



Queensland

Transport Infrastructure (Ports) Regulation 2005

Subordinate Legislation 2005 No. 185

made under the

Transport Infrastructure Act 1994
State Penalties Enforcement Act 1999

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1 Short title

This regulation may be cited as the *Transport Infrastructure (Ports) Regulation 2005*.

2 Commencement

This regulation commences on 29 August 2005.

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

4 Port limits—Act, s 274

Schedule 1 sets out the limits of the ports named in the schedule.¹

5 Port management

- (1) Schedule 2 lists existing ports and the port authority that manages each port.
- (2) Schedule 2 is included for information purposes only.

6 Protection from liability—Act, s 290(2)

An employee of a port authority or a person acting for the port authority, other than a director of its board, is not civilly liable for an act or omission done honestly and without negligence for the port authority.

7 Repeal

The following regulations are repealed—

- Transport Infrastructure (Airport Management) Regulation 1994 SL No. 254

¹ Maps of the port limits may be inspected on the department's website on the internet <www.transport.qld.gov.au/ports> or at the office of the port authority for a port.

- Transport Infrastructure (Ports) Regulation 1994 SL No. 252.

8 Amendment of State Penalties Enforcement Regulation 2000

- (1) This section amends the *State Penalties Enforcement Regulation 2000*.
- (2) Schedule 3, entries for the *Transport Infrastructure (Airport Management) Regulation 1994* and the *Transport Infrastructure (Ports) Regulation 1994*—
omit.
- (3) Schedule 3, entry for the *Transport Infrastructure Act 1994*—
omit, insert—

'Transport Infrastructure Act 1994

| Column 1 Infringement notice offence | Column 2 Infringement notice fine (penalty units) |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| s 99(3) | 1 ² / ₅ |
| s 100(4) | 1 ² / ₅ |
| s 101(3) | 1 ² / ₅ |
| s 282J For a contravention of a requirement of a port notice about— | |
| (a) the movement or mooring of, or activities on or by, a ship (other than speed limits of a ship) | 1 ¹ / ₂ |
| (b) speed limits of a ship, if the speed limit is exceeded by— | |
| (i) not more than 4km/h | 1 |
| (ii) more than 4km/h but not more than 8km/h | 1 ¹ / ₂ |
| (iii) more than 8km/h | 2 |
| (c) the parking of an aircraft | 5 |
| (d) the movement, handling or storage of goods | 2 |

| Column 1 Infringement notice offence | Column 2 Infringement notice fine (penalty units) |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (e) parking or stopping of vehicles— | |
| (i) for a notice by the Cairns Port Authority | 1/3 |
| (ii) for another notice | 1/2 |
| For a contravention of any other port notice | 2 |
| s 282P | 1 |
| s 282S (other than a contravention that results in a significant delay to port operations) | 2 |
| s 283(4) | 2 |
| s 283C(1) | 2 |
| s 283G | 1 |
| s 283H(2) | 2 |

Authorised person for service of infringement notices—

- (a) for an offence against section 99(3), 100(4) or 101(3)—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20(2);² or
- (b) for an offence against another provision—an authorised officer appointed under the *Transport Infrastructure Act 1994*, section 282K.³

² *Transport Operations (Road Use Management) Act 1995*, section 20 (Appointment of authorised officers)

³ *Transport Infrastructure Act 1994*, section 282K (Appointment and qualifications of authorised officers)

Schedule 1 Port limits

section 4

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 boundary—

- from the high-water mark at latitude 24° 45.6' south, approximately longitude 152° 24.8' east on the eastern side of South Head
- to latitude 24° 45.6' south, longitude 152° 30' east
- to latitude 24° 40' south, longitude 152° 30' east
- to latitude 24° 40' south, longitude 152° 22' east
- to the high-water mark on the mainland at latitude 24° 44.42' south (approximately), longitude 152° 22' east, directly crossing over all islands and any other land
- along the high-water mark on the mainland, initially in an easterly direction, to the downstream side of the barrage crossing the Burnett River
- along the high-water mark of the downstream side of the barrage to the high-water mark on the opposite bank of the Burnett River
- along the high-water mark of the bank of the Burnett River to latitude 24° 45.6' south, approximately longitude 152° 24.8' east on the eastern side of South Head;

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

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

Schedule 1 (continued)

- 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;

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)

Schedule 1 (continued)

- 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.

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.

Schedule 1 (continued)

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.

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

Schedule 1 (continued)

- 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 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—

Schedule 1 (continued)

- 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
- 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° 28.71' south on the eastern side of Hinchinbrook Island
- to latitude 18° 28.71' south, longitude 146° 25.97' east
- to latitude 18° 34.71' south, longitude 146° 25.97' east
- to the high-water mark on the mainland at latitude 18° 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

Schedule 1 (continued)

- to the high-water mark on the eastern side of Hinchinbrook Island at longitude 146° 19.52' east
- along the high-water mark of Hinchinbrook Island, initially in an easterly direction, to latitude 18° 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.

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

Schedule 1 (continued)

- 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;

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 intersection of the high-water mark and latitude 17° 39.009' south in the vicinity of the eastern side of Double Point
- to latitude 17° 39.009' south, longitude 146° 11.565' east
- to latitude 17° 34.909' south, longitude 146° 10.264' east
- to the high-water mark on the mainland at latitude 17° 34.909' south
- along the high-water mark, in a southerly direction, to latitude 17° 39.009' south in the vicinity of the eastern side of Double 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 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
- 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—

Schedule 1 (continued)

- 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.

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

Schedule 1 (continued)

- 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
- 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 Skardon River

The Port of Skardon River 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 approximately latitude 11° 44.50' south, longitude 142° 00.12' east on the mainland
- along the high-water mark, initially in a southerly and easterly direction to approximately latitude 11° 44.39' south, longitude 142° 05.00' east on the north bank of the northern arm of the Skardon River
- to the high-water mark at approximately latitude 11° 44.74' south, longitude 142° 05.00' east on the south bank of the northern arm of the Skardon River

Schedule 1 (continued)

- along the high-water mark, initially in a westerly and southerly direction, to approximately latitude 11° 46.00' south, longitude 142° 04.90' east on the east bank of the southern arm of the Skardon River
- to the high-water mark at approximately latitude 11° 46.00' south, longitude 142° 04.70' east on the west bank of the southern arm of the Skardon River
- along the high-water mark, initially in a westerly and northerly direction, to approximately latitude 11° 47.00' south, longitude 141° 58.54' east on the mainland
- to latitude 11° 47.00' south, longitude 141° 57.00' east
- to latitude 11° 44.50' south, longitude 141° 57.00' east
- to the high-water mark at approximately latitude 11° 44.50' south, longitude 142° 00.12' east on the mainland;

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

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;

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 5

| Port | Port authority |
|----------------|------------------------------------|
| 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 | Central Queensland Ports 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 | Central Queensland Ports Authority |
| Skardon River | Ports Corporation of Queensland |
| Townsville | Townsville Port Authority |
| Weipa | Ports Corporation of Queensland |

Schedule 3 Dictionary

section 3

high-water mark means ordinary high-water mark at spring tides.

latitude means a reference to latitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

longitude means a reference to longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

low-water mark means ordinary low-water mark at spring tides.

ENDNOTES

- 1 Made by the Governor in Council on 11 August 2005.
- 2 Notified in the gazette on 12 August 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.