Standard for Commercial Marine Construction Activities – Cairns

Maritime Safety Queensland

August 2022

Queensland Government

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Departmental Version Control

Version Number	Revision Date	Author	Summary of Changes	Approved by
1.0	August 2022	David Ferguson	New Document	RHM Cairns

Harbour Master's Direction

Transport Operations (Marine Safety) Act 1994 Division 2, Subdivision 1, Sections 88 – 92

I, **Captain David Ferguson**, Regional Harbour Master, Cairns am appointed as harbour master under part 7 of Transport Operations (Marine Safety) Act 1994. Under section 86 of the Transport Operations (Marine Safety) Act 1994 a harbour master may give a direction only if the harbour master reasonably considers it necessary to ensure safety. Further, section 86A of the Transport Operations (Marine Safety) Act 1994 enables a harbour master to give a general direction that applies to all ship owners, ship masters, ships, other persons or matters.

To ensure marine safety in the Cairns Region, this Standard for Commercial Marine Construction Activities- Cairns, has been issued as a general direction

I DIRECT THAT-

The Standard for Commercial Marine Construction Activities- Cairns must be complied with by all masters engaged in, or otherwise associated with, commercial marine construction activities in the Cairns Pilotage Area

Note: It is an offence to fail to comply with my direction without reasonable excuse. It is also an offence to obstruct a harbour master in the exercise of a power. The maximum penalty is $20,000 for an individual for each offence. If you fail to comply with my direction, then I may carry out the direction myself, and recover all expenses associated with performing the direction from you as a debt in civil jurisdiction

Captain David Ferguson Regional Harbour Master – Cairns Maritime Safety Queensland

DATED AT CAIRNS THIS 31st Day of August 2022

Contents

1 Marine Operations Activity Areas

1.0 Description

The standards and associated guidelines that are described herein are specifically formulated for the Cairns Region, and particularly the Pilotage Areas of Cairns.

For the purposes of this document,

- **Trade ships** are Piloted commercial vessels trading in Cairns
- **Harbour Tugs** are tugs engaged in the movement of trade ships
- **Commercial Marine Construction Vessels** (*construction vessels*) are vessels engaged in, or otherwise associated with, Commercial Marine Construction Activities
- **Lines launches** are launches engaged in the movement of trade ships
- **Ferries** are regular passenger and reef fleet vessels operating from the Port of Cairns

1.1 Application

This *Standard for Commercial Marine Construction Activities – Cairns* applies to all masters engaged in, or otherwise associated with, commercial marine construction activities in the Cairns Pilotage Area.

This *Standard for Commercial Marine Construction Activities – Cairns* does not apply to trade ships, harbour tugs, fishing vessels, lines launch and/or ferries conducting their normal business.

It should be noted that the standards herein do not exempt or excuse any person from conforming to the appropriate legislation for their specific operations.

1.2 Pilotage Areas

1.2.0 Cairns Pilotage Area

The Cairns Pilotage Area (see section 16.3) is described in Schedule 2 of the Transport Operations (Marine Safety) Regulation 2016 as the area of: a) Waters bounded by an imaginary line: • starting at the high water mark on the north–western extremity of Cape Grafton then in a northerly direction to latitude 16° 49.875' south, longitude 145° 54.954' east • then in a west-north-westerly direction to the high-water mark on the northern extremity of Taylor Point • then by the high water mark in a southerly direction along the shoreline of the mainland returning to the starting point; and b) The navigable waters of rivers and creeks flowing, directly or indirectly, into the waters referred to in paragraph a)

Transport Operations (Marine Safety) Act 1994 Part 8, section 99

A person must not navigate a ship in a compulsory pilotage area unless the person uses the services of a pilot.

Maximum penalty – 200 penalty units.

The following ships are ships to which part 8 of the Act applies—

(a) a ship that is 50m or more;

(b) a small ship (the ***relevant ship***) if—

(i) it is combined with another small ship for propelling 1 of the ships; and

(ii) the combined length of the ships is 50m or more; and

(iii) the master of the relevant ship has command of the combined ships;

(c) a ship whose owner or master asks for the services of a pilot;

(d) a ship whose master is directed by a harbour master to use the services of a pilot.

In addition, all vessels 35m LOA and above and a vessel towing another vessel where the combined length of the vessels is 35m or more transiting Smiths Creek will require the services of a pilot unless an exemption, or exception to the rule has been granted by the Regional Harbour Master.

2 Port Rules

2.0 General

All construction vessels are bound by the ColRegs.

Trade vessels are often restricted in their ability to manoeuvre and constrained by their draft. Vessels engaged in tow operations may also be restricted in their ability to manoeuvre. It is important that operators in waterways ensure good communication between all vessels to prevent incidents and assist in port operational continuity.

The philosophy employed when developing these rules was for them to be simple, easy to understand, based primarily on-water and effective in reducing the identified risk in the area.

These rules are in addition to the existing rules detailed in the Port Procedures and Information for Shipping – Port of Cairns, which must be complied by all vessels

Masters to which this standard is applicable, are required to observe the following rules:

1. Masters and crew must be certified for commercial operations to satisfy the requirements of the Australian Maritime Safety Authority (AMSA).
2. All *construction vessels* within a Cairns Pilotage Area must be suitable for all operating conditions that may be experienced.
3. All powered *construction vessels* working within a Cairns Pilotage Area shall have a service speed of no less than five knots against any tide or weather condition.
4. *Construction vessels* are to display flags/day shapes/lights as appropriate to the task being conducted.
5. *Construction vessels*, whilst engaged in marine construction activity, must have an Automatic Identification System (AIS) operating and transmitting at all times within the Cairns Pilotage Area.
6. All powered *construction vessels* >15m intending to enter or cross the restricted areas referred to in s.2.1 must contact Cairns VTS at the start of each journey and communicate their departure point and destination. Further requirements can be found in *Section 6 - Communication Procedures*.
7. *Construction vessels* are to comply with the requirements of all relevant legislation including:
    - The *Transport Operations (Marine Safety) Act 1994* and *Transport Operations (Marine Safety) Regulation 2016,*
    - *Marine Safety (Domestic Commercial Vessel) National Law Act 2012,* or *Navigation Act 2012,* whichever applies to the vessel
    - *Transport Operations (Marine Pollution) Act 1995* and *Transport Operations (Marine Pollution) Regulation 2018*
    - *International Regulations for the Prevention of Collisions at Sea* (ColRegs)
    - *Port Procedures and Information for Shipping for the ports of Cairns* as appropriate.
8. Trade vessel operations (large Passenger, tanker, bulk vessels) have operational precedence over construction vessels.
    - *Construction vessels will schedule their movements to ensure trade vessels movements are not impeded (regardless of late changes).*
    - *Construction barges are not to impede other traffic*

- Barges in Smith Creek are not to be perpendicular to the creek whilst tig and barge movements are passing. They are to be angled at a maximum 45 degrees 20 minutes before a passing tug and barge movement

9. Departing TUF or Dredge Barge - all Construction vessels to use all available means including the AIS display to check for potential traffic conflicts before letting lines go (if in doubt that there is enough time to make a safe transit before a trade ship requires a clear channel, then the vessel is not to cast off).
10. All Construction vessels with LOA >15m departing a mooring, TUF or dredge barge must contact VTS on VHF 12 before letting lines go.
11. All vessels to use all available means including the AIS display to check for potential traffic conflicts during transits.
12. Bright deck lights on Construction vessels to be shielded to seawards (directed downwards) as best possible.
13. Non-essential deck lights on Construction vessels to be turned off when underway.
14. Construction vessels must not communicate on the VHF radio channels used for Harbour tug communication – channel 6
15. Construction vessels are only to display warning flags/shapes when operations require them and to remove them when not necessary.
16. All Construction vessels to ensure own AIS activated and working effectively.
17. Construction vessels must not anchor within the Restricted areas (s 2.2) or in any manner that impacts the normal operations of the port.

    Note:

    - If securing arrangements are expected to impede commercial operations, project teams must prepare a plan for consultation and endorsement by the port and RHM. Ship simulations may be required to assess any safety concerns.
    - Where a construction vessel required to anchor/operate within the restricted area to deliver the activity, the specifics of the task and traffic management plan must be developed in consultation with the RHM, to ensure the operation does not impact navigational safety of other waterway users.

18. If, in emergency, it is required to anchor within a restricted area, the master **must**;
    - Notify VTS immediately,
    - Call for assistance to remove the vessel from the restricted area,
    - Notify VTS when clear,
    - Submit a report on the cause of the emergency and corrective action to prevent recurrence.
19. Unpowered construction vessels (dumb barges) must have a tug on standby when anchored
    - During night-time hours, or
    - If winds are forecast to be greater than 20kts.
20. During the daylight hours if an anchored unpowered construction vessel (dumb barge) is to be left unattended (without a tug on standby) VTS must be notified of;
    - the duration unpowered construction vessel will be unattended, and
    - the name of tug to be called in event of emergency
    - the location of the tug

Note: Reference to a tug on standby in s.2.19 and 2.20 above means a tug hipped up or anchored close by ready to attend/tow the dumb barge.

2.1 Restricted Areas

The RHM may declare a *Marine Construction - Restricted Area* around the areas of construction.

Project applicant intending to seek a *Marine Construction - Restricted Area* must submit to the RHM at least 4 weeks prior to the date:

1) The purpose for the *Marine Construction - Restricted Area*,
2) Adequate justification for the *Marine Construction - Restricted Area*,
3) The date of proposed commencement and date of cancellation of the *Marine Construction - Restricted Area*,
4) Vessels/entities authorised to operate within the Marine *Construction - Restricted Area*,
5) The method of restricting, monitoring and ensuring unauthorised vessels will not enter/ transit the *Marine Construction - Restricted Area*,
6) Stakeholder communication to be implemented (Media broadcasts, publication of the *Marine Construction - Restricted Area* in local newspapers, and so on).

If the RHM approves the *Marine Construction – Restricted Area* proposal, it will be published as a Notice to Mariners on the Maritime Safety Queensland website –

https://www.qld.gov.au/transport/boating/notices/far-north-qld

The applicant must ensure unauthorised people and/or vessels do not enter or transit the *Marine Construction - Restricted Area.*

2.2 Maritime Security Zones

Dependent upon the security level in force, these zones will apply in particular areas of the port. Zones which will typically apply are: • Landside restricted zone – an area of land, to which access is controlled, within the boundaries of a port facility or of land under the control of a port service provider. • Waterside restricted zone – an area of water within the port where a ship may berth, anchor or moor, and access to the area is controlled. It extends below the water level to the seabed and under any wharf adjacent to the zone. Zones established at maritime security Level 1 are as follows: • Waterside restricted zone – 50m from any wharf or the outside face of a security regulated fuel or cruise ship. • Landside restricted zones – areas defined by security fences and signage on all berths. All zones will be clearly identified, and conditions must be observed by all port users. Access to the zones is controlled and entry into the zones is not permitted unless authorised by the ship and/or port authority, as required. To do so is an offence under the Maritime Transport and Offshore Facilities Security Act 2003 (the MTOFSA) and subject to significant penalties.

2.3 Extreme Weather Contingency Plans

Any vessels working within the pilotage areas must have an extreme weather contingency plan in place prior to the cyclone season, November to April inclusive. This plan will supplement the port authority and RHM's extreme weather procedures and must not interfere with the extreme weather contingency plans of existing vessels working in the pilotage area. The RHM requires a detailed extreme weather contingency plan to be submitted for review for any project. The plan will detail the location where each construction vessel will shelter in the event of extreme weather.

Owners/operators shall provide details of their extreme weather contingency plan for *construction vessels* as part of the Marine Execution Plan (s*ee Section 7*), for approval by the RHM. These contingency plans should be prepared with reference to the Extreme Weather Event Contingency Plan – Cairns.

2.4 Pilotage Requirements

The Transport Operations (Marine Safety) Act 1994 specifies that, unless a current Pilotage Exemption Certificate (PEC) is held by the master of a ship, pilotage is compulsory for: • a ship that is 50m or more • a vessel towing another vessel where the combined length of the vessels is 50m or more • a ship whose owner or master asks for the services of a pilot • a ship whose master is directed by the Regional Harbour Master to use the services of a pilot • all vessels 35m LOA and above and a vessel towing another vessel where the combined length of the vessels is 35m or more transiting Smiths Creek will require the services of a pilot unless an exemption, or exception to the rule has been granted by the Regional Harbour Master.

3 Vessel Requirements

3.1 Automatic Identification System and Electronic Chart System

Automatic Identification System (AIS) and Electronic Chart System (ECS) can be utilised to enhance situational awareness and aid collision avoidance.

The performance and effectiveness of AIS and ECS as aids to masters and vessel traffic service operators is heavily dependent on the correct configuration and operation of these units.

All requirements listed here are considered to be minimum requirements.

The equipment prescribed in this Standard is to improve situational awareness and collision avoidance and does not replace navigational equipment mandated by relevant state, national, or international legislation.

3.1.2 Automatic Identification System

All commercial vessels 10 metres or greater in length (including dumb barges) and all passenger transfer vessels 6 metres or greater in length, involved in project activities within a Pilotage Area and not required to carry a Class A AIS, must have a Class B AIS transceiver[1] installed, configured, and operating in the manner prescribed in this document.

The AIS unit must:

- comply with International Electrotechnical Commission (IEC) standards[2],
- be installed, configured, and operated to transmit and receive AIS data and display received AIS data on an ECS,
- broadcast prescribed static information indicating certain particulars of the vessel including Maritime Mobile Service Identity (MMSI)[3], name, type of vessel, call sign (if applicable) and dimensions of vessel,
- broadcast prescribed dynamic information[4] about the vessel's position and movement,
- refresh dynamic information at intervals no greater than every 30 seconds (if the speed over ground of the vessel is greater than two knots) and no greater than every three minutes (if the speed over ground of the vessel is equal to or less than two knots),
- be capable of receiving VDL (VHF Data Link) Message 21 – Aids To Navigation Report for reception of Virtual Aid to Navigation information,
- masters will be required to demonstrate their ability to use AIS equipment as a situational awareness tool.

[1] Class B AIS transceivers are AIS units that perform not necessarily in full accordance with IMO's AIS requirements. Class B units are defined in Recommendation ITU-R M.1371 and test standard IEC 62287.

[2] In particular the AIS unit must conform with the following IEC standards as appropriate:
For Class B: IEC 62287-1 *Maritime navigation and radio communication equipment and systems – Class B ship-borne equipment of the Automatic Identification System (AIS) – Part 1: Carrier Sense time division multiple access (CSTMDA) techniques*
For Class A: IEC 61993-2 *Maritime navigation and radio communication equipment and systems – Automatic Identification Systems (AIS) – Part 2: Class A shipborne equipment of the universal Automatic Identification Systems (AIS) – Operational and performance requirements, methods of test and required test results*

[3] The Australian Maritime Safety Authority (AMSA) allocates and issues MMSI to vessels.

[4] Dynamic information to be broadcast includes the vessel's position (with accuracy indication and integrity status), time (in UTC), course over ground, speed over ground and true heading (optional).

3.1.3 Electronic Chart System

All commercial vessels 10 metres or greater in length (excluding dumb barges) and all passenger transfer vessels 6 metres or greater in length, involved in commercial activities are recommended to have an ECS, operating and configured to display prescribed AIS vessel information for the vessel and vessels in the vicinity, on a single graphic display that complies with the National Standard for Commercial Vessels[5].

If no ECS vessels are to have the appropriate up to date charts and publications on board and be able to demonstrate regular position identification to an MSQ officer post any transit.

3.2 Barges

All barges must be manned with certified complement in accordance with the respective legislative requirement – Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (national law act) or Navigation Act 2012 and/or relevant WHS regulations.
Masters and/or operators of construction vessels being unpropelled barges (*dumb Barges*), must only operate in accordance with the relevant AMSA legislation and Safety Management System procedures–including stability assessment and appropriate crew (minimum qualifications, experience and induction processes).
Where a unpropelled barges (*Dumb barges*), do not have a dedicated Master, the loading and unloading of the dumb barge, (equipped with or without crane, pile driver, excavator, or any other equipment), must be supervised by a suitably qualified person (*person in charge)* responsible for the safety of persons and stability of the barge.
The *person in charge (PIC)* at any given time must be documented and any hand overs from one *PIC* to another *PIC* documented to ensure continuity of command.

The *person in charge (PIC)* must

- have immediate access to VHF radio to enable contact with Cairns VTS. This may be a handheld radio capable of receiving and transmitting on VHF Channel 12 and 16.
- have a means of communicating with any persons operating equipment (crane, pile driver, excavator and so on), on that barge.

All movements of unpropelled commercial marine construction vessels (dumb barges), within the Cairns harbour must comply with the Port Procedures Manual Cairns.

3.3 Jack-up Barges (JUB)

Jack-up barges in spud retracted mode (afloat) are treated:

1. If self-propelled - as a vessel of its length,
2. If un-propelled (thrusters are not a form of propulsion) - as a dumb barge of its length.

Jack up Barge in floatation mode, under tow transiting from one location to another within the pilotage area will be navigated with the same requirements as a Commercial marine constructions vessel and will engage the services of a Pilot or a Pilot Exempt Master.

Jack up Barge when in the jacked-up mode

[5] As specified in Annex C to Part C, Section 7, Subsection 7C of the *National Standard for Commercial Vessels:*
2.2.2.3 Display legibility - The display shall be viewable and all text legible by day and night at a minimum distance of 1 metre from the *ECS* or where the design of the navigation control station does not allow a 1 metre viewing distance, the maximum distance that the person responsible for navigation may be from the *ECS* while navigating the vessel.

- does not require a master, but it does require a competent person in accordance with the relevant AMSA legislation and Safety Management System procedures and any operational policies and procedures to operate.
- using spuds, anchors (with or without assistance of thrusters) to move (*walking)* is permitted without pilotage assistance. The JUB must have as a minimum must have a Master class 4 with area endorsement on board in charge of the manoeuvre. The JUB must have at least

  i) two anchors out during the move; and/or

  ii) one leg pinned to the seabed during the move

  It is preferred that a PEC master is in-charge of a JUB during *walking* manoeuvres within the compulsory pilotage area.

3.4 Tugs

All tugs new to the Cairns Region must ensure the tow hook/winch quick release will operate under all towing conditions, via a load test. This test must be undertaken with an AMSA approved surveyor or Class surveyor and the results of this test maintained with the vessel's documentation.

The results of the test should also be included in the Marine Execution Plan.

3.5 Pipeline Obstructions

Floating and/or submerged pipelines can be an obstruction to navigation and require RHM approval for their deployment. Any such approval will only be granted if the potential obstruction is marked in the as per preapproved agreement with the RHM

3.5.1 Cyclone Moorings

Application for a buoy mooring is detailed on the MSQ website at;
https://www.msq.qld.gov.au/Waterways/Buoy-moorings

To apply for a cyclone mooring the applicant must submit detailed drawings and certification for cyclone moorings (including but not limited to);

i) Certified engineering drawings showing the mooring is designed for the vessel (name or type/size) to be moored;

ii) Maximum wind rating to which the mooring will hold that particular vessel(s)

iii) Proposed position of the mooring

iv) Maximum breaking load of the mooring

The RHM will consider the proposed position, design and impacts on other marine traffic and either approve the buoy mooring with conditions or refuse the application.

Each cyclone mooring buoy must be lit at night with yellow flashing lights Fl (Y) 2.5 s with 360-degree visibility and a visible range of 4Nm

4 Crew Requirements

4.1 Application

These following are the minimum requirements for manning construction vessels.

4.2 Vessel Master

The master must:

- hold the appropriate qualification for the size and class of the vessel,
- have successfully completed a local knowledge examination and/or PEC to operate within the Pilotage area.

4.3 Tug and Unpowered tow combinations

Tug masters require a Certificate of Competence as prescribed for the length of the powered vessel.

Tug and unpowered tow combinations are classified as a 'small ship' as detailed in section 163(1)(b) of the *Transport Operations (Marine Safety) Regulation 2016.*

For combinations of ships over 50 metres (total length of ships) or 35m in Smiths Creek, in addition to the relevant certificate of competence, masters will require a Pilotage Exemption Certificate when operating within Compulsory Pilotage Areas; or a Harbour Pilot will be required for each movement

4.4 Barge Master

All barges must be manned with certified complement in accordance with the respective legislative requirement – Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (national law act) or Navigation Act 2012.

4.5 Other crew

The operator (master) has a duty of care to their employees, including deckhands.

One way of demonstrating that duty has been met, at least in part, is to ensure crew;

- have formalised training in MARSS00008 Shipboard Safety Skill Set (formally ESS) or equivalent,
- hold a current first aid certificate, and
- be in-house competency trained to operate the vessel in emergency situations including radio communications.

The ship's SMS may nominate alternative arrangements that will still satisfy the duty of care.

4.6 Foreign Certificates

Masters with foreign certificates (and not the requisite domestic qualification) must consult the Australian Maritime Safety Authority for information on the issue of certificates of recognition. An

AMSA approved certificate of recognition must be obtained prior to functioning as a vessel master engaged in commercial marine construction activities under this Standard.

4.7 Manning & Competency requirements for Barges

Barges and JUB's which are not self-propelled do not require manning as per the *National Law* requirements for seafarers. The barges will have an SMS which defines the level, competency and qualifications of the crew to satisfy its operation.

4.8 Pilot Exemption Certificates

Application for a PEC is made to the RHM's office. The candidate will be provided with a *Record of qualifications and training for pilotage exempt masters – Project work and Tug & Tow operations*.

The candidate must

i) have a current seagoing marine qualification suitable for the size of vessel to be operated in the pilotage area.

ii) have at least 3 months previous experience working in a pilotage area.

iii) undertake a number of observation trips day and night (if seeking night certification) with a pilot or PEC Master within the compulsory pilotage area.

iv) be employed by a company or contractor who will or currently operates work vessels in the pilotage area.

The application must be accompanied by a letter of endorsement from the company or contractor employing the candidate. The letter will detail the candidate's previous experience and position(s) within the company as well as any past experience.

Number of observation trips will be determined by RHM depending on experience of the candidate, complexity of the operation, construction requirements and the need to access specific areas within the port.

Apply to MSQ for pilotage exemption by submitting the following:

- application for marine pilotage qualification,
- current medical,
- original marine qualifications (copies to be certified),
- letter from company,
- copy of local knowledge qualification (written local knowledge and blank chart examination)
- fees
- number of observations trips (page 2 of application, confirmed by Master or company),
- letter of recommendation from senior training master (if mentor trips are conducted under their guidance.

On receipt of above, MSQ will issue temporary authority to enable applicant to complete supervised mentor trips and check trips.

On completion of the mentor trips and check trips

- letter of recommendation from senior training master (if mentor trips are conducted under their guidance.

- Check Trip Assessment report.

Refer: Record of qualifications and training for Pilot Exempt Masters – Project work and Tug & Tow operations.

The master applying for PEC involving towage, must demonstrate competence in each type of operation or mode for example, tow/hip-up operation or using any arrangement (that is barge with multiple combination push/pull/tow work vessels).

Mentor trips must be undertaken under the supervision of a marine pilot or PEC master. The pilot/training master conducting the observations trips will complete and sign the record of qualification & training for Pilotage Exempt Masters for the candidate. This form should be submitted along with the application.

PEC candidates must visit the Manager Vessel Traffic Services (MVTS) at Cairns for a briefing on operation within the pilotage area.
PEC candidates must successfully pass a written local knowledge and blank chart examination conducted by the Regional Harbour Master.
A successful candidate will be issued with PEC for a period of 2 years. The Regional Harbour Master may stipulate specific exemptions or limits on the PEC such as;

- the maximum length of vessel or combination of tug/barge,
- include areas where the PEC will be applicable,
- limit to a specific vessel or vessel and barge combination,
- limit hours of operation (daylight only).

A person with a PEC must notify the Regional Harbour Master if they cease working in the pilotage area or change employer. The PEC may be suspended or cancelled on written notification by RHM Cairns.

5 Operating Procedures

5.1 Communication Procedures

5.1.2 Cairns and Cairns VTS Areas

In order to enhance the safety of vessels within Cairns Pilotage areas, as well as maintain efficient communications for all port users, communication procedures have been implemented and must be adhered to by all vessels operating within the Pilotage areas.

It is mandatory for all commercial craft operating in Cairns and Cairns VTS areas under this Standard to maintain radio communications on VHF Ch12.

Commercial marine constructions vessels greater than 15m must

a) notify VTS of departure point and intended destination.

b) not commence moving within the pilotage area prior to obtaining VTS clearance for the intended movement on VHF Ch12. Instructions and

c) comply with advice from Cairns VTS.

Working channels for the port can be found in the Cairns Port Procedures Manual Sect 3.2,3

5.2 Marine Incident Reporting

5.2.1 General

All marine incidents occurring within the Cairns region regardless of the regulatory agency must be immediately be reported to the Regional Harbour Master (Cairns) through VTS Cairns.

Initial reports should be conveyed through to VTS Cairns:

Telephone: 4052 7470

VHF channel: 12 or 16

A written report must be submitted to the RHM within 48 hours of the incident

In, addition written reports must be submitted within the relevant timeframes as specified in the respective regulations (refer: Port Procedures and Information for Shipping – Port of Cairns in the appropriate format to the appropriate agency and to Maritime Safety Queensland:

- Email: RHMcairns@msq.qld.gov.au and vtscairns@msq.qld.gov.au

While definitions of an incident may use different wording, common to all legislation is the requirement for incidents to be reported for events involving:

A ***marine incident*** is defined as an event causing

(a) the loss of a person from a ship; or

(b) the death of, or grievous bodily harm to, a person caused by a ship's operations; or

(c) the loss or presumed loss or abandonment of a ship; or

(d) a collision with a ship; or

(e) the stranding of a ship; or

(f) damage, or danger of significant damage, to a ship; or

(g) defect or damage to a ship's equipment; or

(h) damage caused by a ship's operations; or

(i) danger of significant damage to a structure caused by a ship's operations; or

(j) danger to a person caused by a ship's operations.

A ***near miss*** is an unplanned event which has the potential to develop into a marine incident and required action to prevent an incident occurring.

Where a marine incident or a near miss occurs during the pilotage, or in the pilotage area, the Pilot or Pilot ExemptMaster or master must

I. As soon as practical notify Cairns VTS of the situation, requesting assistance as required; and

II. Within 48 hours of the incident or near miss submit a written report to the Regional Harbour Master providing details of the incident or near miss. The report must be madeon the approved Marine Incident Report Form F3071.

5.2.2 Vessels Operating Under the *Marine Safety (DCV) National Law Act 2012* or the Navigation Act 2016

A detailed incident report must be submitted to AMSA on Form 18 (within 4 hrs) and Form 19 (within 72 hours) after the incident occurring.

Reports are to be submitted by fax: +61 2 6230 6868 or 1800 622 153 or by email: reports@amsa.gov.au.

Further details of these requirements and relevant forms are available on the AMSA website: http://amsa.gov.au/vessels/ship-safety/incident-reporting/

5.2.3 Vessels Operating Under the Transport Operations (Marine Safety) Act 1994

All marine incidents must be reported to a shipping inspector within 48 hours and a written marine incident report is also to be submitted.

Shipping Inspectors are Marine Officers (located at MSQ regional offices), officers of Queensland Water Police and Queensland Boating and Fisheries Patrol. The report must be made on the approved Form F3071. This form can be downloaded from the MSQ website: http://www.msq.qld.gov.au/Safety/Marine-incidents.aspx.

5.3 Marine Pollution Reporting

The *Transport Operations (Marine Pollution) Act 1995* is designed to protect Queensland's marine and coastal environment by minimising deliberate and negligent discharges of ship-sourced pollution. Discharges of oil, noxious liquid substances, sewage, and garbage from ships (*MARPOL Annexes I, II, IV and V*) are prohibited in Queensland coastal waters and pilotage areas.

MSQ has the authority to detain any vessel suspected of causing marine pollution and to intervene where there is imminent danger to the coastline.

Section 67 of the *Transport Operations (Marine Pollution) Act* 1995 requires the master of a ship to report a discharge or probable discharge without delay to the harbour master.

The report should be made via 'Cairns VTS' (24 hours) on:

VHF radio: 12 or 16

Phone: 4052 7470

Email: vtscairns@msq.qld.gov.au

The following details should be provided in a report of marine pollution:

- date/time of incident,
- location (latitude, longitude and/or physical site),
- report source and contact number,
- nature, extent and estimated quantity of spill,
- type of oil or description,
- spill source and point of discharge from source,
- identity and position of nearby ships or name of alleged polluter,
- nature and extent of spill and movement and speed of spill,
- local weather/tide/sea conditions,
- whether a sample of the substance spilled has been collected,
- any additional information that relates to the spill,

The VTS centre will complete form F3968 Marine Pollution Report based on the above information and notify the relevant authorities.

The polluter must also complete form F3968 Marine Pollution Report with all relevant information and email the form to pollution@msq.qld.gov.au

5.4 Environmental Incidents

Incidents with potential to cause or which have caused 'environmental harm' (as defined in the *Environmental Protection Act 1994)* within the port, including land and facilities under control of the port authority, must be reported to the authority as soon as reasonably practicable.

Port users, owners, masters and organisations are reminded of their responsibility to notify the Department of Environment and Science (DES) and/or the relevant Regional Council where the incident is of the nature that requires notification under the *Environmental Protection Act 1994* and environmental protection policies.

5.5 Dangerous Goods Transportation

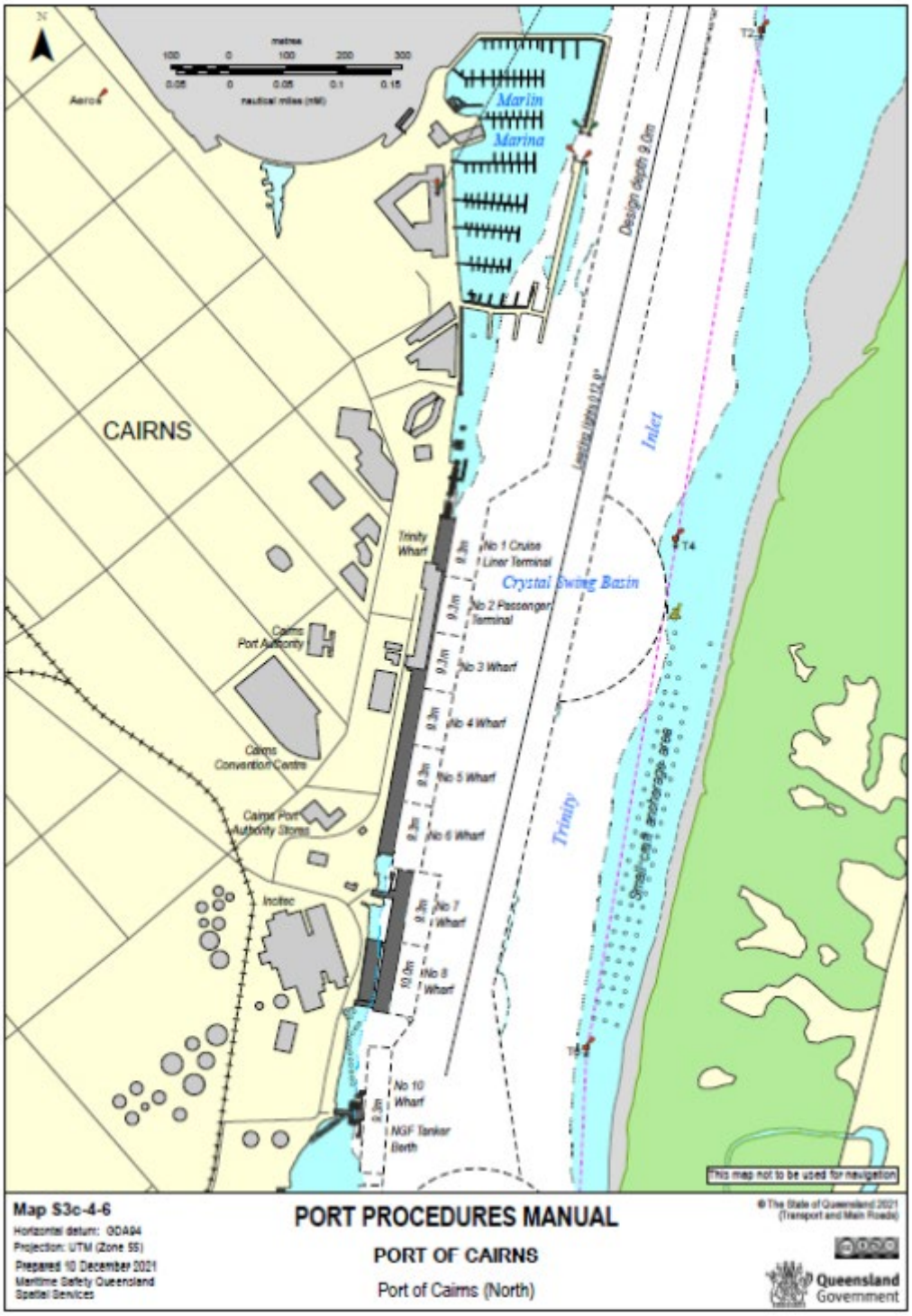
Chapter 5, Part 4 of the *Transport Operations (Marine Safety) Regulation 2016* outlines the duties of owners and masters of vessels in relation to the carriage of dangerous goods. The Regulation requires that ships carrying dangerous goods and bulk liquids must comply with the appropriate directions of the *IMDG Code and AS3846* and are to notify the port authority and the RHM of the intent to carry dangerous cargo in a pilotage area.

A person who is the owner or master of a ship operating on a local marine service must lodge a Dangerous Cargo Report at least 48 hours prior to the start of the service which is to be accompanied by a list of dangerous cargo to be carried.

6 Appendix

6.1 Cairns Pilotage Area

6.2 Cairns Berth Layout (North)



6.3 Cairns Berth Layout (South).

6.4 Smiths Creek