



Our Ref: D24/8231 FW

17 January 2024

Attention: Mr David Harris
BASS STRAIT FREIGHT
2D Main Street
BRIDPORT TAS 7262

Dear David,

Direction in relation to trial operation of vessels Matthew Flinders III and/or IV at Apollo Bay.

Colac Otway Shire Council (Council) is the port manager for the local port of Apollo Bay (Port) and is responsible for the safe operation of the Port.

I understand that Bass Strait Freight, owner of the vessels, Matthew Flinders III and Matthew Flinders IV (Vessels), is seeking to trial the operation of its vessel/s between Tasmania, Bass Strait islands and the Port in the week commencing 22 January 2024.

You verbally advised me on 11 January 2024 of your intention to bring your vessel/s into the Port of Apollo Bay. You advise that you intend to berth on 22 January 2024 for the purpose of bringing freight from King Island.

In response to your proposal, I have requested that you provide sufficient information to enable me to undertake an adequate review and assessment. I have a responsibility to ensure that your proposal can be undertaken at the Port in a manner that is safe and does not detrimentally impact other vessels, users and/or staff of the Port.

In accordance with the *Port Management Act 1995*, I have direct responsibility to ensure that the operations of the Port are carried out safely, efficiently and effectively. I have further responsibilities to ensure that operations of the Port and port facilities, including wharves, jetties, slipways, breakwaters, moorings, buildings and vehicle parking are not adversely impacted. I have not received adequate information by 15 January 2024 as was required to enable an appropriate assessment in relation to the above considerations.

Through the introduction of the *Marine Safety Act 2010* new requirements mandating safety duties for all parties involved, including the port manager and vessel master, in marine safety have been established.

The Port of Apollo Bay has no separately appointed Harbour Master and in accordance with section 44G of the *Port Management Act 1995*, I act as the Harbour Master for the purposes of the *Marine Safety Act 2010*.

The relevant safety and environmental risks have not been able to be identified and assessed due to inadequate information or time provided. It is my position as Port Manager / Harbour Master that your vessels should not be permitted to enter the Port.



In accordance with section 232 of the *Marine Safety Act 2010*, I exercise my authority as Harbour Master and direct that neither the Matthew Flinders III nor Matthew Flinders IV vessels may enter the waters of the Port of Apollo Bay.

This direction, made under section 232 of the *Marine Safety Act 2010*, must be complied with until you receive written confirmation that this direction made under section 232 has been lifted and/or replaced with any appropriate approvals.

In accordance with section 237 of the *Marine Safety Act 2010* it is an offence not to comply with this direction and substantial penalties may apply.

If you have any enquiries, please contact the undersigned on 5232 9400 or by email at ing@colacotway.vic.gov.au.

Yours faithfully

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Fiona Waddington
Port Manager
Port of Apollo Bay