

HAMILTON ISLAND MARINA RULES

Last updated, January 2024

1. General

1. Hamilton Island Marina (Marina) is privately owned and operated by Hamilton Island Enterprises Limited (Marina Operator). The Marina Operator has implemented these rules to establish clear standards in relation to safety, cleanliness, environmental management and general behaviour to ensure the wellbeing of all marina users and to protect the marine environment. Any reference to the “Marina” includes the Marina and its facilities as detailed in the map attached.
 - 1.1 Vessel owners agree to defend, indemnify and hold harmless the Marina Operator from and against any and all actions, liability, demands, third party claims or lawsuits, claims, losses, damages, recoveries, settlements and expenses (including without limitation reasonable legal fees and costs) arising from or in connection with the vessel owner’s use of the berth, Marina or a breach of the Marina Berth Rental Agreement.
 - 1.2 Clause 1.1 does not apply to actions, liability, demands, third party claims or lawsuits, claims, losses, damages, recoveries, settlements and expenses (including without limitation reasonable legal fees and costs) that were caused by the Marina Operator’s negligence, wrongful act or omission or breach of the Marina Berth Rental Agreement.
 - 1.3 The berthing of the Vessel at the Marina is at the vessel owner’s risk.
 - 1.4 All persons visiting and/or bringing their vessels into the Marina agree to abide by these Marina Rules.
 - 1.5 Nothing in these Marina Rules shall be construed to alter, in any way, the provisions of the Marina Berth Rental Agreement entered into with the Marina Operator in relation to the berthing of a vessel in the Marina.

2. Marina Manager

- 2.1 All persons and/or owners of vessels or other property whilst within the Marina must observe all directions given to them by the Marina Manager. All vessel owners, visitors and contractors who wish to use the Marina must observe all directions given to them by the Marina Manager.
- 2.2 The Marina Manager acting reasonably can direct any person to leave the Marina and any person who fails to comply with such a direction shall be treated as a trespasser.
- 2.3 The Marina Manager’s decision on all matters is final. The Marina Manager can act through a representative.

3. Hamilton Island Rules and Regulations

- 3.1 All vessel owners, visitors and contractors within the Marina must comply with the Hamilton Island Rules & Regulations in force (as amended from time to time). A copy of the Hamilton Island Rules & Regulations is available from the Marina Office or online at <https://www.hamiltonisland.com.au/HamiltonIsland/media/PDF-Files/Community-and-Development-Hub/Hamilton-Island-Rules-Regulations.pdf>
- 3.2 Vessel owners who breach any of these Marina Rules or any Hamilton Island Rules & Regulations may have their Marina Berth Rental Agreement terminated and will be required to remove their vessel from the Marina.

- 3.3 Guests of the vessel owner who breach any of these Marina Rules or any Hamilton Island Rules & Regulations may be asked to leave the Marina and Hamilton Island.
- 3.4 Contractors of the vessel owner who breach any of these Marina Rules or any Hamilton Island Rules & Regulations will be suspended or banned from working within the Marina and/or on Hamilton Island.

4. Occupancy

- 4.1 Check-in for berth bookings is at 11:00 am. Check-out time is strictly 10:00 am unless otherwise pre-arranged with the Marina Manager. Additional charges may apply if the vessel checks in or departs outside these times. Only vessels in seaworthy condition and under their own power will be admitted to the Marina. All vessels must be registered, identified, marked, equipped and maintained as required by law and safe boating practice.
- 4.2 All vessels upon entry to the Marina are immediately subject to the direction of Marina staff and shall be berthed only where instructed and maneuvered as directed. No change of berth shall be made without the express permission of the Marina Manager.
- 4.3 Vessel owners are not permitted to live on board the vessel or permit anyone else to do so.
- 4.4 All vessels must deactivate underwater lighting while berthed in the Marina.

5. Insurance

- 5.1 All vessels within the Marina must have current public liability insurance for any loss or damage to property and for the death or injury to any person caused by, through or in connection with the vessel for an insured amount of at least \$10,000,000 and comprehensive insurance to the replacement value of the vessel which includes full salvage cost and environmental clean-up with an insurer approved by the Marina Manager. A copy of that insurance policy and annual renewal of that policy must be provided to the Marina Manager upon request.

6. Security

- 6.1 Vessel owners are responsible for the security of their own vessel.

7. Fuelling

- 7.1 Fuelling shall only take place at the designated fuel dock available 24 hours a day 7 days per week and in accordance with the instructions posted in the fueling area.
- 7.2 Berthing at the fuel dock for purposes other than fueling is strictly prohibited.
- 7.3 For vessels, requiring bulk fuel supplies (over 4,000 litres) arrangement must be made in advance with the Marina Manager.
- 7.4 The person in charge of the vessel is responsible for ensuring that no environmental harm is caused by the spilling of fuel or oil during fuelling. Any incidents must immediately be reported to Marina staff who will determine any steps necessary to rectify any problems.

8. Refuse Disposal and Pollution

- 8.1 Refuse, garbage and plastic bags shall not be thrown overboard, and must be placed in the rubbish bins provided. Please carefully separate your recyclables from your waste and place them in the appropriate bin. If the refuse items are too large to fit in a bin, contact the Marina staff to assist in arranging for its disposal.
- 8.2 Please contact Marina staff to arrange for the disposal of oil and fuel. These items are not, under any circumstances to be placed in the general rubbish bins.
- 8.3 Poisonous, noxious, dangerous or offensive substances or things (including without limitation oil, spirits, inflammables, oily bilge refuse, toilet and shower effluent) must not be discharged into any part of the Marina. Any pollution or discharge must immediately be reported to Marina staff who will determine any steps necessary to rectify any problems.
- 8.4 Any oil leaks must be contained by a suitable method and the collected oils must be disposed of in the oil recycling container located on site. Any such incident must immediately be reported to Marina staff.
- 8.5 Any unattended vessel found to be leaking oil or fuel or discharging bilge or sullage water in the Marina will be dealt with in the following manner:
- The vessel owner will be notified by phone to rectify the fault immediately; and
 - Absorbent pads, oil booms or bunds (where applicable) will be placed to collect spillage at the vessel owner's cost.

9. Vessel Maintenance and Repairs

- 9.1 Major repairs or refit (including construction works, welding, metal grinding or cutting and spray painting) are strictly prohibited within the Marina. Vessels requiring major works need to be moved to the Service Wall or Hardstand prior to work being commenced.
- 9.2 Minor repairs, internal painting, mechanical adjustment, varnishing, epoxy and electrical work are permitted within the Marina provided the work does not interfere with normal marina operations, create an annoyance to other berth occupiers or is adverse to the environment.
- 9.3 Hull maintenance activities which release toxic pollutants into the marine environment (including scraping, sanding, pressure washing and painting) are prohibited and are offences under Queensland legislation.
- 9.4 The use of sanders and scrapers must be contained on the vessel and vacuumed to avoid pollution and soiling of other vessels. The Marina Manager may direct the vessel owner and/or their contractors to stop sanding or scraping if the Marina Manager deems such work should be undertaken on the Service Wall or Hardstand.
- 9.5 Vessel owners who engage contractors outside businesses approved to conduct work within the Marina must inform the Marina Office of the contractor details.
- 9.6 All contractors working within the Marina must provide the Marina Manager with copies of their current insurance policies and are required to be inducted to the Marina WH&S procedures, prior to working within the Marina. Every contractor engaged by the vessel owner must complete the contractor visitor induction and sign in at the Marina Office prior to work commencing and sign out after the completion of works, each day. At the discretion of the Marina Manager, contractors may dive the vessel in order to assess any damage to the vessel's hull or undertake minor mechanical works.

10. Safety

- 10.1 All vessels are to be fitted with adequate and up to date firefighting appliances.

- 10.2 Use of firefighting hoses for any purpose other than firefighting is prohibited without prior consent of the Marina Manager.
- 10.3 Adequate mooring lines for the vessel's size and weight are the responsibility of and at the cost of the vessel owner and are to be kept in a satisfactory and safe condition. Replacement lines, plus the labour to attach them, will be charged to the vessel owner if deemed necessary by the Marina Manager for the safety of the vessel, in particular during extreme weather conditions (i.e. Cyclones).
- 10.4 It is the sole responsibility of the vessel owner, when leaving their vessel within the Marina, to ensure all seacock's are closed, gas and fuel are turned off and bilge pump and battery switches are clearly labelled.
- 10.5 A maximum speed limit of 4 knots is to be observed when departing or entering the Marina and within the Marina.
- 10.6 No part of any vessel may overhang a walkway (including anchors, bows sprits, davits, etc.). Piers, jetties and walkways must be kept clear of gear, including dinghies and skiffs at all times.
- 10.7 The Marina Manager has the right to remove a vessel from its berth in the case of an emergency that threatens the safety of any person, other vessel or the Marina.
- 10.8 A vessel must not be maneuvered in any way as to create a danger, impediment, obstacle or inconvenience to other marina users and must be in accordance with the Hamilton Island Marina Water Rules Flyer. Flyers are available at the Marina Office or www.hamiltonisland.com.au/real-estate-and-marina/marina

11. Tenders

- 11.1 Tenders must be stored either on-board their vessel or completely within the confines of the marina berth and 0.5m from the boundary of the marina berth. Tenders must be secured so that they do not rub on the pontoon substructure nor create an obstruction to a neighbouring berth.

12. Modification of Berth

- 12.1 The Marina infrastructure is not to be interfered with in any way. The use of temporary dock fenders, Jet Ski pontoons and boat lifts is not permitted, unless authorized by the Marina Manager prior to being installed to the berth. We except NO responsibility for any damage that may occur to any temporary items added the berth.

13. Marketing and Brokerage

- 13.1 Without the prior approval of the Marina Manager no vessel is to display a 'For Sale' sign or advertising material. Applications to display signage must be in writing (email, fax or letter. Applications are subject to Marina Manager approval.
- 13.2 For approved for sale signs, the dimensions must not exceed 50cm by 40cm. Limit one 'For Sale' sign per vessel.

14. Tidiness and Conduct

- 14.1 The vessel owner is responsible for ensuring their vessel is kept in such condition that it does not become unsightly, dilapidated or reflect unfavourably on the Marina. Vessel decks and all walkways and fingers must be kept free and clear of debris at all times.
- 14.2 Laundry of any type or any item of a personal nature shall not be hung out to dry or air in public view aboard any vessel or any part of the Marina.

- 14.3 Noise shall be kept to a minimum. Vessel owners and their guests should use discretion when operating televisions, radios or musical apparatus so as not to cause disturbance to others. All halyards, lines, ropes, rigging and sheets on the vessel must be secured so they do not create any noise and “slap”.
- 14.4 The vessel owner is responsible for the conduct of their guests and persons employed by them to carry out work on their vessel while in the Marina. Disorderly or indecent conduct by any vessel owner, their guests or employees can be cause for the immediate termination of the Marina Berth Rental Agreement.
- 14.5 Children must be supervised and accompanied by an adult at all times.
- 14.6 Swimming, diving, stand up paddle boarding, flyteboarding and fishing within the Marina is prohibited.
- 14.7 Cleaning of fish and disposing of fish waste within the Marina is prohibited.

15. Mobile Phone Boosters

- 15.1 The use of mobile phone boosters is strictly prohibited within the Marina.
- 15.2 The Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2021 (the Declaration) prohibits the operation or supply, or the possession for the purpose of operation or supply, of mobile phone boosters which are designed or intended to be used in connection with the supply of public mobile telecommunication services. Under this Declaration, large penalties may apply, including up to 2 years jail or fines of up to \$412,500 per offence.
- <https://www.acma.gov.au/cellular-mobile-repeaters>

16. Facilities

- 16.1 All toilet, shower and laundry facilities located within the Marina are available for the use of vessel owners and guests.
- 16.2 Marina laundries are equipped with card operated washers and dryers.

17. Trolleys

- 17.1 Trolleys are provided for short term use only and are to be returned to the entrance of the Marina arm immediately after use.
- 17.2 At no time are trolleys to be removed from the Marina.
- 17.3 Trolleys must not be overloaded and are to be returned clean, see instructions on trolley for safe use.
- 17.4 IGA shopping trolleys must not be removed from the IGA facility and parking area, please use marina trolleys provided when entering berthing areas with your groceries.

18. Pets

- 18.1 Cats are strictly prohibited within the Marina or on-board a vessel berthed within the Marina.
- 18.2 Applications for temporary permission to keep a dog on board a vessel must be submitted to corporateservices@hamiltonisland.com.au before arriving at the Marina. Enquiries can be made by phoning 07 4946 8119 between 9am to 1pm or 07 4946 8630 between 2pm to 4pm, Monday to Friday. Approval of applications are at the sole discretion of the Marina Operator.
- 18.3 The dog is to be kept on a leash at all times while off the vessel.
- 18.4 The person in control of the dog must immediately remove any dog faeces from the Marina in a plastic bag to a rubbish bin and appropriately wash down the area.