Ports Corporatisation and Waterways Management Amendment Act 2006 No 84

[2006-84]

New South Wales

Status Information

Currency of version

Repealed version for 30 October 2006 to 30 October 2006 (accessed 7 December 2025 at 23:41)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**
  The Act was repealed by sec 5 (1) of this Act with effect from 31.10.2006.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 31 October 2006

Ports Corporatisation and Waterways Management Amendment Act 2006 No 84

New South Wales

Contents

Ports Corporatisation and Waterways Management Amendment Act 2006 No 84

New South Wales

An Act to amend the *Ports Corporatisation and Waterways Management Act 1995* with respect to the functions of the Maritime Authority, the name of the Act, operating licences of Port Corporations and delegations; and for other purposes.

1 Name of Act

This Act is the *Ports Corporatisation and Waterways Management Amendment Act 2006*.

2 Commencement

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

3 Amendment of Ports Corporatisation and Waterways Management Act 1995 No 13

The *Ports Corporatisation and Waterways Management Act 1995* is amended as set out in Schedule 1.

4 Amendment of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

5 Repeal of Act

(1) This Act is repealed on the day following the day on which this Act commences.

(2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Ports Corporatisation and Waterways Management Act 1995

(Section 3)

[1] Section 1 Name of Act

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

[2] Section 3 Definitions

Omit "Governor" from the definition of **operating licence** in section 3 (1).

Insert instead "Minister".

[3] Section 12 Exercise of port safety functions under operating licence

Omit "Governor on the recommendation of the Minister" from section 12 (2).

Insert instead "Minister".

[4] Section 13 Performance standards and quality assurance programs for services under operating licence

Omit "Governor" from section 13 (2). Insert instead "Minister".

[5] Section 15 Other provisions relating to operating licence

Omit "Governor" wherever occurring in section 15 (2), (3) and (4).

Insert instead "Minister".

[6] Section 27 Delegation of functions by Minister

Omit section 27 (1). Insert instead:

(1) The Minister may delegate to an authorised person any of the following functions, other than this power of delegation:

(a) any function of the Minister under the marine legislation,

(b) any function conferred by or under any Act on the Minister in his or her capacity as the Minister administering this Act.

[7] Section 41 Functions of Authority

Omit section 41 (1) and (2). Insert instead:

(1) The principal functions of the Authority are as follows:

(a) to exercise such maritime or other functions of the Minister under the marine legislation and other legislation as are delegated to it by the Minister,

(b) to provide advice to the Minister in relation to maritime and ports matters,

(c) to manage property vested in it.

(2) The Authority has such other functions as are conferred or imposed on it by or under this or any other Act.

[8] Section 41A

Insert after section 41:

41A Delegation of functions by Authority

(1) The Authority may delegate to an authorised person any function conferred on the Authority by or under this or any other Act, other than this power of delegation.

(2) In this section, **authorised person** means:

(a) a member of the staff of the Authority, or

(b) a Port Corporation or a member of the staff of a Port Corporation, or

(c) a harbour master or acting harbour master, or

(d) a public servant, or

(e) any person of a class prescribed by the regulations.

[9] Schedule 5 Savings, transitional and other provisions

Insert after Part 2:

Part 3 Provisions consequent on enactment of Ports Corporatisation and Waterways Management Amendment Act 2006

16 Existing operating licences

An operating licence in force immediately before the amendment of section 12 by the *Ports Corporatisation and Waterways Management Amendment Act 2006* is taken to have been issued under that section as so amended.

17 Provisions relating to certain instruments issued by Authority

(1) In this clause:

delegation includes purported delegation.

maritime agency means, in relation to the granting, giving or issuing of a relevant instrument, any government Department, government office or

statutory authority for which the relevant Minister was responsible at the time of the granting, giving or issuing of the instrument.

relevant instrument means:

(a) a development consent granted under the *Environmental Planning and Assessment Act 1979*, or

(b) a permit, authorisation, approval or notice granted, given or issued under the *Rivers and Foreshores Improvement Act 1948*.

relevant Minister, in relation to a relevant instrument, means the Minister who has or had the function of granting, giving or issuing the instrument.

(2) Any relevant instrument purportedly granted, given or issued pursuant to a delegation made by the relevant Minister to the head of a maritime agency is not invalid (and is taken never to have been invalid) by reason only that:

(a) there was no statutory authority for the delegation, or

(b) the relevant instrument was not granted, given or issued in the name of the Minister, or

(c) the relevant instrument was granted, given or issued by a member of staff of the maritime agency.

Schedule 2 Amendment of other Acts

(Section 4)

2.1 Commercial Vessels Act 1979 No 41

[1] Section 4B Ports and Maritime Administration Act 1995

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

[2] Section 5 Definitions

Omit "Waterways Authority" from the definition of **Secretary of the Minister** in section 5 (1).

Insert instead "Maritime Authority".

2.2 Fines Act 1996 No 99

Schedule 1 Statutory provisions under which penalty notices issued

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

2.3 Fire Brigades Act 1989 No 192

Section 20A Hazardous material incidents outside area to which Act applies

Omit "*Ports Corporatisation and Waterways Management Act 1995*" wherever occurring in the definition of **port authority** in section 20A (4).

Insert instead "*Ports and Maritime Administration Act 1995*".

2.4 Impounding Act 1993 No 31

[1] Dictionary

Omit "Minister for Ports" from the definition of **area of operations**.

Insert instead "Minister administering the *Ports and Maritime Administration Act 1995*".

[2] Dictionary, definition of "impounding authority"

Omit "Minister for Ports".

Insert instead "Minister administering the *Ports and Maritime Administration Act 1995*".

2.5 Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Section 4 Government monopoly services

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from section 4 (5).

Insert instead "*Ports and Maritime Administration Act 1995*".

[2] Schedule 1 Government agencies for which Tribunal has standing reference

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

2.6 Local Government Act 1993 No 30

Section 600 Rebates in respect of certain land vested in public bodies

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **public body** in section 600 (9).

Insert instead "*Ports and Maritime Administration Act 1995*".

2.7 Marine Pollution Act 1987 No 299

[1]   Section 3 Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **harbour master** in section 3 (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

[2]   Section 5A Ports and Maritime Administration Act 1995

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

[3]   Section 13B Ships must be insured against oil pollution

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **port** in section 13B (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

2.8 Marine Safety Act 1998 No 121

[1]   Section 4 Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" wherever occurring in the definitions of **marine legislation** and **Maritime Authority** in section 4 (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

[2]   Section 19 Regulations relating to safety of navigation

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the note.

Insert instead "*Ports and Maritime Administration Act 1995*".

[3]   Section 71 Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" wherever occurring in paragraphs (a) and (b) of the definition of **pilotage service provider** in section 71 (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

[4]   Section 74 Pilotage compulsory in pilotage ports

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the note.

Insert instead "*Ports and Maritime Administration Act 1995*".

[5]   Section 127 Summary proceedings for offences

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the note.

Insert instead "*Ports and Maritime Administration Act 1995*".

[6]   Schedule 3 Amendment of other Acts

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from Schedule 3.6 [1].

Insert instead "*Ports and Maritime Administration Act 1995*".

[7]   Schedule 3.7

Omit "**Ports Corporatisation and Waterways Management Act 1995**" from the heading.

Insert instead "**Ports and Maritime Administration Act 1995**".

[8]   Schedule 4 Savings, transitional and other provisions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from clause 5.

Insert instead "*Ports and Maritime Administration Act 1995*".

2.9 Maritime Services Act 1935 No 47

[1]   Section 2 Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **Harbour master** in section 2 (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

[2]   Section 2A Ports and Maritime Administration Act 1995

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

[3]   Section 30D Penalty notices for certain offences

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from section 30D (1) (d) (iv).

Insert instead "*Ports and Maritime Administration Act 1995*".

[4]   Section 38 Regulations

Omit "Waterways Authority within the meaning of the *Ports Corporatisation and*

Waterways Management Act 1995" from section 38 (5).

Insert instead "Authority within the meaning of the *Ports and Maritime Administration Act 1995*".

2.10 Navigation Act 1901 No 60

Section 4B Ports and Maritime Administration Act 1995

Omit "*Ports Corporatisation and Waterways Management Act 1995*".

Insert instead "*Ports and Maritime Administration Act 1995*".

2.11 Parliamentary Electorates and Elections Amendment Act 2006 No 68

Schedule 19 Amendment of other legislation

Omit "**Ports Corporatisation and Waterways Management Act 1995**" from the heading to Schedule 19.17.

Insert instead "**Ports and Maritime Administration Act 1995**".

2.12 Passenger Transport Act 1990 No 39

Section 3 Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **Maritime Authority** in section 3 (1).

Insert instead "*Ports and Maritime Administration Act 1995*".

2.13 Protection of the Environment Operations Act 1997 No 156

Dictionary

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from the definition of **marine authority**.

Insert instead "*Ports and Maritime Administration Act 1995*".

2.14 Rivers and Foreshores Improvement Act 1948 No 20

[1] Section 22A Definitions

Omit "*Ports Corporatisation and Waterways Management Act 1995*)—the Minister for Ports" from paragraph (a) of the definition of **Constructing Authority**.

Insert instead "*Ports and Maritime Administration Act 1995*)—the Minister administering that Act".

[2]   Section 23 Construction of works in navigable waters

Omit "Minister for Ports" wherever occurring.

Insert instead "Minister administering the *Ports and Maritime Administration Act 1995*".

2.15 State Emergency and Rescue Management Act 1989 No 165

Section 53 Offence to operate rescue unit or rescue vehicle without accreditation

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from section 53 (3) (b).

Insert instead "*Ports and Maritime Administration Act 1995*".

2.16 Sydney Harbour Foreshore Authority Act 1998 No 170

Section 18 Management of land of other public authorities

Omit "*Ports Corporatisation and Waterways Management Act 1995*" from paragraph (b) of the definition of **public authority** in section 18 (5).

Insert instead "*Ports and Maritime Administration Act 1995*".