

NORTHERN TERRITORY OF AUSTRALIA

**DARWIN PORT CORPORATION (DARWIN MARINE SUPPLY BASE)
REGULATIONS**

Subordinate Legislation No. 1 of 2012

Table of provisions

1	Citation	2
2	Definitions	2
3	Meaning of <i>offshore industry supply services</i>	3
4	DPC may not perform certain functions	3



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Subordinate Legislation No. 1 of 2012*

Darwin Port Corporation (Darwin Marine Supply Base) Regulations

I, Trevor John Riley, Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Darwin Port Corporation Act*.

Dated 17 January 2012

T. J. RILEY
Acting Administrator

By His Honour's Command

D. P. LAWRIE
Treasurer
acting for
Minister for Transport

* Notified in the *Northern Territory Government Gazette* on 25 January 2012.

1 Citation

These Regulations may be cited as the *Darwin Port Corporation (Darwin Marine Supply Base) Regulations*.

2 Definitions

In these Regulations:

agreement means the agreement relating to the operation of DMSB entered into by the Territory and the operator, as amended and in force from time to time.

agreement date means the date provided for in the agreement for the operator to commence operation of DMSB.

Darwin Marine Supply Base means the area of land and facilities provided by the Territory to the operator for the provision of offshore industry supply services.

DMSB is an acronym for Darwin Marine Supply Base.

DPC is an acronym for Darwin Port Corporation.

major incident means an occurrence which prevents, or significantly disrupts, the operation of DMSB.

Examples

- 1 Obstruction of the shipping channel preventing access to the wharf at DMSB.
- 2 Obstruction of the wharf at DMSB preventing normal operations of the Base.
- 3 Obstruction of the road access to or from DMSB.
- 4 Structural damage to, or unsafe condition of, the wharf at DMSB.
- 5 Damage to equipment preventing normal operations of DMSB.

offshore industry means offshore oil and gas facilities, drilling platforms, pipe-laying vessels and other construction support vessels for the offshore oil and gas exploration, production and processing industries.

offshore industry supplies are goods and items carried to offshore industry by offshore industry support vessels.

Examples

- 1 Stores such as food, water, fuel, chemicals, drilling mud.
- 2 Equipment such as drilling equipment.
- 3 Production spares.
- 4 Pipeline construction materials.

5 *Prefabricated modules or elements for construction of facilities for offshore industry.*

offshore industry supply services, see regulation 3.

offshore industry support vessel includes offshore support vessels, anchor handling tug supply vessels and similar support vessels involved in offshore industry.

operator means the person or group of persons responsible under the agreement for operating DMSB and:

- (a) if the operator is a person – includes the successors and assignees of the person; and
- (b) if the operator is a group of persons – includes a member of the group and the successors and assignees of the group and of a member of the group; and
- (c) includes a contractor or other person acting for or on behalf of the operator.

3 Meaning of offshore industry supply services

- (1) Offshore industry supply services means:
 - (a) the services of transshipping personnel and offshore industry supplies to or from offshore industry; and
 - (b) servicing and supporting offshore industry support vessels.
- (2) Offshore industry supply services may also include handling general cargo if that cargo is ancillary to offshore industry supplies.
- (3) However, offshore industry supply services do not include non-wharf face activities such as pilotage and mooring.

4 DPC may not perform certain functions

- (1) Subregulation (2) applies if:
 - (a) the operator has entered into the agreement with the Territory for the provision of offshore industry supply services from DMSB on and from the agreement date; and
 - (b) on or after the agreement date the operator is ready and able to provide offshore industry supply services; and
 - (c) the agreement remains in force.

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- (2) On and from the agreement date, DPC may not perform the functions mentioned in section 16(2)(a)(iv), (vii), (viii) and (x) of the Act in relation to offshore industry supply services.
 - (3) Despite subregulation (2), DPC may perform the functions mentioned in section 16(2)(a)(iv), (vii), (viii) and (x) of the Act in relation to offshore industry supply services if:
 - (a) the operator is unable to provide offshore industry supply services because:
 - (i) there is a major incident; or
 - (ii) there has been a delay of 24 hours or more in accommodating an offshore industry support vessel at DMSB wharf; or
 - (b) the operator requests DPC to perform one or more of the functions on a temporary basis; or
 - (c) the offshore industry supplies in relation to which DPC performs the function are only ancillary to a general cargo.