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## Schedule 2 Berthing Allocation Rules

### 1.1 General

- 1 The Terminal Operators operate the Terminals.
- 2 This Schedule 2 sets out the priorities for managing berthing and berthing allocation at each Terminal where the Terminal Operators have berthing responsibilities (**Berthing Allocation Rules**). Those Terminals are Port Kembla in New South Wales, Fisherman Islands in Queensland, and Webb Dock West and Appleton Dock in Victoria. The relevant Terminal Operator will allocate berths at each Terminal in accordance with these Berthing Allocation Rules. The Berthing Allocation Rules appear on the following pages in this order:
  - (a) Webb Dock West and Appleton Dock in Victoria (two pages);
  - (b) Port Kembla in New South Wales (three pages); and
  - (c) Fisherman Islands in Queensland (three pages).
- 3 In its application or interpretation of the Berthing Allocation Rules, the Terminal Operator must not discriminate between shipping lines or engage in conduct for the purpose of preventing or hindering access to any Terminal by any shipping line in the exercise of a right of access to the Terminal.
- 4 The Terminal Operators have also executed a confidentiality deed poll in favour of users of the Terminals which outlines how the Terminal Operators will handle Confidential Information provided under the Berthing Allocation Rules.
- 5 These Berthing Allocation Rules will be reviewed by the Terminal Operators annually and proposals for changes will be discussed with all shipping lines and stevedores. The Terminal Operators may only make changes to these Berthing Allocation Rules in accordance with the process set out in the clause 7 of this Undertaking.
- 6 Unless defined in these rules, the definitions in the Undertaking apply.
- 7 For the most current Berthing Allocation Rules, please refer to the Terminal Operators' website(s).



## Australian Amalgamated Terminals Webb Dock West and Appleton Dock Berths 1&2 Priority Arrangements

### 2 BERTH PRIORITY

#### Preamble

1. Australian Amalgamated Terminals Pty Ltd (**AAT**), operates a general cargo facility at Appleton Dock, Melbourne, and through its wholly-owned subsidiary MIRRAT, operates the automotive RoRo terminal at Webb Dock West (**Terminals**).
2. This document sets out the rules for managing berthing and allocation at the Terminals (**Berthing Allocation Rules**). The Terminal Operator will allocate berths at the Terminals in accordance with these Berthing Allocation Rules. The Terminal Operator will berth vessels across the terminals in the most efficient manner to speed up and facilitate cargo throughout the Terminals.
3. In its application or interpretation of these Berthing Allocation Rules, the Terminal Operator will not discriminate between different shipping lines or in favour of its Related Bodies Corporate or engage in conduct for the purpose of preventing or hindering access to the Terminals by any shipping line.
4. The Terminal Operators have also executed a Confidentiality Deed Poll in favour of users of the Terminals which outlines how the Terminal Operators will handle Confidential Information provided under these Berthing Allocation Rules.

#### The Berthing Allocation Rules are:

- a) Vessels equipped with ramps and that are purpose made for ocean transportation of self-propelled vehicles will call at the Webb Dock West Terminal for the loading and discharging of wheeled vehicles.
- b) Vessels equipped with cranes and that are purpose made for ocean transportation of general/break bulk cargo will call at the Appleton Dock for loading and discharging of general cargo.
- c) Berthing allocation and priority will be based on the overriding principle of "first come / first served" (measured from first to within a radius of 30 nautical miles from Point Lonsdale), and subject thereto, berthing allocations will be made having regard to the following:
  - i. Optimal safety in operations as well as accommodating the fastest possible turn-around of vessels;
  - ii. ETA to 30 nautical miles from Point Lonsdale based on 7 day, 3 day, 2 day and 1 day notice; and
  - iii. ETA to 30 nautical miles from Point Lonsdale based on (1) 12 hours' notice, (2) stevedore commencement times, and (3) best estimate of arrival time at the berth.
- d) It will be the shipping line's local representative's responsibility to notify the Terminals through EDI on actual time of arrival to 30 nautical miles from Point Lonsdale and of expected arrival at the Terminals. If the vessel is unable to work on arrival for whatever reason, or the stevedores have not been ordered to start



work on arrival or can't supply sufficient labour, priority will be given to the next vessel in line, and the vessel will be given priority according to when the vessel is able to work efficiently, or the stevedores will commence working on that vessel.

- e) Berthing will be allocated on the first available berth based upon estimated completion of operation and departure time. The stevedore and shipping line's representatives have a responsibility to advise the Terminals of any changes.
- f) Vessels that have been at anchor waiting berthing will be given berthing priority over vessels arriving within the 30 nautical miles radius from Point Lonsdale.
- g) Vessels transferring from other berths within the port will only be given berthing priority if they depart (time of casting of last line) their last berth prior to other vessels taking on a pilot (time of pilot boarding). Each shipping line's local representative is responsible for notifying the Terminals of any changes and the time of these actions.
- h) Any changes to announced times of a vessel that could affect the berthing priority of another vessel and are not notified to the Terminals, may lead to a change in allocation of berthing at the Terminal's discretion.

## Berthing Priorities

### **General**

Berthing allocations are generally conducted on a 'first booked, first served' basis.

Nominations and bookings are made by Ships Agents into the PKPC CPorts shipping management system. Vessels will be allocated a 'time slot' in the shipping schedule based upon slot availability, with due regard to other shipping bookings on either side and/ or the Vessel Cycling Table.

### **Conflict resolution**

Any conflicts arising as a result of interpretations of these berthing priorities, or from any other circumstances involving shipping within port limits, shall be arbitrated by the Port Kembla Port Manager (or his authorised delegate) and the Port Manager's decision is final. The Port Manager may give directions pursuant to Part 7, sections 88 and 89 of the *Marine Safety Act 1998* (NSW).

### **Vessel Nomination**

Agents may nominate a vessel for arrival to Port Kembla via CPorts even without a firm ETA known. While this may be useful for advanced planning, it does not constitute a confirmed vessel booking.

### **Vessel Booking**

A booking must be made at least 48 hours prior to the desired Pilot embarkation time and confirmed 24 hours in advance.

Agents must confirm berth allocation with the Terminal prior to confirmation of the booking with PKPC (see additional berthing priority information below).

Additionally, the following information is to be supplied before a booking is confirmed:

- 48hr Pre-arrival Form;
- Tanker Checklist (if applicable);
- Crew List; and
- ISPS.

When the information above has been received and processed by VTIC, the booking will be confirmed. Once confirmed, the time slot is assigned to the ship.

### **Relinquishing a Pilot Booking**

A booking can be relinquished under the following circumstances:

- Mutual agreement between agents and/or Terminals;
- Failure to undertake Pilotage within 15 minutes after the assigned time (or as determined by the Port Manager);

## Berthing Priorities

- As requested by the Terminal due to internal booking assignments in accordance with their own operating procedures (see additional berthing priority information below), or
- As directed by the Port Manager.

For vessels that fail to undertake pilotage within 15 minutes of the assigned time, the vessel will be allocated a new time slot at the discretion of the Port Manager on a 'non-interference' basis to other shipping lines already booked in the schedule.

### **Seaworthiness and Compliance**

No ship will be accepted for movement at Port Kembla where the ship is not seaworthy and/or not compliant with all International and National shipping standards, AMSA Marine Orders and federal / state legislative requirements.

Special attention is drawn to the requirements for the correct rigging of Pilot Ladders as required by SOLAS regulations and IMO standards.

### **Additional berthing priority information**

#### **AAT Terminal**

Schedule 2 of the AAT Management Deed, as agreed between PKPC and AAT, provides for AAT to manage the allocation of berthing spaces for Berths 103, 105, 106 and 107, including vessel and berth assignment. AAT must inform PKPC VTIC of the preferred berthing sequence and berth allocations.

If required and available, B104 can be made available to AAT by PKPC so long as it does not adversely affect grain ships that ordinarily berth at B104.

Vessel priorities for AAT can be summarised as such:

- Two berths are dedicated for PCC/PCTC vessels and two berths are prioritised for General Cargo/Container vessels.
- Contract vessels have priority. However, non-contract vessels, once allocated a berth, shall not be operationally impacted by contract vessels.
- The wharf priorities detailed above will be maintained for a period of up to 8 hours over a vessel of lesser priority.
- Any vessel allocated a berth by AAT must complete all operations and vacate the wharf within the time allocated unless other arrangements have been made with AAT.
- Vessels alongside a berth and not working must give way to a working vessel requiring that berth.
- If no other berths are available in the port and a berth is required by PKPC for a vessel (non-cargo), then the PKPC Port Manager may direct that AAT make a wharf available to that vessel.

If there is a dispute between parties which cannot be resolved through normal mediation processes, the Port Manager will make the final decision on the matter.

#### **Vessel Cycling**

## Berthing Priorities

PKPC CPorts system is operated in strict vessel cycling times in accordance with the table at the rear of this code.

The CPorts system will therefore only allow ship movements in accordance with the cycling times.

Cycling times are administered by the VTIC on behalf of the Port Manager.

### Grain Terminal

Grain ships have priority over non-grain ships for berthing allocation at this berth. This protocol extends to non-grain ships that are already alongside the grain berth (working or not). Such vessels must vacate the berth at their own expense when provided with the required notice of an arriving grain ship (24 hours confirmed booking as per PKPC vessel booking requirements detailed above). Vessels that have not met the minimum 24 hour notice period will not take precedence over other vessels.

No grain ship has any right to hold the grain berth in the event it has failed survey and/or been declared unfit to load or cargo has not been consolidated for shipment. If a subsequent grain ship is waiting for the berth and cargo is available, the ship that has failed survey may be instructed to vacate the berth at its expense.

### Deep Draft Ships

Deep Draft Ships are ships over 14m that require tidal windows for safe movement in and about the port. These vessels will be given priority for vessel movements when two vessels are competing for the same unallocated time slot in the shipping schedule.

It is imperative that accurate times for arrival and departure along with accurate drafts are submitted when booking a tidal affected ship. Failure to submit accurate information may result in the shipping movement being re-scheduled to the next suitable tidal window, possibly resulting in significant delays.



March 2013

# **Australian Amalgamated Terminals Fisherman Islands Berths 1-3 | Grain Berth Berth Priority Arrangements**

## **1. Berth Priority**

- (a) The rules for berthing priorities are set out below. Despite these rules, alternative schedules can be arranged subject to the agreement of all relevant shipping agents and their respective stevedores, and provided such alternative schedules do not interfere with the proper and efficient management of the berthing of vessels at the berths.
- (b) First priority for Berths 1 and 2 will be given to PCC/PCTC vessels discharging vehicles for processing at Fisherman Islands facilities.
- (c) PCC vessels will always retain a minimum priority to any two berths at Fisherman Islands.
- (d) The Grain Berth, if available and suitable, can be used in place of Berths 1 or 2, or in addition to Berths 1 and 2 when required for PCC/PCTC vessels.
- (e) First priority to Berth 3 will be given to RoRo, general break bulk and containerised cargo vessels currently discharging at Fisherman Islands Berth 1 to 3 and those cargo vessels transferring from Hamilton wharves as part of the Hamilton Relocation.
- (f) The berth priorities outlined in the paragraphs above will be maintained for up to 8 hours at the pilot station over a vessel of lesser priority. A lesser priority vessel will not be held off the berths awaiting the arrival of the first priority vessel for longer than 8 hours.
- (g) Thereafter, allocation of a berthing priority will be based on the order of arrival at the pilot station.
- (h) Each vessel must keep AAT informed of its schedule and regular updates as follows:
  - i. Long range schedule on a regular basis;
  - ii. Projected ETA at pilot at least 5 days prior to arrival;
  - iii. Estimated working arrangements, cargo type and volume 5 day prior to arrival;

- iv. Updated projected ETA at the pilot 48 hours prior to arrival;
  - v. Updated projected ETA at the pilot by 1100 on the day prior to arrival for discussion at the AAT Daily Operations Meeting; and
  - vi. Ships Agents are responsible to provide updates on projected ETA as it changes thereafter.
- (i) The projected ETA at pilot provided on the day prior to arrival will be used by AAT to establish the terminal working arrangements in consultation with the stevedores for the following day.
  - (j) Once the terminal working arrangements for the following day have been finalised and the stevedores have ordered their labour, no changes can be made to the working arrangements. If the stevedore is not able to provide sufficient labour to ensure the vessel is able to achieve the nominated ETD, AAT will reallocate the priority berth to another vessel, as determined at the AAT Daily Operations Meeting.
  - (k) MT will request that the agent make arrangements to remove the vessel to anchorage if the stevedore is unable to supply sufficient labour to work the vessel during operations (update made December 2012).
  - (l) If the weather forecast indicates weather conditions that are not conducive to sensitive cargoes (operational safety or cargo care) AAT has the ability to prioritise non-sensitive weather vessels (update made 2 March 2013).
  - (m) While projected ETA at the pilot will be used for berthing priority, vessels which arrive at the pilot and wait at anchor for cargo will use their cargo cut-off time as their pilot time. Vessels that transfer from another operational berth will use their ETD from that berth as their pilot time.
  - (n) The actual arrival time must be similar to the projected arrival time; delays due to ship breakdown or weather exempted.
  - (o) Cargo documentation necessary to discharge the vessel is complete and received at least 24 hours (excluding weekends and public holidays) before the ETA of the vessel.
  - (p) Vessel will be made ready to be worked immediately on arrival.
  - (q) Stevedores will commence work on vessel immediately once it is ready to be worked.

## **2 Berth Requirements**

- (a) AAT will be responsible for the allocation of all berths at FI 1-3 / Grain Berth. In the interests of maintaining optimum operational efficiencies PBPL will be the final arbiter in any dispute which may arise in relation to allocation of a berth at Berths 1, 2, 3 and the Grain Berth. AAT will provide to PBPL a daily schedule and a berth requirement update to facilitate any subsequent arbitration regarding berth operations.
- (b) Vessels will be allocated a berth using due cognisance of the anticipated ship exchange period and which is conditional upon the vessel notification and arrival.



- (c) Any vessel allocated a berth must complete all operations and vacate the berth within the time applicable to the agreed working schedule unless other arrangements are made with AAT; provided these changes do not unfairly impact on the business of another party. Failure to agree alternative suitable arrangements may result in the application of penalties or additional charges.