

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

## Overview of Bill

The object of this Bill is to amend the Ports Corporatisation and Waterways Management Act 1995 (the Principal Act):

- (a) to change the name of the Act, and
- (b) to provide that the Minister, rather than the Governor, may issue operating licences to Port Corporations, and
- (c) to expand the statutory delegation powers of the Minister, and
- (d) to give the Maritime Authority a statutory power of delegation, and
- (e) to set out the principal functions of the Maritime Authority, and
- (f) to confirm the validity of certain instruments issued under non-statutory delegations.

The Bill also amends other Acts consequentially.

### 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.

Clause 3 is a formal provision that gives effect to the amendments to the Ports Corporatisation and Waterways Management Act 1995 set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Acts set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after the date of assent. Once the amendments have commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

### Schedule 1 Amendment of Ports Corporatisation and Waterways Management Act 1995

#### Change of name of Principal Act

Schedule 1 [1] changes the name of the Principal Act to the Ports and Maritime Administration Act 1995.

#### Operating licences for Port Corporations

Currently, section 12 of the Principal Act enables port safety functions to be exercised by a Port Corporation in accordance with an operating licence issued by the Governor on the recommendation of the Minister. Under sections 13 and 15 of the Principal Act, the Governor may also renew and vary such licences.

Schedule 1 [3]–[5] amend sections 12, 13 and 15 of the Principal Act to enable the Minister to exercise those functions rather than the Governor.

Schedule 1 [9] amends Schedule 5 to the Principal Act to provide that operating licences previously issued by the Governor and still in force are taken to have been issued under the amended provisions of the Principal Act.

Schedule 1 [2] makes a consequential amendment.

#### Delegations

Schedule 1 [6] amends section 27 of the Principal Act to expand the Minister's statutory powers of delegation. Currently, section 27 of the Principal Act provides that the Minister can delegate functions conferred on the Minister under the marine legislation. The amendment will enable the Minister to delegate to certain authorised persons functions under other legislation conferred on the Minister in his or her capacity as the Minister administering the Principal Act.

Schedule 1 [8] inserts proposed section 41A into the Principal Act to enable the Maritime Authority to delegate functions conferred on the Authority to certain authorised persons.

Schedule 1 [9] amends Schedule 5 to the Principal Act to provide that certain instruments granted, given or issued by the staff of marine government agencies are

not invalid merely because they were issued pursuant to non-statutory delegations given by the Minister.

#### Functions of Maritime Authority

Schedule 1 [7] amends section 41 of the Principal Act to set out the principal functions of the Maritime Authority.

#### Schedule 2 Amendment of other Acts

Schedule 2 makes amendments to other Acts as a consequence of the amendments made by Schedule 1.