

Passed by both Houses



New South Wales

Ports Assets (Authorised Transactions) Amendment Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2013*



New South Wales

Ports Assets (Authorised Transactions) Amendment Bill 2013

Act No , 2013

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Ports Assets (Authorised Transactions) Amendment Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

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

[1] Section 3 Interpretation—key definitions

Insert “, Port of Newcastle” after “Botany Bay” in the definition of *associated port land*.

[2] Section 3, definition of “Port of Newcastle land”

Insert in alphabetical order:

Port of Newcastle land means land at Port of Newcastle that is ports assets.

[3] Section 3, definition of “port SOC”

Insert “, the Newcastle Port Corporation” after “Port Kembla Port Corporation”.

[4] Section 4 Authorised transfer of ports assets

Insert “, Port of Newcastle land” after “Port Kembla land” wherever occurring in section 4 (1) (a) and (b).

[5] Schedule 1 Interpretative provisions

Insert in alphabetical order in clause 1:

Port of Newcastle land—see section 3.

[6] Schedule 5 Savings, transitional and other provisions

Insert “, the Newcastle Port Corporation” after “Port Kembla Port Corporation” wherever occurring in clauses 2 and 3.

[7] Schedule 5

Insert after Part 2:

Part 3 Provision consequent on enactment of Ports Assets (Authorised Transactions) Amendment Act 2013

5 Application of provisions to Port of Newcastle

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

Ports Assets (Authorised Transactions) Amendment Bill 2013

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

date of assent to the *Ports Assets (Authorised Transactions) Amendment Act 2013*:

section 22 (Acquisition of land by Ports Assets Ministerial Holding Corporation)

clause 1 of Schedule 3 (Corporate conversion of port SOCs and transaction SOCs)

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

[1] Section 3 Definitions

Insert “, Newcastle” after “Botany Bay” in the definition of *private port* in section 3 (1).

[2] Section 37 Directions to maintain or improve safety and security

Insert at the end of paragraph (b) of the definition of *relevant port lease* in section 37 (4):

, or

- (c) for Port of Newcastle—a lease to the port operator of land at Port of Newcastle that comprised ports assets under the *Ports Assets (Authorised Transactions) Act 2012* before being leased to the private sector for the purposes of an authorised transaction under that Act.

[3] Section 47 Definitions generally

Omit paragraph (a1) of the definition of *relevant port authority* in section 47 (1).

Insert instead:

- (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

[4] Section 59 Meaning of “site”

Insert after section 59 (9):

- (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 *Ports Assets (Authorised Transactions) Amendment Act 2013*) is deemed to be a site for the purposes of this Division.

[5] Schedule 5 Savings, transitional and other provisions

Omit clause 1 (1). Insert instead:

- (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.

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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*.