

**Permit for berthing of a commercial vessel in a regulated berthing area**

1. This is a Permit pursuant to Regulation 17(2)(a) of the *Port Management (Local Ports) Regulations 2015* for the mooring or berthing of a Vessel in a regulated area.
2. This permit is valid for a period of 12 months commencing on **1st XXX (month) 202X**
3. This permit is valid in respect of vessel **XXXX XXXX**, registration **XXXX XXXX**
4. This permit is valid in respect of **XXXX XXXX (person/company)**, owner of / equal majority shareholder in the above vessel.
5. This Permit is subject to the following conditions:
  - 5.1 This permit applies in relation to site and location **XXXX XXXX**
  - 5.2 The Vessel must be maintained in a sea worthy condition, and all associated mooring lines and tackle must be maintained to a safe and serviceable condition at all times.
  - 5.3 The holder of this Permit must notify Parks Victoria, within 14 days, of a change in contact details for the holder of this Permit, or registration details of the vessel. Parks Victoria will assess the suitability of any proposed changes.
  - 5.4 This Permit does not permit any person to reside on the Vessel.
  - 5.5 The berth site occupied by the vessel must be kept clean and tidy at all times. At the expiration or cancellation of this permit, the site must be reinstated to the condition prior to the issue of this permit and mooring holders must ensure all mooring tackle is removed by an authorised mooring contractor, unless approved by the port manager.
  - 5.6 Only maintenance and repairs which do not result in the discharge or deposit of materials or waste onto land or into waters of the local port may be carried out in relation to the Vessel. Prior authorisation from Parks Victoria is required in relation to all other maintenance or repair to the Vessel.
6. Additional conditions in relation to swing moorings:
  - 6.1 New mooring tackle must be laid and the relevant local PV office notified within 28 days of the issue of this permit by a mooring tackle contractor who is authorised under the *Port Management (Local Ports) Regulations 2015*.
  - 6.2 Where a permit is issued in respect of a site which already has mooring tackle, the tackle must be inspected by a mooring tackle contractor who is authorised under the *Port Management (Local Ports) Regulations 2015* within 12 months of last inspection (being the date that a tackle inspection report was submitted to Parks Victoria prior to the issue of this permit). The associated mooring tackle inspection report must be submitted to Parks Victoria, by the holder of this permit, within 28 days of the mooring tackle inspection.
  - 6.3 Mooring tackle must, at all times, be maintained in good working condition. The holder of this permit must replace any mooring tackle which is damaged or becomes detached.
  - 6.4 The buoy and vessel must display **XXX NNN** at all times.
  - 6.5 Where mooring tackle is removed for maintenance purposes, the holder of this permit must ensure that a work buoy approved by Parks Victoria is installed by an authorised mooring tackle contractor at the site. The total maintenance period for mooring tackle must not exceed 28 days.
7. This Permit may be cancelled or varied in accordance with regulation 21 of the *Port Management (Local Ports) Regulations 2015*. This applies to situations where the port manager reasonably believes that:
  - 7.1 There is a risk to property or the safety of persons;
  - 7.2 The berthing of the Vessel interferes with the orderly and efficient management of the local port or of other activities authorised in the local port;

- 7.3 The holder of this Permit has breached a condition of this Permit; or
- 7.4 The holder of this Permit has contravened any of the *Port Management (Local Ports) Regulations 2015*.
8. Upon the expiration or cancellation of this Permit, unless a new Permit has been issued in respect of the Vessel or berth, the Vessel must be removed from the area. It is an offence under regulation 31 of the *Port Management (Local Ports) Regulations 2015* for a Vessel to be moored or berthed in a regulated area without a valid Permit.
9. This Permit or its conditions, may at the request of the holder be varied at the discretion of the port manager. A variation to this Permit includes a variation to the person or Vessel with respect to whom or which this Permit applies.
10. This Permit may be suspended in accordance with regulation 20 of the *Port Management (Local Ports) Regulations 2015*. This applies where the port manager reasonably believes that:
- 10.1 There is a significant risk of injury to any person; or
- 10.2 There is a significant risk of damage to any property; or
- 10.3 There is a significant risk of interference with the orderly and efficient management of the local port or with any other authorised activities in the local port.
11. Failure to comply with the conditions in this Permit is an offence under regulation 18 of the *Port Management (Local Ports) Regulations 2015*.
12. This Permit must be produced for inspection by the Port Manager, officer of the Port Manager, Transport Safety Officer, or a member of Victoria Police upon request. Failure to produce this Permit for inspection is an offence under regulation 23 of the *Port Management (Local Ports) Regulations 2015*.
13. This Permit is subject to the *Port Management Act 1995*, the *Port Management (Local Ports) Regulations 2015*, the *Marine Safety Act 2010* and all other relevant Victorian law, which may be accessed at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au). You may need to refer to these to obtain a better understanding of your legal obligations.
14. The holder of this permit is responsible for contacting and liaising with an authorised mooring tackle contractor to ensure that the site allocated to the permit holder is adequate for mooring or berthing the vessel.
15. **XXXXXXXX** (vessel owner/business) must affect and maintain throughout the Term, with an insurer approved by Parks Victoria, which approval shall not be unreasonably withheld:
- 15.1 a public liability insurance policy, and if relevant, products liability insurance policy, for not less than \$20 million in respect of any single claim arising out of the Permit Area and the activities of the Permittee (where such activities on the policy are specified as activities specifically covering the loading or unloading and use of the Jetty), covering all third-party claims arising out of:
- a) loss, destruction or damage to real or personal property and ensuing loss of use of that property; and
- b) death, injury to, or disease of persons; and
- c) a third-party property damage insurance and third-party personal injury insurance in respect of the vessel owner for not less than \$10 million in respect of any single claim.
- 15.2 **XXXXXXXXXX** must affect and maintain the Policies noting the interests of Parks Victoria.
- 15.3 **XXXXXXXXXX** must provide Parks Victoria with:
- a) a certificate of currency for the Policy which clearly confirms the requirements of clause 15.1 and 15.2;
- b) prior to the Commencement Date;
- c) within 14 days of the renewal of the Policy throughout the Term; and
- d) at any other time upon request by Parks Victoria; and
- e) a copy of the Policy upon request by Parks Victoria.
16. Parks Victoria does not warrant that the site (mooring or berth) is suitable for the Vessel and is not liable in any way for any loss, damage, or liability suffered by the holder of this authority in relation to the Vessel and any associated mooring lines and tackle, or as a result of any action taken by Parks Victoria to ensure the safe and efficient operation of the local port.

Issued by the Port Manager for the local ports of Port Phillip and Western Port

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Moorings and Port Services

