

Port Authorities (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clauses 1 and 2 relate to the purposes and commencement of the Bill.

PART 2—AMENDMENTS TO THE *PORT OF MELBOURNE AUTHORITY ACT* 1958

Clause 3 provides for the *Port of Melbourne Authority Act* 1958 to be the Principal Act in this Part.

Clause 4 makes a consequential amendment to section 1 of the Principal Act.

Clause 5 deletes the definition of “Harbor-master” in the Principal Act.

Clause 6 provides for the appointment of an additional member of the Port of Melbourne Authority.

Clause 7 inserts a new section 7A in the Principal Act setting out the qualifications of the additional member of the Authority.

Clause 8

Sub-clause (1) repeals section 15 (1) of the Principal Act to enable the appointment of a part-time Chairman.

Sub-clause (2) makes a consequential amendment to section 15 (2) of the Principal Act.

Sub-clauses (3) and (4) make consequential amendments to section 23 of the Principal Act.

Clause 9 provides for the repeal of sections 25 to 28 of the Principal Act which are outmoded procedural provisions.

Clause 10 substitutes a new section 29 in the Principal Act to provide for the Authority to regulate its procedures.

Clause 11 substitutes a new section 31 in the Principal Act providing for the appointment of officers by the Authority.

Clause 12 repeals sections 32 to 35 of the Principal Act which are outmoded sections concerning disciplinary matters.

Clause 13 provides for any money previously borrowed by the Authority from a fund established under section 36 (1) (b) of the Principal Act to have been properly borrowed with repayment guaranteed by the Government of Victoria.

Clause 14 substitutes a new section 38 in the Principal Act enabling the Authority, in relation to the Port, to exercise the powers which the port officer or harbor-master has under the *Marine Act* 1958.

Clause 15 deletes references to “Harbor-master” in sections 39 to 43 and references in sections 130 and 166 and in the Sixth and Seventh Schedule of the Principal Act to the secretary and the treasurer of the Authority.

Clause 16 inserts a new section 48 (1A) concerning the power of the Authority to acquire property.

Clause 17 inserts a new section 44 in the Principal Act providing the Authority with power to delegate under sections 38 and 43.

Clause 18 repeals section 46 of the Principal Act dealing with the Authority's duty to maintain railway lines on piers.

Clause 19 substitutes new sections 49 and 50 in the Principal Act.

Section 49 makes provision for the Governor in Council to grant unalienated Crown land to the Authority.

Section 50 makes provision for the Authority to sell, lease, develop, grant licences and promote property trusts over land vested in it.

Clause 20 inserts a new section 50A in the Principal Act concerning lease terms and sale of land within 125 metres of a defined water front.

Clause 21 inserts a new section 58A in the Principal Act to provide for the Authority to act as an agent, with the approval of the Minister.

Clause 22 amends section 70 of the Principal Act to provide for the Authority to be able to grant exemptions from compliance with licence conditions.

Clause 23 repeals section 71 of the Principal Act dealing with dredging for hire.

Clause 24 amends sections 107, 108, 109 and 110A (b) of the Principal Act concerning the power of the Authority to fix and collect tolls, rates and charges.

Clause 25 repeals section 110 of the Principal Act consequential on the amendments made by Clause 24.

Clause 26 substitutes a new section 114 (1) of the Principal Act providing for penalty interest.

Clause 27 substitutes a new section 126 (1) (c) of the Principal Act providing for the signing of debentures.

Clause 28 amends sections 136 (r) and 136 (s) of the Principal Act to enable regulations to be made as to the grounds on which the Authority may grant exemptions from licensing requirements.

Clause 29 repeals section 139 of the Principal Act providing for the *Government Gazette* to be evidence of the making of regulations.

Clause 30 repeals section 144 of the Principal Act.

Clause 31 repeals sections 146 to 148 of the Principal Act dealing with standard rates of pay.

Clause 32 repeals section 153 of the Principal Act dealing with complaints to the Authority.

Clause 33 inserts a new section 169 (3) in the Principal Act to provide an interpretation of "World Trade Centre".

PART 3—AMENDMENTS OF THE *PORT OF GEELONG AUTHORITY ACT 1958*

Clause 34 provides for the *Port of Geelong Authority Act 1958* to be the Principal Act for the purposes of Part 3.

Clause 35 makes a consequential amendment to section 1 of the Principal Act.

Clause 36 amends section 3 of the Principal Act by deleting the definitions of "Harbor-master", "Regulations" and "Secretary".

Clause 37 amends section 9 of the Principal Act to permit the Chairman of the Authority to be employed by the Authority or to take outside employment.

Clause 38 substitutes a new section 10 permitting the Authority to regulate its procedure.

Clause 39 repeals section 11 of the Principal Act.

Clause 40

Sub-clause (1) substitutes a new section 12 (1) of the Principal Act providing for the Authority to appoint officers.

Sub-clause (2) repeals sections 12 (2), 12 (3), 12 (4) and 12 (6) of the Principal Act dealing with references to classifications and powers which are outmoded.

Clause 41 repeals sections 15 of the Principal Act relating to disciplinary powers.

Clause 42 amends section 17 (1) of the Principal Act by deleting reference to the harbor-master.

Clause 43 deletes the definition of "Harbor-master" in sections 18 and 19 of the Principal Act.

Clause 44 inserts new sections 19A and 19B in the Principal Act.

Section 19A provides for the Authority to exercise the powers under the *Marine Act* 1958 given to the port officers or harbor-master.

Section 19B empowers the Authority to delegate under sections 17 to 19A of the Principal Act.

Clause 45 substitutes new sections 23, 24 and 25 of the Principal Act.

Section 23 makes provision for the Governor in Council to grant unalienated Crown land to the Authority.

Section 24 makes provision for the Authority to sell, lease, develop, grant licences and promote property trusts over land vested in it.

Section 25 provides for Ministerial approval to the grant of leases for a term of more than 21 years.

Clause 46 amends section 27B (1) and repeals section 27B (2) and 27B (3) of the Principal Act concerning the power of the Authority to acquire property.

Clause 47 repeals section 50 of the Principal Act dealing with dredging for hire.

Clause 48 amends section 71 of the Principal Act to provide for the Authority to grant exemptions from compliance with licence conditions in accordance with the regulations.

Clause 49 inserts a new section 75A in the Principal Act to provide for the Authority to act as an agent with the approval of the Minister.

Clause 50 amends sections 76 (1), 76 (2) and 79A (b) of the Principal Act concerning the power of the Authority to fix and collect tolls, rates and charges.

Clause 51 substitutes a new section 83A (1) in the Principal Act providing for penalty interest.

Clause 52 amends section 86 (2) of the Principal Act to provide for a reporting date consistent with the other Port Authorities.

Clause 53 inserts a new section 99 (3) in the Principal Act to enable regulations to prescribe the grounds on which exemptions from compliance with licensing provisions may be granted.

Clause 54 repeals section 100 of the Principal Act.

Clause 55 repeals section 104 of the Principal Act.

Clause 56 repeals section 105 of the Principal Act.

Clause 57 repeals section 109 of the Principal Act.

PART 4—AMENDMENT OF *PORT OF PORTLAND AUTHORITY ACT 1958*

Clause 58 provides for the *Port of Portland Authority Act 1958* to be the Principal Act for the purposes of Part 4.

Clause 59 makes a consequential amendment to section 1 of the Principal Act.

Clause 60 amends section 3 (1) of the Principal Act by deleting various definitions.

Clause 61 amends section 9 of the Principal Act by permitting the Chairman to be employed by the Authority or to accept or continue to be engaged in any other employment.

Clause 62

Sub-clauses (1) and (2) amend section 11 (1) and section 11 (1) (a) of the Principal Act to provide for the appointment of officers.

Sub-clause (3) repeals section 11 (3) of the Principal Act.

Clause 63 substitutes a new section 12 in the Principal Act providing for the Authority to exercise the powers conferred by the *Marine Act 1958* on the port officer or harbor-master.

Clause 64 repeals section 13 of the Principal Act.

Clause 65 makes a number of consequential amendments to section 14 of the Principal Act.

Clause 66 inserts a new section 14A in the Principal Act providing the Authority with a power to delegate.

Clause 67 substitutes a new section 17 in the Principal Act providing for the Governor in Council to grant unalienated Crown land to the Authority.

Clause 68 inserts new sections 17A and 17B in the Principal Act.

Section 17A makes provision for the Authority to sell, lease, develop, grant licences upon and promote property trusts over land vested in it.

Section 17B requires Ministerial approval to the granting of leases for a term of more than 21 years.

Clause 69 amends section 18 (1) of the Principal Act concerning the power of the Authority to acquire property.

Clause 70 repeals section 19 of the Principal Act.

Clause 71

Sub-clause (1) makes consequential amendments to section 21 of the Principal Act.

Sub-clauses (2) and (3) amend section 21 (4) of the Principal Act to provide for the Authority to grant exemptions from compliance with licence conditions.

Clause 72 inserts a new section 21A in the Principal Act to provide for the Authority to act as agent with the approval of the Minister.

Clause 73 repeals sections 22 and 23 of the Principal Act.

Clause 74 amends sections 27 and 27A of the Principal Act concerning the power of the Authority to fix and collect tolls, rates and charges.

Clause 75 repeals section 45 (1) (*h*) and amends section 45 (1) (*o*) of the Principal Act to enable regulations to be made as to the grounds on which the Authority may grant exemptions from compliance with the regulations.

PART 5—AMENDMENT OF THE *HARBOR BOARDS ACT* 1958

Clause 76 provides for the *Harbor Boards Act* 1958 to be the Principal Act for the purposes of Part 5.

Clause 77 makes a consequential amendment to section 1 of the Principal Act.

Clause 78 repeals section 25 of the Principal Act.

Clause 79 repeals section 76 of the Principal Act.

Clause 80 substitutes a new section 80A in the Principal Act providing for penalty interest.

Clause 81 repeals section 107 of the Principal Act.

PART 6—AMENDMENT OF THE *TRANSPORT ACT* 1983

Clause 82 amends section 39 (2) of the *Transport Act* 1983 by providing for the Port Authorities to have the powers conferred by Clauses 1, 2, 3 and 4 of Schedule 2 to that Act.

