

Proposed changes to the Regulation

Changes are proposed to the Ports and Maritime Administration Regulation 2012 as part of the staged repeal process required under the *Subordinate Legislation Act 1989*. As well as proposed material changes, the Regulation has been re-ordered and revised to meet current Regulation drafting standards (including modern language and improved readability).

Part 7 incorporates the dangerous goods in ports regulations previously contained in Part 11 (special requirements relating to ports) of the repealed [Dangerous Goods \(General\) Regulation 1999](#), and preserved by the *Work Health and Safety Regulation 2011*.

The table below shows the revised structure and the proposed changes.

2012 Regulation	Proposed 2020 Regulation	Proposed changes (2020 Regulation clause numbers)
Part 1 Preliminary	Part 1 Preliminary	<ul style="list-style-type: none"> Updates to reflect the merger of Roads and Maritime Services (RMS) and Transport for NSW in 2019.
Part 2 Port charges Division 1 Preliminary Division 2 General principles for calculation of charges Division 3 Furnishing of particulars	Part 2 Port charges Division 1 Preliminary Division 2 Information required for calculation of charges	<ul style="list-style-type: none"> A revised definition of “container” to more closely align NSW requirements with relevant national and international standards, as set out in the International Convention for Safe Containers 1972 [clause 5(1)]. The principles applied to charging for goods in bulk are to be applied only to goods that have been loaded or discharged from a hold or tank of a vessel [clause 6]. Vessels that make more than one entry to Port Botany and Sydney Harbour, without entering another port, will receive a 50 per cent reduction on the navigation service charge for subsequent entries [clause 7 (b)]. Information to be provided for a site occupation charge will include the purpose for which the site is sought [clause 11(1) (a)]. At Port Kembla, the manifest for goods discharged from the vessel is to be provided by the end of the third working day after the vessel enters the port [clause 13(2) (a)]. Information relevant to the calculation of berthing charges is no longer required in triplicate [clause 15(1)].
Part 3 Port Botany Landside Improvement Strategy Division 1 Preliminary	Part 6 Port Botany Landside Improvement Strategy Division 1	<ul style="list-style-type: none"> The procedures for booking cancellations have been removed from the regulation (clause 29 in the 2012 regulations) and will be included unchanged in the mandatory standards. Transitional clauses relating to the transfer of the PBLIS from Sydney Ports to TfNSW have

2012 Regulation	Proposed 2020 Regulation	Proposed changes (2020 Regulation clause numbers)
Division 2 <i>Booking and gate procedures</i> Division 3 <i>Operational performance of carriers</i> Division 4 <i>Operational performance of stevedores</i> Division 5 <i>General</i>	<i>Preliminary</i> Division 2 <i>Booking and gate procedures</i> Division 3 <i>Operational performance of carriers</i> Division 4 <i>Operational performance of stevedores</i> Division 5 <i>Confidentiality of information</i> Division 6 <i>General</i>	<p>been removed (clauses 39A (5) (d1) and 39B in the 2012 regulations).</p>
Part 4 Port Boundaries		<ul style="list-style-type: none"> Part 4 from the 2012 Regulations has been moved to Schedule 1.
Part 5 (Repealed in 2012)	NA	NA
Part 6 Maritime Advisory Council		<ul style="list-style-type: none"> Part 6 from the 2012 Regulations has been moved to Schedule 5.
Part 6A Access to wharves Division 1 <i>General</i> Division 2 <i>Commuter wharf permit scheme</i> Division 3 <i>Charter wharf booking system</i>	Part 3 Commuter wharf permit scheme	<ul style="list-style-type: none"> The permit allows the normal maximum berthing time of 5 minutes or another timeframe if specified by the permit (clause 18(4)).
Part 6B Traffic control at ports and wharves	Part 5 Traffic control at ports and wharves	<ul style="list-style-type: none"> Minor rewording and restructuring.
Part 6C Mooring licences	Part 4 Mooring licences Division 1 <i>Mooring licences</i> Division 2 <i>Miscellaneous</i>	<ul style="list-style-type: none"> The requirement for courtesy and emergency mooring licenses has been removed (clause 67W (1) in 2012 regulations). Clarification that a mooring licence is not a property right [clause 27(9)]. Clarification that notification is required where a vessel vacates or is absent from a mooring for a period of 28 consecutive days [clauses (31(1) and 34(2)]. New provision for an application to transfer a mooring licence from a person acting on behalf of the licensee in certain circumstances [clause 32(2)].

2012 Regulation	Proposed 2020 Regulation	Proposed changes (2020 Regulation clause numbers)
		<ul style="list-style-type: none"> New provision providing a process for managing a mooring licence if a licence holder is deceased [clause 37(2)].
Part 6D General safety provision	Part 8 Miscellaneous	<ul style="list-style-type: none"> Minor rewording and restructuring.
Part 11 from the repealed Dangerous Goods (General) Regulation 1999	Part 7 Management of dangerous goods Division 1 <i>Preliminary</i> Division 2 <i>Notice of dangerous goods</i> Division 3 <i>Bringing dangerous goods into ports</i> Division 4 <i>Handling dangerous goods generally</i> Division 5 <i>Handling explosives</i> Division 6 <i>Handling radioactive goods</i> Division 7 <i>Handling restricted chemicals</i> Division 8 <i>Handling bulk dangerous goods</i> Division 9 <i>Miscellaneous</i>	<ul style="list-style-type: none"> Part 7 includes modifications to language and requirements to more closely align with other dangerous goods legislation. In particular, definitions such as explosives, gas and other classes of dangerous goods are aligned with the International Maritime Dangerous Goods (IMDG) Code [clause 68] and a provision is included on the relationship with Commonwealth law [clause 67]. Obligations have been more clearly placed on: <ul style="list-style-type: none"> Consignors or agents (Clauses 88 and 91. More generally, clauses 73, 74, 77, 79, 82,83, 88, 91 and 98); and Terminal operators (Clauses 87, 89 and 94. More generally, clauses 74, 79, 82, 83, 84, 87, 96 and 97). The terminal time limits for some dangerous goods have been changed from 2 to 12 hours, including for some types of explosives, low specific activity radioactive goods and restricted chemicals [clause 101]. Other structural and wording changes have been made to improve readability.
Part 7 General	Part 8 Miscellaneous	<ul style="list-style-type: none"> Includes Part 6D from 2012 regulations relating to disturbance of the sea bed in a port [clause 108].
Schedule 1 Description of port boundaries	Schedule 1 Port boundaries	<ul style="list-style-type: none"> No changes.
Schedule 2 (Repealed in 2012)	NA	NA
Schedule 3 Membership and procedure of Maritime Advisory Council	Schedule 5 Members and procedure of Maritime Advisory Council	<ul style="list-style-type: none"> Minor rewording and restructuring only.
Schedule 3A Commuter wharf permit fees Schedule 3B Charter wharf	Schedule 3 Charter wharves	<ul style="list-style-type: none"> Updated charter wharf booking fees.

2012 Regulation	Proposed 2020 Regulation	Proposed changes (2020 Regulation clause numbers)
booking system fees		
Schedule 3C Mooring licence fees	Schedule 4 Mooring licence fees	<ul style="list-style-type: none"> A replacement mooring licence fee is specified as \$25.
Schedule 4 Penalty notices	Schedule 6 Penalty notice offences	<ul style="list-style-type: none"> Restructuring of existing content into this schedule.
Schedule 5 Charter wharves	Schedule 3 Charter wharves	<ul style="list-style-type: none"> Updated wharf names.
Schedule 6 Commuter wharves	Schedule 2 Commuter wharves	