

### Changes to the Ports and Maritime Administration Regulation

The Ports and Maritime Administration Regulation 2021 commenced on 1 September 2021, and replaced the 2012 Regulation under the *Subordinate Legislation Act 1989* staged repeal process. As well as some material changes, the Regulation has been re-ordered and revised to meet current Regulation drafting standards (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dangerous goods in ports regulations previously contained in Part 11 (special requirements relating to ports) of the repealed Dangerous Goods (General) Regulation 1999, and preserved by the Work Health and Safety Regulation 2011.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 changes made.

2012 Regulation sections	Location in 2021 Regulation	Changes to 2012 Regulation (2021 Regulation clause numbers)
<b>Part 1 Preliminary</b>	<b>Part 1 Preliminary</b>	<ul style="list-style-type: none"> <li>Definitions are included in a Dictionary at the end of the Regulation.</li> </ul>
<b>Part 2 Port charges</b> <b>Division 1 Preliminary</b> <b>Division 2 General principles for calculation of charges</b> <b>Division 3 Furnishing of particulars</b>	<b>Part 2 Port charges</b> <b>Division 1 Preliminary</b> <b>Division 2 Information required for calculation of charges</b> <b>Division 3 Exemptions</b>	<ul style="list-style-type: none"> <li>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 4(2)).</li> <li>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 5(3)).</li> <li>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 14(2)).</li> <li>Information to be provided for a site occupation charge will include the purpose for which the site is sought (clause 9(1)(a)).</li> </ul>

2012 Regulation sections	Location in 2021 Regulation	Changes to 2012 Regulation (2021 Regulation clause numbers)
		<ul style="list-style-type: none"> <li>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 11(2)(a)).</li> <li>Information relevant to the calculation of berthing charges is no longer required in triplicate (clause 13(1)).</li> </ul>
<p><b>Part 3 Port Botany Landside Improvement Strategy</b></p> <p><b>Division 1</b> <i>Preliminary</i></p> <p><b>Division 2</b> <i>Booking and gate procedures</i></p> <p><b>Division 3</b> <i>Operational performance of carriers</i></p> <p><b>Division 4</b> <i>Operational performance of stevedores</i></p> <p><b>Division 5</b> <i>General</i></p>	<p><b>Part 6 Port Botany Landside Improvement Strategy</b></p> <p><b>Division 1</b> <i>Preliminary</i></p> <p><b>Division 2</b> <i>Booking and gate procedures</i></p> <p><b>Division 3</b> <i>Operational performance of carriers</i></p> <p><b>Division 4</b> <i>Operational performance of stevedores</i></p> <p><b>Division 5</b> <i>Confidentiality of information</i></p> <p><b>Division 6</b> <i>General</i></p>	<ul style="list-style-type: none"> <li>The procedures for booking cancellations have been removed (was in clause 29 of the 2012 Regulation) and are included unchanged in the updated mandatory standards.</li> <li>Transitional clauses relating to the transfer of PBLIS from Sydney Ports Corporation to TfNSW that are no longer required have been removed (was in clauses 39A(5)(d1) and 39B in the 2012 Regulation).</li> </ul>
<p><b>Part 4 Port boundaries</b></p>	<p><b>Schedule 4</b> <i>Port boundaries</i></p>	<ul style="list-style-type: none"> <li>Part 4 from the 2012 Regulations has been moved to Schedule 4.</li> </ul>
<p><b>Part 5</b> <i>(Repealed in 2012)</i></p>		
<p><b>Part 6 Maritime Advisory Council</b></p>	<p><b>Schedule 5</b> <i>Members and procedure of Maritime Advisory Council</i></p>	<ul style="list-style-type: none"> <li>Part 6 from the 2012 Regulations has been moved to Schedule 5.</li> </ul>

2012 Regulation sections	Location in 2021 Regulation	Changes to 2012 Regulation (2021 Regulation clause numbers)
<p><b>Part 6A Access to wharves</b></p> <p><b>Division 1</b> <i>General</i></p> <p><b>Division 2</b> <i>Commuter wharf permit scheme</i></p> <p><b>Division 3</b> <i>Charter wharf booking system</i></p>	<p><b>Part 3 Commuter wharves and charter wharves</b></p> <p><b>Division 1</b> <i>Commuter wharf permits</i></p> <p><b>Division 2</b> <i>Charter wharves</i></p>	<ul style="list-style-type: none"> <li>The commuter wharf permit allows the normal maximum berthing time of 5 minutes or another timeframe if specified by the permit (clause 17(4)).</li> </ul>
<p><b>Part 6B Traffic control at ports and wharves</b></p>	<p><b>Part 5 Traffic control at ports and wharves</b></p>	<ul style="list-style-type: none"> <li>Minor rewording and restructuring.</li> </ul>
<p><b>Part 6C Mooring licences</b></p>	<p><b>Part 4 Mooring licences</b></p> <p><b>Division 1</b> <i>Mooring licences</i></p> <p><b>Division 2</b> <i>Miscellaneous</i></p>	<ul style="list-style-type: none"> <li>The requirement for courtesy and emergency mooring licenses has been removed (clause 27(4) - was in clause 67W(1)(c) and (d) of the 2012 Regulation).</li> <li>Clarification that a mooring licence is not a property right (clause 27(9)).</li> <li>Clarification that notification is required where a vessel vacates or is absent from a mooring for a period of more than 28 consecutive days (clauses 31(1)(g) and 34(2)).</li> <li>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)).</li> <li>New provision providing a process for managing a mooring licence if a licence holder is deceased (clause 37(2)).</li> </ul>
<p><b>Part 6D General safety provision</b></p>	<p><b>Part 8 Miscellaneous</b></p>	<ul style="list-style-type: none"> <li>Part 6D (which related to disturbance of the sea bed in a port) has been moved to Part 8 with minor rewording.</li> </ul>

2012 Regulation sections	Location in 2021 Regulation	Changes to 2012 Regulation (2021 Regulation clause numbers)
<p><b>Part 11 from the repealed Dangerous Goods (General) Regulation 1999</b></p>	<p><b>Part 7 Management of dangerous goods</b></p> <p><b>Division 1 Preliminary</b></p> <p><b>Division 2 Notice of dangerous goods</b></p> <p><b>Division 3 Bringing dangerous goods into ports</b></p> <p><b>Division 4 Handling dangerous goods generally</b></p> <p><b>Division 5 Handling explosives</b></p> <p><b>Division 6 Handling radioactive goods</b></p> <p><b>Division 7 Handling restricted chemicals</b></p> <p><b>Division 8 Handling bulk dangerous goods</b></p> <p><b>Division 9 Miscellaneous</b></p>	<ul style="list-style-type: none"> <li>• 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 66) and a provision is included on the relationship with Commonwealth law (clause 68).</li> <li>• Obligations have been more clearly defined for: <ul style="list-style-type: none"> <li>○ Consignors or agents (Clauses 88 and 91. More generally, clauses 73, 74, 77, 79, 82,83, 88, 91 and 98); and</li> <li>○ Terminal operators, referred to as 'port facility operators' (Clauses 87, 89 and 94. More generally, clauses 74, 79, 82, 83, 84, 87, 96 and 97).</li> </ul> </li> <li>• The terminal time limits for some dangerous goods have been changed from 2 to 12 hours to align, including for some types of explosives, low specific activity radioactive goods and restricted chemicals (clause 101).</li> <li>• Other structural and wording changes have been made to improve readability</li> </ul>
<p><b>Part 7 General</b></p>	<p><b>Part 8 Miscellaneous</b></p>	<ul style="list-style-type: none"> <li>• New provision enabling the Minister to require the provision of empty container storage facility operational data</li> <li>• Includes the appointment of Maritime Advisory Council members, delegation of Minister's powers and servicing of documents.</li> </ul>
<p><b>Schedule 1 Description of port boundaries</b></p>	<p><b>Schedule 4 Port boundaries</b></p>	<ul style="list-style-type: none"> <li>• No changes</li> </ul>

2012 Regulation sections	Location in 2021 Regulation	Changes to 2012 Regulation (2021 Regulation clause numbers)
<b>Schedule 2</b> ( <i>Repealed in 2012</i> )		
<b>Schedule 3</b> <i>Membership and procedure of Maritime Advisory Council</i>	<b>Schedule 5</b> <i>Membership and procedure of Maritime Advisory Council</i>	<ul style="list-style-type: none"> <li>Minor rewording and restructuring.</li> </ul>
<b>Schedule 3A</b> <i>Commuter wharf permit fees</i>	<b>Schedule 1</b> <i>Commuter wharves</i>	<ul style="list-style-type: none"> <li>Combines the commuter wharves and related fees in one schedule</li> </ul>
<b>Schedule 3B</b> <i>Charter wharf booking system fees</i>	<b>Schedule 2</b> <i>Charter wharves</i>	<ul style="list-style-type: none"> <li>Combines the charter wharves and related fees in one schedule</li> </ul>
<b>Schedule 3C</b> <i>Mooring licence fees</i>	<b>Schedule 3</b> <i>Mooring licence fees</i>	<ul style="list-style-type: none"> <li>Includes a fee of \$25 for a replacement mooring licence (see clause 35(2))</li> </ul>
<b>Schedule 4</b> <i>Penalty notices</i>	<b>Schedule 6</b> <i>Penalty notice offences</i>	<ul style="list-style-type: none"> <li>Restructuring of 2012 Regulation penalty notices into Schedule 6.</li> </ul>
<b>Schedule 5</b> <i>Charter wharves</i>	<b>Schedule 2</b> <i>Charter wharves</i>	<ul style="list-style-type: none"> <li>Updated wharf names included in Schedule 2</li> </ul>
<b>Schedule 6</b> <i>Commuter wharves</i>	<b>Schedule 1</b> <i>Commuter wharves</i>	<ul style="list-style-type: none"> <li>Has been moved to Schedule 1</li> </ul>