



New South Wales

Ports Assets (Authorised Transactions) Amendment Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Ports Assets (Authorised Transactions) Act 2012* to extend that Act to Port of Newcastle so as to authorise and facilitate the transfer to the private sector of the State's ports assets at Port of Newcastle, and
- (b) to make consequential amendments to the *Ports and Maritime Administration Act 1995* to extend the special regulatory regime under that Act for private ports to Port of Newcastle and to authorise the private port operator of Port of Newcastle to impose navigation service charges for the port.

The transfer of ports assets at Port of Newcastle to the private sector will be subject to the restriction that the land concerned can be leased to the private sector for up to 99 years but ownership of the land must remain with the State.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Ports Assets (Authorised Transactions) Act 2012 No 101

Schedule 1 makes the amendments referred to in paragraph (a) of the Overview.

Schedule 2 Amendment of Ports and Maritime Administration Act 1995 No 13

Schedule 2 makes the amendments referred to in paragraph (b) of the Overview.

First print



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Ports Assets (Authorised Transactions) Amendment Bill 2013

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New South Wales

Ports Assets (Authorised Transactions) Amendment Bill 2013

No. , 2013

A Bill for

An Act to amend the *Ports Assets (Authorised Transactions) Act 2012* to extend the operation of that Act to Port of Newcastle; and for other purposes.

| | |
|--|--------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Ports Assets (Authorised Transactions) Amendment Act 2013</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act commences on the date of assent to this Act. | 6 |

| | | |
|-------------------|---|----|
| Schedule 1 | Amendment of Ports Assets (Authorised Transactions) Act 2012 No 101 | 1 |
| | | 2 |
| [1] | Section 3 Interpretation—key definitions | 3 |
| | Insert “, Port of Newcastle” after “Botany Bay” in the definition of <i>associated port land</i> . | 4 |
| | | 5 |
| [2] | Section 3, definition of “Port of Newcastle land” | 6 |
| | Insert in alphabetical order: | 7 |
| | <i>Port of Newcastle land</i> means land at Port of Newcastle that is ports assets. | 8 |
| | | 9 |
| [3] | Section 3, definition of “port SOC” | 10 |
| | Insert “, the Newcastle Port Corporation” after “Port Kembla Port Corporation”. | 11 |
| | | 12 |
| [4] | Section 4 Authorised transfer of ports assets | 13 |
| | Insert “, Port of Newcastle land” after “Port Kembla land” wherever occurring in section 4 (1) (a) and (b). | 14 |
| | | 15 |
| [5] | Schedule 1 Interpretative provisions | 16 |
| | Insert in alphabetical order in clause 1: | 17 |
| | <i>Port of Newcastle land</i> —see section 3. | 18 |
| [6] | Schedule 5 Savings, transitional and other provisions | 19 |
| | Insert “, the Newcastle Port Corporation” after “Port Kembla Port Corporation” wherever occurring in clauses 2 and 3. | 20 |
| | | 21 |
| [7] | Schedule 5 | 22 |
| | Insert after Part 2: | 23 |
| | | |
| Part 3 | Provision consequent on enactment of Ports Assets (Authorised Transactions) Amendment Act 2013 | 24 |
| | | 25 |
| | | 26 |
| 5 | Application of provisions to Port of Newcastle | 27 |
| | A reference in the following provisions to the date of assent to this Act is, in the application of those provisions to or in respect of the Newcastle Port Corporation, to be read as a reference to the | 28 |
| | | 29 |
| | | 30 |

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Schedule 1 Amendment of Ports Assets (Authorised Transactions) Act 2012 No 101

| | |
|--|---|
| date of assent to the <i>Ports Assets (Authorised Transactions) Amendment Act 2013</i> : | 1 |
| section 22 (Acquisition of land by Ports Assets Ministerial Holding Corporation) | 2 |
| clause 1 of Schedule 3 (Corporate conversion of port SOCs and transaction SOCs) | 3 |
| | 4 |
| | 5 |
| | 6 |

| | | |
|---|--|----------------------------|
| Schedule 2 | Amendment of Ports and Maritime Administration Act 1995 No 13 | 1 |
| | | 2 |
| [1] Section 3 Definitions | | 3 |
| | Insert “, Newcastle” after “Botany Bay” in the definition of <i>private port</i> in section 3 (1). | 4 5 |
| [2] Section 37 Directions to maintain or improve safety and security | | 6 |
| | Insert at the end of paragraph (b) of the definition of <i>relevant port lease</i> in section 37 (4): | 7 8 |
| | , or | 9 |
| | (c) for Port of Newcastle—a lease to the port operator of land at Port of Newcastle that comprised ports assets under the <i>Ports Assets (Authorised Transactions) Act 2012</i> before being leased to the private sector for the purposes of an authorised transaction under that Act. | 10 11 12 13 14 |
| [3] Section 47 Definitions generally | | 15 |
| | Omit paragraph (a1) of the definition of <i>relevant port authority</i> in section 47 (1). | 16 17 |
| | Insert instead: | 18 |
| | (a1) in relation to a navigation service charge for Port Kembla or Port of Newcastle—each of the port operator of the port and the appropriate public agency for the port, or | 19 20 21 |
| [4] Section 59 Meaning of “site” | | 22 |
| | Insert after section 59 (9): | 23 |
| | (10) An area at the private port of Port of Newcastle that was a site immediately before the commencement of this subsection (as inserted by the <i>Ports Assets (Authorised Transactions) Amendment Act 2013</i>) is deemed to be a site for the purposes of this Division. | 24 25 26 27 28 |
| [5] Schedule 5 Savings, transitional and other provisions | | 29 |
| | Omit clause 1 (1). Insert instead: | 30 |
| | (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act. | 31 32 33 |

Ports Assets (Authorised Transactions) Amendment Bill 2013

Schedule 2 Amendment of Ports and Maritime Administration Act 1995 No 13

[6] Schedule 5, clause 22

Insert “, Port of Newcastle” after “Botany Bay” in the definition of *settlement day*.

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