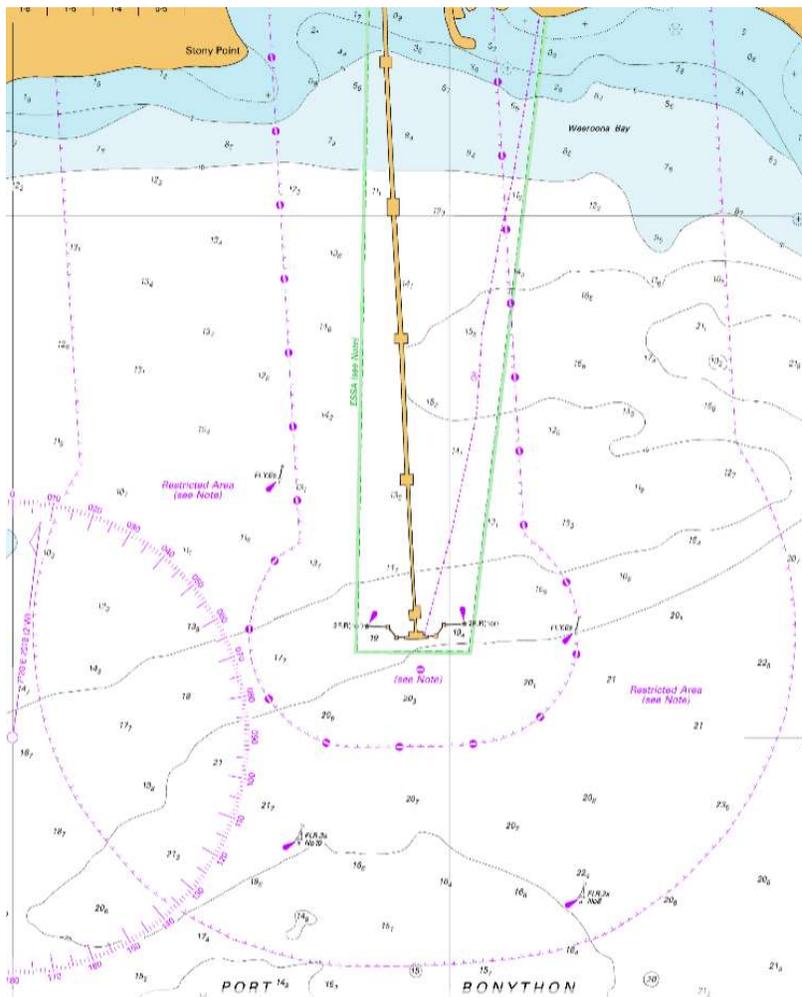




Government of South Australia
Department for Infrastructure
and Transport

PORT BONYTHON

Port Rules



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1. PURPOSE AND COMMENCEMENT

1.1. Purpose

1.1.1 These Port Rules have been prepared in consultation with the Producers to replace the rules entitled the “*Stony Point Ratification Act Port Rules, 1983*” that were enacted by the Governor of South Australia on 27 January 1983 pursuant to the *Stony Point (Liquids Project) Ratification Act, 1981* and the *Stony Point (Liquids Ratification) Indenture (1983 Port Rules)*.

1.1.2 The purpose of these Rules is to ensure:

- (a) the proper control and management of the Harbor;
- (b) the regulation and control of navigation of approaches to the Berth;
- (c) the maintenance of safety, security and good order of maritime activities in the Harbor; and
- (d) the protection of the environment within the Harbor.

1.1.3 These Rules need to be read in conjunction with the Jetty Terminal Rules which govern vessel loading and unloading operations and the conditions of entry and use of the Jetty and the approach corridor to the Jetty.

1.2. Commencement of Operation

These Rules shall come into force with effect from 1 March 2023.

1.3. Repeal of 1983 Rules

The 1983 Rules are repealed as of the date of commencement of these Rules. Anything lawfully done under the 1983 Rules will not be invalidated by their repeal.

2. SCOPE

These Port Rules apply within the limits of the Harbor and are applied;

- (a) on each Licensed Co-user as a condition of the licence granted to that Licensed Co-User for use of the Jetty; and
- (b) on a vessel as a condition of entry into the Harbor.

These Port Rules are in addition to the provisions of the *Harbors and Navigations Act 1993 (SA)* and other laws of the State and the Commonwealth which apply to all vessels within the waters of the State and more particularly within the limits of the Harbor.

All vessel activity in the Harbor is to be operated in accordance with all laws in force in South Australia and any applicable Commonwealth or International laws, including but not limited to the following as amended from time to time:

Harbors and Navigation Act 1993 (SA)

Environment Protection Act 1993 (SA)

Customs Act 1901 (Cth)

Biosecurity Act 2015 (Cth)

Work Health and Safety Act 2012 (SA)

Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987 (SA)

Navigation Act 2012 (Cth)

Maritime Transport and Offshore Facilities Security Act 2003(Cth),

and any Regulations in place under each of those Acts.

3. MEANINGS

In these Rules, unless a contrary intention appears:

'Act' means the *Harbors and Navigation Act 1993 (SA)* (including the *Harbors and Navigation Regulations 2009*), as in force from time to time;

'Authorised Officer' means, in respect of the Harbor, an Authorised Person;

'Authorised Persons' means a person appointed by the CECE under Section 12 of the Act;

'Berth' means the wharf structure on the Jetty alongside of which a vessel may be moored for the purpose of loading or discharging cargo;

'Berthing Officer' means the representative appointed by the Department to supervise the jetty side mooring of vessels;

'CE' means the Chief Executive of the Department (and includes his/her delegate);

'chief officer' means the senior deck officer and second in command next to the master of a vessel;

'Department' means the South Australian Government department, named in the Replaceable Schedule, that has, subject to the Minister, responsibility for administering the Act, in accordance with State laws and these Port Rules;

'Departmental Officer' means an officer employed in the Department;

'Emergency Response Plan' means, in relation to a Licensed Co-user, the Emergency Response Plan the Licensed Co-user is required to develop and keep updated under Rule 15.1;

'gas carrier' means a vessel specially constructed and fitted for the carriage of liquefied petroleum gas in bulk;

'Harbor' means the harbor of Port Bonython as defined in Schedule 3 of the *Harbors and Navigation Regulations 2009 (SA)*;

'Indenture' means the Stony Point (Liquids Ratification) Indenture being Schedule 1 to the *Stony Point (Liquids Project) Ratification Act 1981*;

'International Maritime Organization's Safety of Life at Sea Regulations' means the International Convention for the Safety of Life at Sea (SOLAS), 1974

'Jetty' means the jetty structure and mooring dolphins included in the Transferred Facilities (and, for clarity, excludes any infrastructure or equipment attached to or situated on that jetty structure which is owned by the Licensed Co-users);

'Jetty Head Officer' means, in relation to a Licensed Co-user, the person or persons appointed by that Licensed Co-user as its officer responsible for the safe and efficient operation of those facilities on the Berth under its control and which are required to be utilized for loading or unloading operations of that Licensed Co-user's vessels. Each Jetty Head Officer is subject to the authority and direction of, the Marine Supervisor of the applicable Licensed Co-user;

'Jetty Terminal Rules' means those rules in force and effect from time to time and which regulate and control:

- (a) activities undertaken by the Licensed Co-users on and about the Jetty and the approach corridor to the Jetty; and
- (b) loading and unloading operations;

'Licensed Co-users' means:

- (a) the Producers; and
- (b) any natural person or body corporate that is granted a licence by the Minister to use the Jetty and/or the Berth for a prescribed purpose from time to time on and subject to the Port Rules;

'Licensed Pilot' means a person licensed by the CE under provisions of the Act to undertake pilotage in the Harbor;

'loading operations' means the transfer of product or cargo from onshore storage onto a vessel at the Berth;

'Marine Supervisor' means, in relation to a Licensed Co-user, the officer

appointed by that Licensed Co-user to be responsible for the loading or unloading of product or cargo and other marine operations on its behalf;

'master' has the meaning ascribed to that term in the Act;

'Minister' means the Minister, named in the Replaceable Schedule, who is responsible for administration of the Act from time to time (or his/her delegate);

'owner' has the meaning ascribed to that term in the Act;

'Pilot Boarding Stations' means the Licensed Pilot boarding stations specified in the Replaceable Schedule.

'Port Rules' or **'Rules'** means the rules applicable to the operations of vessels within the Harbor;

'Producers' means the joint venture partners listed as parties to the Indenture including their successors and permitted assigns;

'Replaceable Schedule' means the schedule at the end of these Port Rules, which contains details that may be varied from time to time by notice from the Minister to the Licensed Co-users;

'Santos' means Santos Limited, including its successors and permitted assigns operating the Transferred Facilities on behalf of the Producers;

'Security Manager' means the person or persons appointed by the Security Services Provider from time to time to perform those security services delegated to them by the Security Services Provider in respect of the Jetty and the approach corridor to the Jetty

'Security Services Provider' means the entity appointed by the Minister to provide security services in respect of the Jetty and the approach corridor to the Jetty, as named in the Replaceable Schedule;

'ship's agent' in relation to a vessel means any natural person, firm or corporation who or which performs, for or on behalf of the owner of the vessel any function or duty for the purposes of the Act and includes any person, firm or corporation who or which within the State, on behalf of the owner of the vessel undertakes or performs the functions of the vessel's husbandry or makes any arrangements for or in connection with the berthing of the vessel or the carriage, loading or unloading of cargo on or from the vessel;

'State' means the State of South Australia;

'State Marine Pollution Controller' means the person or officer appointed by the Minister with powers under the *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987* (SA) to manage pollution incidents in the State's coastal waters;

'**Transferred Facilities**' has the meaning ascribed to that term in clause 63 of the Indenture;

'**unloading operations**' means the transfer of product or cargo from a vessel at the Berth to onshore storage facilities;

'**Waterside Restricted Zone**' has the meaning given to that term in the Jetty Terminal Rules;

'**vessel**' has the meaning ascribed to that term in the Act.

VTS means the Vessel Traffic Services set out in the Replaceable Schedule, which must be notified by the contact details provided in the Replaceable Schedule;

4. APPOINTMENTS AND AUTHORITIES

4.1. Authorised Officer

4.1.1. The direction of vessels within the Harbor is undertaken by Authorised Officers.

4.1.2. By virtue of section 29A of the Act an Authorised Person is an Authorised Officer for the purpose of the Harbor and has the power under section 29B of the Act to direct vessel movements in the Harbor.

4.1.3. An Authorised Officer may give a direction orally, by signal, radio communication, or in any other appropriate manner to a person in charge, or apparently in charge of a vessel in or in the vicinity of the Harbor. These powers of direction may, for example:

- (a) require that vessels proceed to load or unload in a particular order; or
- (b) require that a vessel be moored or anchored in a particular position; or
- (c) require that a vessel be secured in a particular way; or
- (d) require that a vessel be moved from a particular area or position; or
- (e) require the production of documents relating to the navigation, operation, pilotage, use or loading of the vessel.

4.1.4. A direction given by an Authorised Officer may be expressed generally to all persons intended to be covered by such direction or may be expressed specifically to a particular person and may be subject to such conditions as he/she may deem to be necessary in the particular circumstances.

- 4.1.5. All persons to whom a direction is given shall comply with that direction. Failure to comply with a direction of an Authorised Officer, without reasonable excuse, is an offence under provisions of the Act.
- 4.1.6. A person in charge of a vessel must permit an Authorised Officer to:
- (a) board the vessel; and
 - (b) inspect the vessel and its cargo; and
 - (c) carry out on the vessel any investigation necessary to ensure that the vessel and the business in the course of which the vessel is being used is being operated lawfully.

4.2. Appointment of Agents

- 4.2.1. A Licensed Co-user may appoint an appropriate agent to administer that Licensed Co-user's obligations under these Port Rules and to ensure that those obligations are met by its employees, agents and contractors. A Licensed Co-user must notify the CE in writing of any such appointment within 7 days.
- 4.2.2. An agent appointed by one Licensed Co-user may also be the agent for another Licensed Co-user to the extent agreed between those Licensed Co-users that the agent acts jointly on behalf of them. Any such agreement is to be in writing and the CE must be advised in writing within 7 days of the agreement being reached.
- 4.2.3. An agent of a Licensed Co-user, or that agent's nominated employees or other officers, may make an application to the CE to be appointed as an Authorised Person and hence have the power of an Authorised Officer to direct vessels. Any such appointment will be at the sole discretion of the CE.

4.3. Appointment of Marine Supervisors and Jetty Head Officers

- 4.3.1. A Licensed Co-user must appoint appropriate persons to be its Marine Supervisors from time to time, and must notify the CE and the other Licensed Co-users of the personnel comprising its Marine Supervisors:
- (a) as at the date of commencement of these Rules or upon first appointment, whichever is relevant; and
 - (b) on each occasion it effects a change in the personnel comprising its Marine Supervisors.
- 4.3.2. A Licensed Co-user must appoint appropriate persons to be its Jetty Head Officers from time to time and, upon request, must give the CE notice of the personnel who are authorised to act as its Jetty Head Officers at the time specified in the request.

4.4. Authority of Jetty Head Officers and Marine Supervisors

4.4.1. The Jetty Head Officers of a Licensed Co-user will act as the authorised representative of that Licensed Co-user, with authority to:

- (a) carry out those specific functions assigned to Jetty Head Officers under these Rules; and
- (b) bind that Licensed Co-user in respect of the exercise of any of its rights, or the carrying out of any of its obligations, provided for in these Rules which are respect of, or relate to, loading or unloading operations.

4.4.2. The Marine Supervisors of a Licensed Co-user will act as the authorised representative of that Licensed Co-user, with authority to:

- (a) carry out those specific functions assigned to Marine Supervisors under these Rules; and
- (b) bind that Licensed Co-user in respect of the exercise of any of its rights, or the carrying out of any of its obligations, provided for in these Rules which are respect of, or relate to, marine operations of that Licensed Co-user.

4.5. Cooperation

The Licensed Co-users will ensure that their respective personnel co-operate with one another so as to ensure all marine, berthing and pollution cleanup operations are carried out in a safe and efficient manner and in accordance with good maritime practices applied in other Australian ports.

5. WEATHER & TIDAL MEASUREMENT

5.1. Wind Speed and Direction

The Licensed Co-users are jointly and severally responsible for ensuring that suitable, efficient and effectively maintained wind speed and direction recording equipment is provided at the Harbor. Unless otherwise authorised by the CE, no more than one set of equipment is to be installed at the Berth or on the Jetty and, accordingly, the Licensed Co-users will negotiate in good faith and use their reasonable endeavours to agree upon arrangements for the provision and maintenance of such equipment. Where installed equipment is owned or controlled by any one or more but not all Licensed Co-users, such Licensed Co-users must ensure that access and use of that equipment is made available to other Licensed Co-users on reasonable commercial terms.

The installed equipment must be accessible to an Authorised Officer at all times.

5.2. Tidal Measurement

The Licensed Co-users are jointly and severally responsible for ensuring that suitable, efficient and effectively maintained tidal height and flow rate indicating equipment (tide gauge) is provided at the Berth or on the Jetty. Unless otherwise authorised by the CE, no more than one set of equipment is to be installed at the Berth and, accordingly, Licensed Co-users will negotiate in good faith and use their reasonable endeavours to agree upon arrangements for the provision and maintenance of such equipment. Where installed equipment is owned or controlled by any one or more but not all Licensed Co-users, such Licensed Co-users must ensure that access and use of that equipment is made available to other Licensed Co-users on reasonable commercial terms.

The installed equipment must be accessible to an Authorised Officer at all times.

6. NAVIGATION

6.1. Vessel Traffic Management

All inbound and outbound vessel traffic to and from the applicable Pilot Boarding Station to or from the Berth shall be managed by the CE in accordance with these Port Rules.

6.2. Charts and Publication

Recommended charts are:

Aus	136	"Approaches to Whyalla & Port Pirie"
Aus	778	"Point Riley to Port Augusta"
Aus	777	"Winceby Island to Point Riley"
Aus	776	"Williams Island to Winceby Island"
Aus	135	"Port Bonython"

ENC Charts :

AU5PBY01	Spencer Gulf - Port Bonython
AU434137	Whyalla to Wallaroo Bay
AU5WYA01	Spencer Gulf - Whyalla
AU433137	Port Bonython to Port Augusta
AU5PPI01	Spencer Gulf - Port Pirie Wharves and approaches
AU240130	Head of Great Australian Bight to Cape Jaffa

For description of coastline, anchorages, weather notes, and other navigation information, refer to the NP13 Australia Pilot, Volume 1 – South Coast of Australia (Sailing Directions).

6.3. Northern Spencer Gulf

Waters of sufficient depth for deep draft vessels are limited in the Spencer Gulf and, accordingly, Rule 10.1.1 must be complied with. Masters are advised to follow the deep draft recommended route, marked with navigational aids, on the appropriate chart as referenced in Rule 6.2.

6.4. Master Obligations

- 6.4.1. International Rules for the Prevention of Collisions at Sea Regulations have been adopted by the Act and apply to all vessels in all State waters, including those waters within the Harbor, unless indicated otherwise by the Act.
- 6.4.2. The master of a vessel shall ensure that the vessel under his/her control does not:
- (a) pass another vessel in any channel within the Harbor;
 - (b) anchor the vessel in any channel within the Harbor, except in an emergency;
 - (c) except with the approval of an Authorised Person, cause or permit a cable, chain, hawser or rope to be placed across any channel within the Harbor.
- 6.4.3. Where a vessel is anchored in a channel of the Harbor in an emergency, the master of the vessel must advise the CE as soon as practicable and, once the emergency is resolved, move the vessel to the side of the channel without delay and notify the CE immediately upon that move being made.

7. UNDER KEEL CLEARANCE

- (a) Available depth in the channel and at the Berth is in excess of 19 metres. Vessels with a draft in excess of 16 metres on arrival or departure will be assessed on a case by case basis by the CE due to the strong tidal streams at the Berth.
- (b) The master of a vessel shall ensure that when proceeding under way into, out of, or within the Harbor, a vessel's under keel clearance shall be not less than 20 per cent of the vessel's maximum draft. When calculating the draft of a vessel in advance of arrival into the Harbor, it is recommended that the master deduct at least 0.2 metres from the tide predictions to allow for possible adverse effects on the height of the tide influenced by the weather.
- (c) When secured alongside the Berth the master of a vessel shall ensure that the vessel is maintained in an upright condition, does not assume an excessive trim and that the under keel clearance is not less than

0.6m metres.

- (d) an under keel clearance of less than 20 per cent of the vessel's draft may be permitted in special circumstances when the vessel is proceeding under way within the Harbor, subject to the sole discretion and prior approval of the CE.

8. CONDITION OF VESSEL

8.1. General

All vessels entering the Harbor must be seaworthy, with main engines, mooring winches, anchors, windlasses and emergency response equipment all in proper working order.

8.2. Certification

8.2.1. Each Licensed Co-user must ensure, as far as is reasonably practical, that:

- (a) all of its vessels entering the Harbor are in possession of a completed and valid set of safety convention certificates and security certificates; and
- (b) the master and each of the chief officers of a vessel are properly qualified and in possession of certificates of competency recognised by the Australian Maritime Safety Authority (or any successor of that Authority).

8.2.2. Each Licensed Co-user must ensure, as far as is reasonably practical, that each of its vessels entering the Harbor comply with International Transport Federation (ITF) Rules and Regulations as are applicable and in operation from time to time.

8.3. Cargo Requirements

8.3.1. Vessels will not be accepted for loading operations unless the tanks to be loaded and the vessel's piping are free of any liquid or vapor which would knowingly contaminate or degrade the product being conveyed.

8.3.2. All cargo tanks including gas carrier tanks must be inerted before entering the Waterside Restricted Zone. Reliquefaction equipment must be in good working order.

8.3.3. All flammable liquid vessels must have all tanks that are to be loaded inerted to less than 8% oxygen before entering the Harbor.

8.3.4. Tank washing, gas freeing or inerting are not permitted in the Waterside Restricted Zone.

9. SIZE, DISPLACEMENT

9.1. Permitted ship size

Subject to Rule 9.2, the maximum tonnage and length of vessels permitted to berth on the Berth are:

- up to 150,000 tonnes displacement with an allowable berthing velocity of 0.12m/s
- Maximum length overall: 265 metres

The minimum overall length of a vessel permitted to berth on the Berth is 138 metres.

9.2. Oversize Vessels

Admittance to the Harbor of vessels exceeding the maximum limits prescribed in Rule 9.1 is at the sole discretion of the CE. If accepted by the CE the vessel will require to adhere to additional operational rules including acceptance of an oversize acceptance form as well as limitations on wind, tide, additional towage etc.

9.3. Permitted berthing displacement

Any vessel exceeding the limits in rule 9.1 will be considered to be an oversize vessel.

9.4. Maximum Limits

Where the vessel exceeds the maximum limits as specified in Rule 9.1, the number of tugs required will be at the discretion of the CE with advice from a Licensed Pilot qualified to undertake the vessel's movement to or within the limits of the Harbor.

9.5. Tug Requirements

In the absence of alternative arrangements for oversize vessel being approved by the CE, the towage requirements listed in the Replaceable Schedule will apply to vessels entering the Harbor.

10. PILOTAGE

10.1. Embarking and Disembarking

10.1.1. Pilotage is compulsory for all vessels over 35 metres in length within the Harbor. Vessels in excess of 14 metres draft are to embark a Licensed Pilot at the Port Bonython Pilot Boarding Station. For vessels with a draft of less than 14 metres a Licensed Pilot is to be embarked at the Whyalla or Port Pirie Pilot Boarding Station.

- 10.1.2. Vessels with a draft in excess of 11 metres must use the buoyed channel to the east of Fairway Bank. Outward bound, ships will disembark the pilot at the Entrance Buoy (165° (T) 6.7 nautical miles from No. 1 Beacon).
- 10.1.3. Vessels with draft greater than 16 metres will require the Pilot to remain onboard and be disembarked at the Wallaroo Pilot Boarding Station.
- 10.1.4. Pilot ladders must be rigged and the embarkation and disembarkation of a Licensed Pilot must be supervised by a responsible deck officer. Adequate lighting must be provided at night. All pilot ladders and accommodation ladders must be clean, in good condition and must comply with the International Maritime Organization's Safety of Life at Sea Regulations and must be rigged with two man ropes.

10.2. Passage Plan

- 10.2.1. On boarding a vessel, the Licensed Pilot will discuss a passage plan with the vessel's master, review the vessel's pilot card and exchange the normal pilot/master information.
- 10.2.2. Once satisfied, the Licensed Pilot will then commence the pilotage passage (inward or outward as applicable).
- 10.2.3. Pilotage can only be arranged through the ship's agent/owner with the CE.

10.3. No Night Navigation

No vessels may navigate within the limits of the Harbor or berth at night without prior approval of the CE. This Rule does not apply to fishing vessels of less than 500 gross registered tonnes, recreational vessels and harbor service vessels.

10.4. Notification of Arrival

- 10.4.1. The master or the ship's agent of a vessel scheduled to arrive in the Harbor shall give the CE not less than 48 hours prior notice of the time at which the vessel is expected to arrive at the applicable Pilot Boarding Station.
- 10.4.2. When a vessel is approaching, manoeuvring adjacent to, or departing from the Berth, the master or person in charge of any other vessel within the Harbor (except the attendant tugs and mooring launches) shall ensure that the vessel remains clear of the vessel until the intended berthing manoeuvre has been completed, or, if departing, is safely clear of the Berth and manoeuvring area and is proceeding underway.

11. BERTHING PRIORITY RIGHT & SCHEDULING

11.1. Producers Priority Rights

Under the Indenture, the Producers have priority of use of the Transferred Facilities and the manner in which the priority shall be effected is as agreed between the Producers and the State.

11.2. Good Maritime Practice

Each Licensed Co-user shall ensure that all activities conducted by it or on its behalf involving use of the Transferred Facilities for the purpose of loading or unloading of vessels, or in taking on or discharging ballast water, or in carrying out repairs to vessels, are effected in a prompt and workmanlike manner, having regard to the terms of these Port Rules and the standards, methods and practices customarily employed in good maritime practices in other Australian ports.

In the event of a conflict between the terms of these Port Rules and the standards, methods and practices customarily employed in good maritime practices in other Australian ports the former, to the extent of the inconsistency, shall prevail.

11.3. Berthing Priority

Subject to Rules 11.2 and 11.4 (but otherwise notwithstanding any other provision of these Port Rules), and in relation to that period of time during which the Producers shall have the use of the Transferred Facilities for the purpose of loading or unloading of vessels, or in taking on or discharging ballast water, or in carrying out repairs to vessels:

11.3.1. the Producers shall have the uninterrupted right to use the Transferred Facilities for those purposes in preference to any other Licensed Co-user for purposes properly related to the use of a vessel under its care, control or management, so long as the Producers shall have given to the CE not less than 48 hours' notice beforehand of their intention to berth such a vessel at the Berth;

11.3.2. in circumstances where less than 48 hours' notice of such an intention is given by the Producers to the CE, then if any other Licensed Co-user desires to have the use of the Transferred Facilities for the purposes of berthing a vessel at the Berth during the same period, the CE shall have the power to direct any person that preference in the use of the Transferred Facilities is to be given in favour of the Licensed Co-user's vessel in respect of which notice of intention to berth was first given; and

11.3.3. in the case of a vessel already berthed at the Berth, neither the CE nor an Authorised Officer, shall direct the cessation of any activities

relating to its loading, unloading, taking on or discharging ballast water or repair which are properly being carried out in accordance with these Port Rules, or require that vessel to be removed from the Berth before it would be due to depart in the ordinary course of events, except in the circumstances to which reference is made in Rule 11.4.

11.4. CE's Transferred Facilities Usage Powers

Notwithstanding any other provision in these Port Rules, the CE shall have the right to use the Transferred Facilities and, for that purpose, may direct any person in relation to the use or cessation of use of the Transferred Facilities in circumstances where, in the opinion of the CE, it is necessary to do so for the safety of a vessel, its crew, or for any other reason involving safety, the avoidance of hazards or by reason of an exigency of a compelling kind.

11.5. Structural Alteration of Transferred Facilities

In the event that structural alterations are to be made to the Transferred Facilities so as to accommodate safely the simultaneous berthing of two or more vessels on the Jetty, then in exercising the authority set out in this Rule 11 the Minister shall provide, and the Licensed Co-users shall comply with, written directions for use by all parties involved in relation to the shared use of any part of the Transferred Facilities. Such directions may provide preferential use to the Producers.

11.6. Priority consultation

Without in any way limiting the CE's discretions set out in this Rule 11, the Producer's priority rights referred to in Rules 11.1 and 11.3 (**Priority Rights**) or the Producers' ability to exercise the Priority Rights without incurring any liability to any Licensed Co-user:

- 11.6.1. the Producers and the other Licensed Co-users shall work together and communicate openly with regard to the scheduling of berthing times for their vessels on the Berth; and
- 11.6.2. when exercising the Priority Rights, the Producers shall notify and consult with each affected Licensed Co-user, and the Producers and those affected Licensed Co-users shall work together to seek to minimize the impact of such exercise on their shipping activities.

11.7. Vessel Scheduling Forum

- 11.7.1. Without limiting the Producers' Priority Rights under the Indenture and to facilitate the undertaking in Rule 11.6.1, the Licensed Co-users will establish a vessel scheduling forum to coordinate the usage of the Berth for vessel loading and unloading operations (**Vessel Scheduling Forum**). The Vessel Scheduling Forum will be formed as soon as

reasonably practicable after a person other than the Producers is granted rights to use the Jetty, and will become operational at the time agreed between the Producers and that person (which time may not be later than 6 months prior to the expected arrival date of that person's first vessel in the Harbor).

- 11.7.2. Without limiting the Producers' Priority Rights under the Indenture, each Licensed Co-user shall provide a non-binding 12 month rolling forecast of its vessel berthing requirements to the Vessel Scheduling Forum. Each forecast made by a Licensed Co-user must be made in good faith and reflect that Licensed Co-user's best estimate of its berthing requirements during the applicable period.
- 11.7.3. The Vessel Scheduling Forum will:
- (a) discuss matters on a weekly basis related to the vessel berthing forecasts and the orderly scheduling of vessel berthing times at the Berth;
 - (b) be comprised of a representative from each Licensed Co-user;
 - (c) meet as required and at least monthly to review and update the vessel berthing forecasts of the Licensed Co-users;
 - (d) ensure that written minutes of their meeting are produced;
 - (e) develop and implement procedures for vessel scheduling; and
 - (f) develop and maintain a shared internet portal which stores an up to date listing of the vessel berthing forecasts of the Licensed Co-users.
- 11.7.4. A representative on behalf of the Producers shall chair the Vessel Berthing Forum and be responsible for maintaining a Master Version of the vessel berthing forecasts of the Licensed Co-users.

12. BERTHING

12.1. Mooring and Unmooring

- 12.1.1. Mooring and unmooring functions at the Berth shall be under the supervision of a Berthing Officer. His/her duties shall be to:
- (a) ensure that the required number of mooring-crew are in attendance and on standby to carry out their duties at their designated positions at the nominated times, and to maintain proper records of the identity of the mooring-crew in attendance and the times during which they are engaged on such mooring duties;
 - (b) receive instructions from the Licensed Pilot relating to the vessel mooring and unmooring process;

- (c) issue instructions to the mooring-crew according to the directions received from the Licensed Pilot in relation to the safe conduct of the mooring and unmooring procedures;
- (d) observe the movement of a vessel when arriving at, or departing from the Berth and record details of any damage caused, or likely to have been caused by the vessel making contact with the berth or the facilities thereon;
- (e) where details have been recorded pursuant to sub rule (d) of this Rule report such details to the Security Manager forthwith and confirm such report in writing within 48 hours; and
- (f) fulfil all other duties as directed by the CE.

12.1.2. The master of a vessel using the Berth shall ensure that the mooring lines are in sound condition and are sufficient to safely moor the vessel in the prevailing conditions and are properly adjusted to maintain the vessel in a safe and secure position at all times whilst alongside the Berth.

12.1.3. The master of a vessel shall ensure that at all times whilst the vessel is alongside the Berth it is maintained in a proper state of readiness to vacate the Berth when so directed by an Authorised Officer and shall ensure that:

- (a) a sufficient number of crew members are available on board the vessel at all times to handle mooring lines and to fulfil all essential functions necessary for the vessel to vacate the Berth promptly and safely if so required; and
- (b) the main engines and auxiliary machinery and equipment essential to the prompt and efficient movement of the vessel shall be ready for use and that no repairs or inspections which may impede the vessel's readiness to get under way when so directed are carried out whilst the vessel is alongside the Berth.

12.2. Notifications

12.2.1. Not less than 48 hours prior to the arrival of the vessel at the applicable Pilot Boarding Station, the vessel's master or ship's agent shall convey details to the CE of:

- (a) the vessel's expected time of arrival at that Station;
- (b) vessel draft fore and aft,
- (c) the vessel's last port of call; and
- (d) whether the water-ballast is clean or otherwise treated.

12.2.2. Not less than 48 hours prior to the arrival of the vessel at the applicable Pilot Boarding Station the master shall advise the CE whether the vessel's hull is, to the best of his knowledge, in sound condition and free of leaks and marine pests.

- 12.2.3. If the vessel is scheduled to proceed direct to the Berth on its arrival, the master shall confirm to the CE the expected time of arrival at least four hours prior to arrival at the applicable Pilot Boarding Station or, if that vessel is exempt from requiring a pilot, at the Berth.

13. COMMUNICATIONS

13.1. General

- 13.1.1. The Licensed Co-users will ensure that VHF channel 16 is continuously monitored.
- 13.1.2. All VHF radio communications with vessels within the Harbor will be conducted in standard marine navigation vocabulary as specified in the "Marine Radio Operators Handbook" (available from the Australian Maritime College). Communication must be preceded by the identification of the channel the operator is using.
- 13.1.3. VHF marine channel frequencies for shipping operations in the Harbor are:

PURPOSE	VHF FREQUENCY
Listening Station	Channel 16
Initial Call	Channel 16
Ship/Shore/Ship Operations	Channel 8
Tug Operations	Channel 8

- 13.1.4. The master of a vessel should monitor VHF channel 16 and 8 at all times when that vessel is within the Harbor for information.
- 13.1.5. When a vessel is within a distance of 20 nautical miles from the Pilot Boarding Station, the master of the vessel shall ensure that an efficient VHF radiotelephone listening watch is maintained on VHF channel 16.
- 13.1.6. When the vessel is at the Berth all VHF communications shall be as specified in the Jetty Terminal Rules.
- 13.1.7. When a vessel is approaching the Harbor (and by no later than the time that vessel is 15 nautical miles from the applicable Pilot Boarding Station), the master of the vessel shall establish contact with the Security Manager by means of VHF radiotelephone.

13.2. Approach Clearance

- 13.2.1. A 400 metre exclusion area applies around the Jetty and the Berth at all times. The master of a vessel shall not allow the vessel to approach within this 400 metre exclusion area at any time unless authorised by the CE.
- 13.2.2. The master of a vessel shall not allow the vessel to approach within

1,170 metres of the Berth or the Jetty at any time whilst a gas carrier is secured to the Berth and/or the applicable signal light is displayed unless authorised by the CE.

- 13.2.3. Where there is an emergency at the Berth and the Berth's emergency operations light signal is exhibited and/or the audible warning alarm as required by these Rules is sounding, the master of any vessel, other than a vessel authorised by the CE, shall ensure that the vessel maintains a clearance from the Berth of at least 2 nautical miles.

13.3. Berth Operations Signals

13.3.1. The Berth's operations signals as required by Rule 13.3.2 are displayed adjacent to mooring dolphins 1 and 4 in a position where they may be clearly visible through 360 degrees. When such light signals are exhibited, or an audible alarm sounded, the requirements shall be strictly observed by the masters of all vessels in the vicinity.

13.3.2. The Berth's operations signals shall be:

- a) an all-round fixed red light - active only at night – to show the position of the Jetty. This fixed red light will switch off when the lights in paragraphs (b) and (c) below are activated;
- b) an all-round red light flashing 30 times per minute to indicate 'DO NOT APPROACH WITHIN 1,170 METRES'.
- c) an all-round red lights flashing 120 times per minute and / or an audible alarm sounded to indicate an emergency – 'ALL NON-ESSENTIAL VESSELS SHALL KEEP AT LEAST TWO NAUTICAL MILES CLEAR OF THE JETTY BERTH'.

13.4. Use of sound signal by vessels

The master of a vessel within the limits of the Harbor shall not use the whistle on the vessel for any purpose other than to indicate navigation manoeuvres pursuant to the Prevention of Collisions at Sea Regulations or to attract attention in an emergency.

14. REPORTING SPILLAGE AND POLLUTION INCIDENTS

14.1. General

14.1.1. The VTS shall be notified as soon as practicable of any spillage of a pollutant into the waters of the Harbor. The VTS will report the incident to the State Marine Pollution Controller.

14.1.2. The spillage of pollutants into the sea from any cause must be reported forthwith to the Security Manager by:

- (a) the master of a vessel if the spillage is from the vessel at the Berth of which he is the master; or

- (b) the Licensed Co-user if the spillage is from that Licensed Co-user's pipeline, tank, equipment or vehicle on the Jetty.

14.1.3. In the event of any spillage and pollution incident which has caused, or have the potential to cause, pollution of the sea, the following action must be taken without delay by the master of the vessel and the responsible Jetty Head Officer:

- (a) all loading and unloading operations shall immediately cease;
- (b) the source of the spillage shall be located and immediate action taken to stop the escape of the pollutants.
- (c) if the spillage is from a vessel, the master of the vessel shall:
 - (i) take prompt action to contain the pollutants and prevent the occurrence of further pollution from the vessel; and
 - (ii) co-operate with whatever means are reasonably available to contain, recover and cleanup the pollution subject to the authority of the State Marine Pollution Controller;
- (d) if the spillage is from the Berth or the Jetty, the responsible Jetty Head Officer in conjunction with the responsible Marine Supervisor shall take immediate action to stop the escape of pollutants from the Jetty and contain the spillage on the Jetty;
- (e) the Security Manager must activate the relevant Emergency Response Plan and the South Australian Marine Spill Contingency Action Plan, as appropriate; and
- (f) cargo loading or unloading operations shall not resume after a spillage of pollutants has occurred until the cause has been satisfactorily determined and eliminated and there is no likelihood that a further spillage of pollutants will occur from the same source. This decision shall be taken by the State Marine Pollution Controller in consultation with the Security Manager.

15. EMERGENCY RESPONSE

15.1. Emergency Response Plans

15.1.1 Each Licensed Co-user must develop, and update as necessary, an Emergency Response Plan that adequately addresses the types of emergencies that might occur in connection with its operations on or about the Jetty.

15.1.2 The Licensed Co-users must, in connection with developing and updating their Emergency Response Plans, meet and consult together, as necessary, with a view to ensuring that no emergency response will

be compromised as a result of a misalignment between the Licensed Co-users in their emergency response planning. Such consultation may occur through the forum of regular governance meetings.

15.2. Emergency Response Plan

- 15.2.1. The following provisions apply to each Licensed Co-user, in relation to its Emergency Response Plan.
- 15.2.2. The Emergency Response Plan must include (without limitation) appropriate and effective responses to:
 - (a) spills of oil, chemicals or other hazardous substances into the waters of the Harbor;
 - (b) fire on a vessel or support vessel in the Harbor or on the Jetty;
 - (c) evacuation of passengers and crew from a vessel;
 - (d) the sinking, grounding or collision of a vessel in the waters of the Harbor;
 - (e) damage to infrastructure or navigational aids,to the extent that such incidents may arise in the course or in consequence of the Licensed Co-user's operations.
- 15.2.3. The Licensed Co-user must develop and maintain (in consultation with the State Marine Pollution Controller and consistent with the South Australian Marine Spill Contingency Action Plan) an oil and hazardous substance spill response plan, as part of its Emergency Response Plan for the Harbor, which is suitable to combat a spill of up to 10 tonnes and originating within the Harbor.
- 15.2.4. The oil and hazardous substance spill response plan must include arrangements for the combating of a spill that exceeds 10 tonnes or will impact on areas outside the limits of the Harbor.
- 15.2.5. The Licensed Co-user may nominate a person to actively participate, at the Licensed Co-user's own expense, as a member of the State Committee of the National Plan to Combat Pollution of the Sea by Oil or Hazardous Substances.
- 15.2.6. The Licensed Co-user must ensure that its Emergency Response Plan is periodically reviewed for improvement and kept up to date, and a current version must be provided to the Minister on request. The Licensed Co-user must make any changes to its Emergency Response Plan that the Minister may require from time to time, where the Minister reasonably considers the change is necessary to ensure that no emergency response will be compromised as a result of a misalignment among relevant stakeholders in their emergency response planning, or

to overcome some other defect or deficiency.

15.2.7. The Licensed Co-user must ensure that sufficient personnel have been trained, and are readily available and exercised, so as to ensure the effective and efficient implementation of its Emergency Response Plan.

15.2.8. The Licensed Co-user must ensure that appropriate arrangements are in place to enable a prompt response to an emergency incident in the Harbor, and that necessary and sufficient equipment is stored, maintained and accessible in support of its Emergency Response Plan.

15.2.9. The Minister may require, not more than once per calendar year, an audit to be carried out of the emergency response capability of the Licensed Co-user.

15.2.10. The Licensed Co-user must immediately give notice to the CE of the occurrence of any spillage incident which would require the Minister or the CE to provide assistance or to conduct an investigation of the incident under either State or Commonwealth legislation.

16. EMISSIONS AND DISCHARGES

Each Licensed Co-user must ensure as far as is reasonably practical that:

- (a) its vessels do not emit smoke or vapour whilst in the Harbor to the extent that it causes danger to any other person; and
- (b) no offensive material is to be discharged from any of its vessels directly or indirectly into the waters or onto land within the Harbor.

17. BALLAST

17.1. Directions

An Authorised Officer may give the master or ship's agent of a vessel approaching or within the Harbor directions relating to any ballast water carried on the vessel, including directions:

- 17.1.1. prohibiting the discharge of ballast water into waters within the Harbor;
- 17.1.2. requiring ballast water to be discharged in specified waters or in a specified manner (including that it is treated in a specified manner prior to discharge); or
- 17.1.3. requiring ballast water to be exchanged in specified waters;

as to the loading of ballast water.

17.2. Discharge of Segregated Ballast Water

Only segregated ballast water can be loaded/discharged into/from vessels

within the Harbor. Discharge of treated ballast water is not permitted within the Harbor. The master of a vessel shall promptly report to an Authorised Officer any pollution of the sea surface from the discharge of segregated ballast within the Harbor and shall ensure that no further discharge takes place without the prior approval of an Authorised Officer.

18. BENDING MOMENTS AND SHEARING FORCES

The responsible Marine Supervisor shall ensure, as far as reasonably practicable, that vessels in excess of 10,000 deadweight tonnes has an efficient means of readily calculating the bending moments and shearing forces at various positions in the vessel's hull at all stages of loading, unloading and/or deballasting which is available to the master of the vessel.

19. ACCIDENTS

All marine accidents involving any vessels under way or at anchor within the Harbor, or engaged in, waiting to commence, or having completed loading or unloading operations, shall be reported to the CE and any other authority required by statute at the earliest possible time by the master of the vessel. Such report shall be confirmed in writing to the CE within 48 hours of the event stating full details of the nature of the accident.

20. SMOKING

20.1. No smoking on Jetty

Smoking is prohibited on the Jetty at all times.

20.2. Vessels at Berth

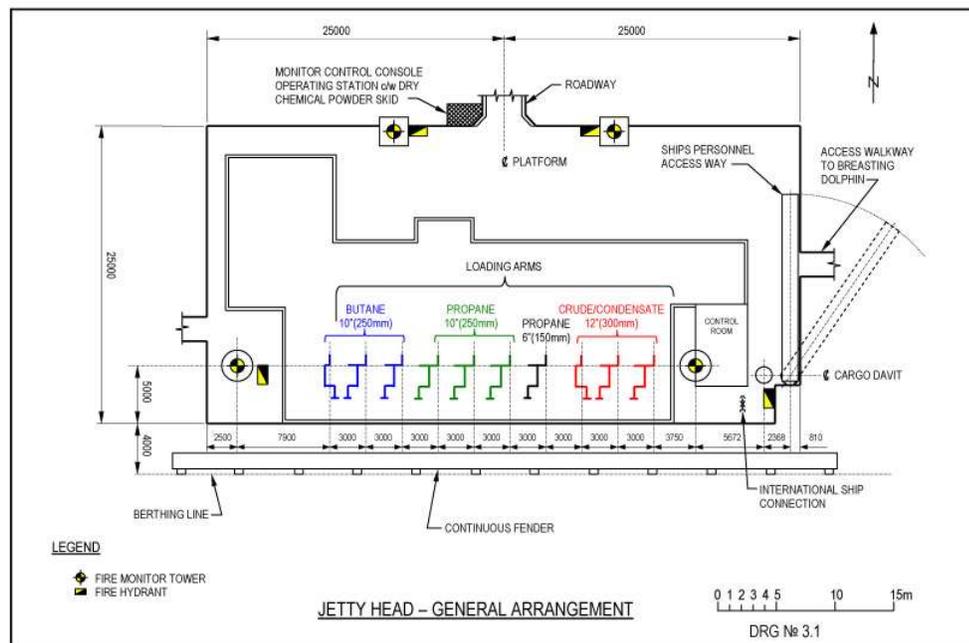
While a vessel is secured at the Berth:

- 20.2.1. smoking is strictly prohibited on the vessel except under controlled conditions determined by the master of the vessel and approved by the responsible Marine Supervisor;
- 20.2.2. under no circumstances may smoking be undertaken on the open deck of the vessel;
- 20.2.3. the master of the vessel must ensure that smoking notices are exhibited in conspicuous places on board specifying the selected places and times at which smoking may be undertaken on the vessel; and
- 20.2.4. where smoking is permitted, it may be stopped at any time by the direction of the Security Manager if, in the Security Manager's opinion, the existing circumstances so warrant.

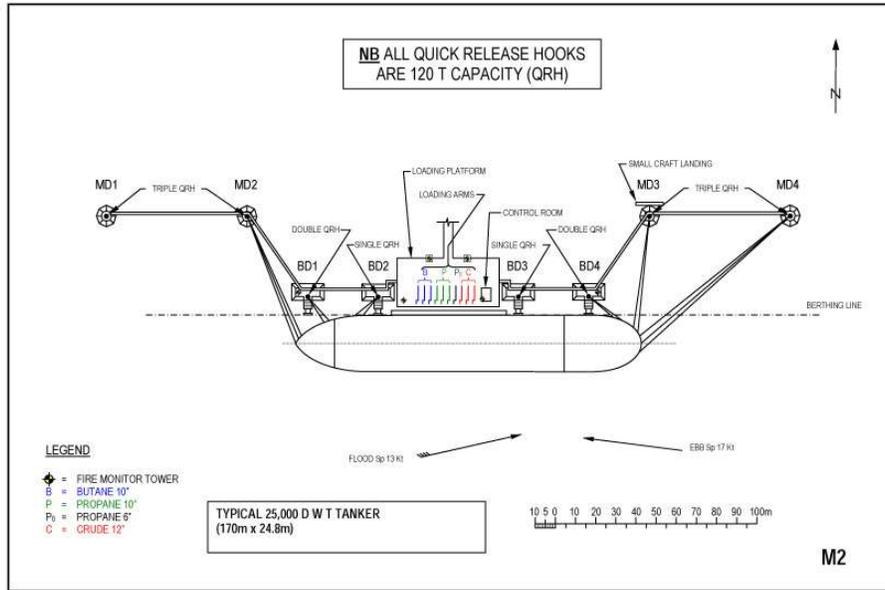
21. BERTH AND MOORING ARRANGMENTS

21.1. General

- 21.1.1 The Licensed Pilot will advise the master of a vessel on mooring requirements. Any known defect or limitation in the vessel's mooring system must also be reported to the Licensed Pilot before arrival.
- 21.1.2 Moorings must be properly tended so that the lines are bearing an even load and the vessel is kept close alongside at all times. Back springs should be as long as possible. Wherever practical all moorings that are led to a particular point should be of the same type, i.e., either all rope or all wire, not mixed.
- 21.1.3 Jetty Head Arrangement

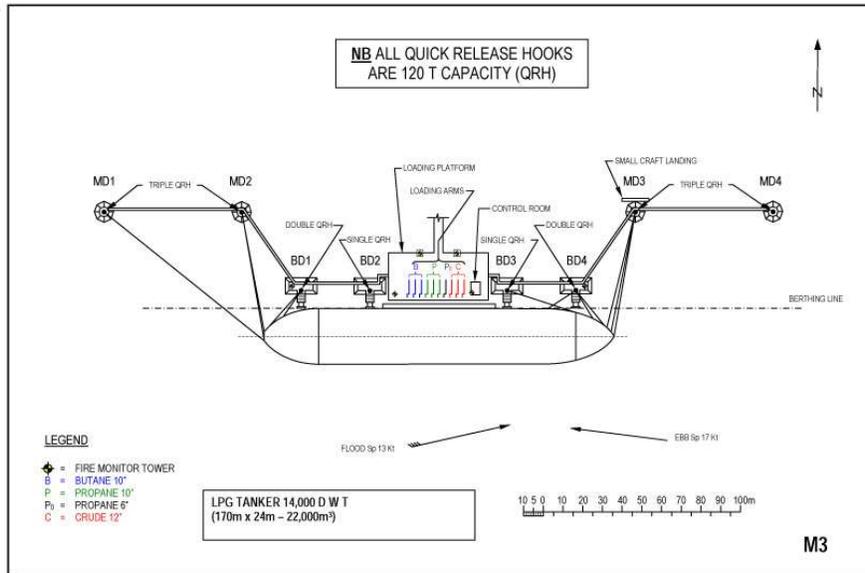


21.1.4 Typical Mooring Details – 25,000 – 40,000 dwt Tanker



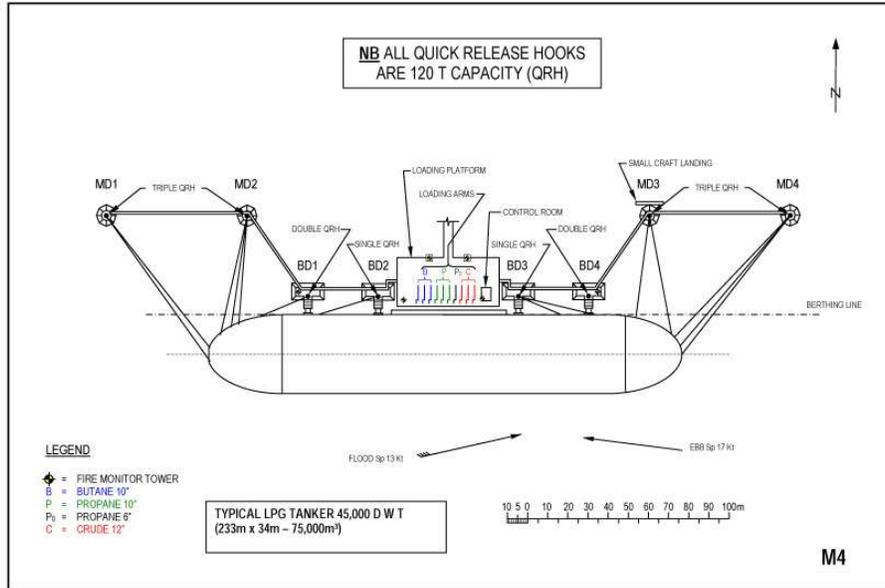
Head/stern lines are run to the mooring dolphins. Two breast lines are required at each end, either to the inner mooring dolphins or to the breasting dolphins. Springs (two each end) must be of sufficient length.

21.1.5 Typical Mooring Details – 14,000 dwt (22,000 m3) LPG Carrier



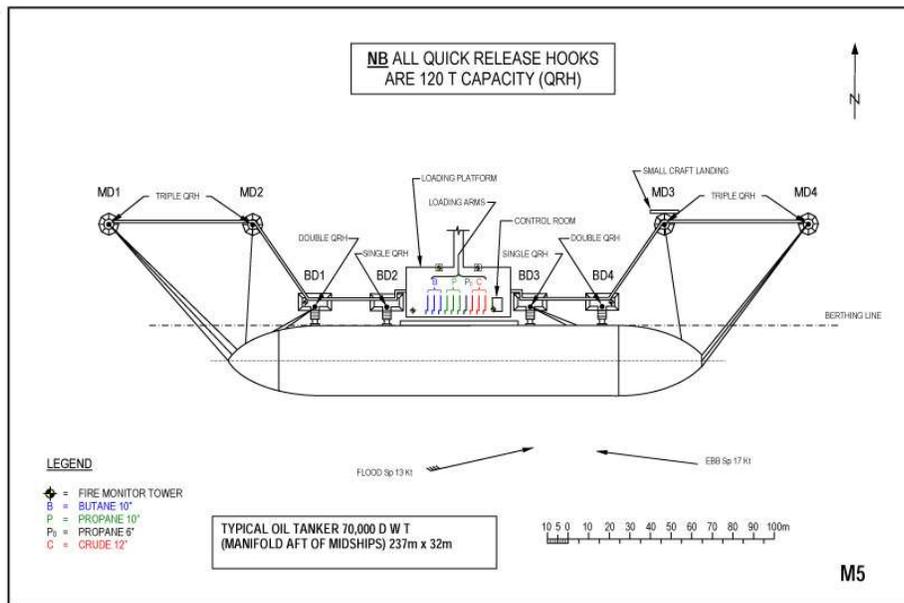
Two breast lines and two springs are required fore and aft. In M3 above the aft breast lines lead forward but adequate transverse restraint is provided by the stern lines to MD2.

21.1.6 Typical Mooring Details – 45,000 dwt (75,000 m3) LPG Carrier



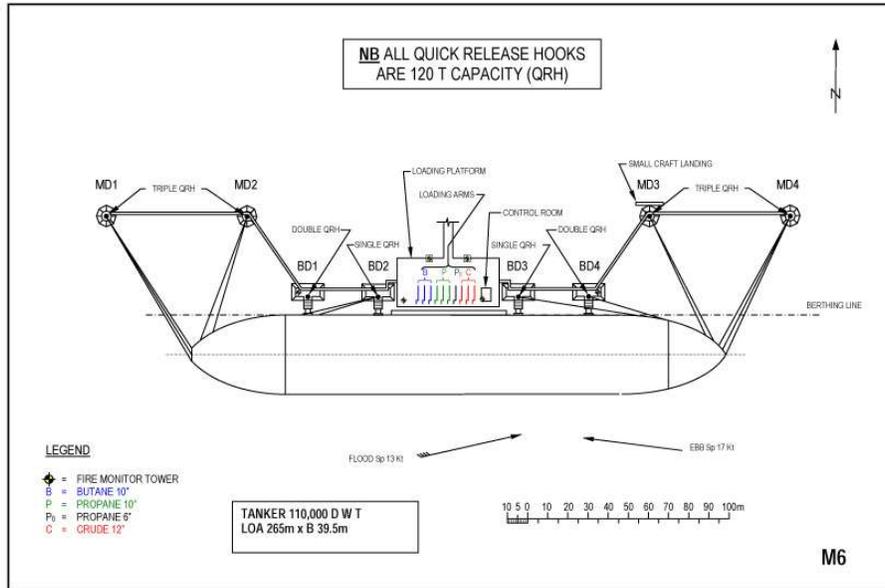
If practicable, five lines should be run to the mooring dolphins at either end (e.g. three headlines and two forward breast lines or two headlines and three forward breast lines). Two fore springs and two backsprings are also required.

21.1.7 Typical Mooring Details – 70,000 dwt Tanker



At least four lines are to be run at each end, i.e., two head/stern lines and two breasts or three head/stern lines and one breast line. Two fore springs and two backsprings should be run if practicable.

21.1.8 Typical Mooring Details – 120,000 dwt Tanker



Three head/stern lines and two breast lines must be run from either end of the vessel. Two fore springs and two backsprings are required, ensuring that the drift of these lines is as long as possible.

Replaceable Schedule

This Schedule contains details in relation to the Port Rules which may be varied from time to time by written notice from the Minister to each Licensed Co-user.

Item 1 – Department

Department for infrastructure and Transport

Item 2 – Minister

Minister for Infrastructure and Transport

Minister's Commercial Delegate:

Manager, Commercial Marine and State Waters

77 Grenfell Street

Adelaide SA 5000 SA 5942

Telephone: (08) 8343 3240 (W) 0437 682 775 (M)

Email: grant.sommers@sa.gov.au

Minister's Infrastructure Delegate:

Manager, Marine Assets

DIT

77 Grenfell Street,

Adelaide SA 5000

Telephone (08) 8343 2702 (W) 0402 894 129 (M)

Email: spiros.dimas@sa.gov.au

Item 3 - Vessel Traffic Services (VTS)

Flinders' Ports VTS at Port Adelaide

Ph. 08 8248 3505

Item 4 - Towage Requirements

Vessel Length	Nos Tug(s)
Vessels in excess of 138m LOA in/out (Whether turning or not)	2
Vessels in excess of 180m LOA, in/out	1 Z Peller + 1Tug

(Whether turning or not)	
*Vessels in excess of 240m in length berthing	1 Z Peller plus 2 Tugs
**Vessels in excess of 240m in length unberthing	1 Z Peller plus 2/1 tug.

NOTE:

- * - Berthing vessels in excess of 240 metres will only berth if the rise or fall in tide is less than 40 centimetres in the hour.
- ** - Unberthing vessels (Not swinging) in excess of 240 metres will be with 2 tugs (Z peller plus 1) only if the rise or fall in tide is less than 40 centimetres in the hour. If the rise/fall exceeds 40 centimetres in the hour a third tug will be required.

Berthing of fully laden vessels that can only berth "Port Side Alongside" can only occur where the rise/fall in tides is less than 30cms in the hour.

A bow thruster will be considered in lieu of a tug provided its power is sufficient for the vessels size and wind speed is less than 15 knots. Bow thruster power will be calculated by the following:

$$1 \text{ HP} = 0.746 \text{ KW}$$

$$100 \text{ HP} = 1 \text{ Tonne Bollard Pull}$$

If a vessel has a bowthruster and visits the Harbor for the first time the Licensed Pilot will use appropriate tugs and assess the strength of the bowthruster.

Item 5 - Tug Availability

Refer Towage table - <https://www.flindersports.com.au/pilot-information/>

Item 6 – Security Services Provider

Santos Limited of 60 Flinders Street, Adelaide SA 5000

Item 7 –Pilot Boarding Stations

The Port Bonython pilot station is situated 1.1 nautical miles south-south-west of the Port Bonython entrance beacon at latitude 33°10.00'S, longitude 137°39.2'E.

The Whyalla pilot station is 1.5 nautical miles south-east of the entrance beacon at latitude 33°03.45'S, longitude 137°39'E.

The Port Pirie pilot station is 2 nautical miles west of the northern light beacon on Eastern Shoal latitude at 33°04.55'S, longitude 137°45.5'E.

The Wallaroo pilot station is situated 1.5 nautical miles west of the channel entrance beacon at latitude at 33°54.5'S, longitude 137°31.6'E.

