



New South Wales

Ports and Maritime Administration Amendment (Transport for NSW) Regulation 2014

under the

Ports and Maritime Administration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Ports and Maritime Administration Act 1995*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The object of this Regulation is to amend the *Ports and Maritime Administration Regulation 2012*:

- (a) to make the following changes as a consequence of the fact that functions and staff of Sydney Ports Corporation (*Sydney Ports*) that are currently dedicated to the Port Botany Landside Improvement Strategy are to be transferred to Transport for NSW (*TfNSW*):
 - (i) to provide for TfNSW, rather than Sydney Ports, to make publicly available certain mandatory standards about the provision of trucking services by stevedores that are set by the Minister,
 - (ii) to provide that the Minister can direct a carrier, stevedore or stevedore service provider to provide information (including information about charges) to TfNSW, rather than Sydney Ports,
 - (iii) to provide for TfNSW, rather than Sydney Ports, to set an extended arrival period for trucks to arrive at a booking,
 - (iv) to provide for TfNSW, rather than Sydney Ports, to audit compliance with mandatory standards and to require the provision of information or inspect premises for that purpose,
 - (v) to provide for the Minister to direct that information be provided to TfNSW, rather than Sydney Ports,
 - (vi) to authorise the transfer of confidential information about the Port Botany Landside Improvement Strategy from Sydney Ports to TfNSW, and
- (b) to provide for the delegation and sub-delegation of functions of the Minister under the marine legislation to TfNSW and to members of staff or employees of Transport Service (that is, of TfNSW). Those functions are not limited to those relating to the Port Botany Landside Improvement Strategy.

This Regulation is made under the *Ports and Maritime Administration Act 1995*, including section 10B and Schedule 4 (Regulations to promote competition and productivity at ports), section 27 (Delegation of functions of Minister) and section 110 (the general regulation-making power).

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Ports and Maritime Administration Act 1995

1 Name of Regulation

This Regulation is the *Ports and Maritime Administration Amendment (Transport for NSW) Regulation 2014*.

2 Commencement

This Regulation commences on 1 April 2014 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Ports and Maritime Administration Regulation 2012

[1] Clause 19 Interpretation

Omit the definition of *Sydney Ports* from clause 19 (1).

[2] Clause 19 (1)

Insert in alphabetical order:

Transport for NSW or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

[3] Clauses 21 (2) (c), 28 (1), 30 (4), 36 (1) (c), 38 (1) and (2) and 39 (1) (a)

Omit “Sydney Ports” wherever occurring. Insert instead “TfNSW”.

[4] Clause 39A Confidentiality of information

Omit clause 39A (4). Insert instead:

(4) The Minister must take all reasonable steps to prevent the disclosure of information provided to the Minister in accordance with a requirement imposed by or under this Part that is claimed to be confidential, unless the disclosure is authorised by this clause.

(4A) TfNSW must take all reasonable steps to prevent the disclosure of information provided to TfNSW in accordance with a requirement imposed by or under this Part that is claimed to be confidential, unless the disclosure is authorised by this clause.

[5] Clause 39A (5) (d1)

Insert after clause 39A (5) (d):

(d1) the disclosure occurs as part of the transfer under clause 39B of information concerning Port Botany Landside Improvement Strategy from the Sydney Ports Corporation to TfNSW, or

[6] Clause 39A (6)

Omit the subclause. Insert instead:

(6) This clause does not prevent the disclosure of information that is claimed to be confidential if:

(a) the Minister is of the opinion that there are insufficient grounds for the claim and the Minister has notified that opinion to the person who provided the information, or

(b) TfNSW is of the opinion that there are insufficient grounds for the claim and TfNSW has notified that opinion to the person who provided the information.

[7] Clause 39B

Insert after clause 39A:

39B Transfer of information from Sydney Ports to TfNSW

The Sydney Ports Corporation is authorised to transfer to TfNSW any information provided to Sydney Ports Corporation in response to a requirement imposed by or under this Part before 1 April 2014.

[8] Clause 68A

Insert after clause 68:

68A Delegation of certain functions of Minister

For the purposes of section 27 (3) (e) of the Act:

- (a) Transport for NSW is prescribed as a person to which the Minister may delegate functions, and
- (b) persons employed in the Transport Service are prescribed as a class of persons to whom the Minister may delegate functions.