification

### **Transport Infrastructure (Ports) Amendment Regulation (No. 1) 1995 SL No. 169**

notfd gaz 8 June 1995 pp 1085–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced on 1 July 1995 (see s 2)

### **Transport Infrastructure (Ports) Amendment Regulation (No. 2) 1995 SL No. 215**

notfd gaz 20 June 1995 pp 1273–6  
 commenced on date of notification

### **Transport Infrastructure Legislation Amendment Regulation (No. 1) 1997 SL No. 95 pts 1–2**

notfd gaz 18 April 1997 pp 1621–2  
 commenced on date of notification

### **Transport Infrastructure (Ports) Amendment Regulation (No. 1) 1997 SL No. 485**

notfd gaz 19 December 1997 pp 1770–77  
 commenced on date of notification

**Transport Infrastructure (Ports) Amendment Regulation (No. 1) 1999**  
**SL No. 278**

notfd gaz 12 November 1999 pp 1007–9  
commenced on date of notification

**Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2**

notfd gaz 19 November pp 1149–52  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 1999 (see s 2(2))

**Transport Infrastructure Legislation Amendment Regulation (No. 1) 2000**  
**SL No. 94 pts 1, 3**

notfd gaz 26 May 2000 pp 296–7  
commenced on date of notification

**Transport Infrastructure (Ports) Amendment Regulation (No. 1) 2000**  
**SL No. 340**

notfd gaz 15 December 2000 pp 1478–83  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 December 2000 (see s 2)

## 7 List of annotations

### Commencement

s 2 om R2 (see RA s 37)

### Definitions

s 3 def “**high-water mark**” ins 2000 SL No. 340 s 4  
def “**indication**” amd 1999 SL No. 286 s 4 sch 2  
def “**low-water mark**” ins 2000 SL No. 340 s 4  
def “**official traffic sign**” amd 1999 SL No. 286 s 4 sch 2  
def “**port notice**” sub 1997 SL No. 95 s 3(1)  
def “**requirement**” amd 1997 SL No. 95 s 3(2)

### References to latitude or longitude

s 3A ins 2000 SL No. 340 s 5

### Port notices generally

s 15 amd 1997 SL No. 95 s 4

### Port notice may refer to documents held by port authority

s 16 sub 1997 SL No. 95 s 5  
amd 2000 SL No. 94 s 5

### Moving illegally moored ships

s 24 amd 1994 SL No. 300 s 17

### Damaging etc. port notices

s 39 amd 1997 SL No. 95 s 6

**Persons who are liable for damage to port authority's works etc.**

**s 42**      amd 1994 SL No. 451 s 3

**Appeals**

**s 46**      amd 2000 SL No. 340 s 6

**Protection from liability—directors**

**s 49**      exp 30 June 1995 (see s 49(4))

**PART 6A—MISCELLANEOUS**

**pt hdg**    ins 1995 SL No. 169 s 4

**Declaration of port authorities**

**s 50A**     ins 1995 SL No. 169 s 4

**PART 7—TRANSITIONAL PROVISIONS**

**pt hdg**    om R2 (see RA s 7(1)(k))

**Port limits**

**s 51**      orig s 51 exp 1 January 1995 (see s 55)  
               prev s 51 ins 1995 SL No. 215 s 3  
               exp 20 June 1995 (see s 51(2))  
               pres s 51 ins 1997 SL No. 485 s 3  
               sub 2000 SL No. 340 s 7

**Port management**

**s 52**      orig s 52 exp 1 January 1995 (see s 55)  
               prev s 52 ins 1995 SL No. 215 s 3  
               exp 20 June 1995 (see s 52(2))  
               pres s 52 ins 2000 SL No. 340 s 7

**Places that stop being ports**

**s 53**      orig s 53 exp 1 January 1995 (see s 55)  
               prev s 53 ins 1995 SL No. 215 s 3  
               exp 20 June 1995 (see s 53(2))  
               pres s 53 ins 2000 SL No. 340 s 7

**Change of name of Port of Innisfail**

**s 54**      prev s 54 exp 1 January 1995 (see s 55)  
               pres s 54 ins 2000 SL No. 340 s 7

**Expiry of part**

**s 55**      exp 1 January 1995 (see s 55)

**SCHEDULE 1—PORT LIMITS**

              prev sch ins 1997 SL No. 485 s 3  
               sub 2000 SL No. 340 s 8

**Port of Brisbane**

**s 1**        ins 1997 SL No. 485 s 3  
               om 2000 SL No. 340 s 8

**Port of Rockhampton**

**s 2** ins 1999 SL No. 278 s 3  
om 2000 SL No. 340 s 8

**SCHEDULE 2—PORT MANAGEMENT**

ins 2000 SL No. 340 s 8