

LEGISLATIVE COUNCIL

Ports Assets (Authorised Transactions) Bill 2012

First print

Proposed amendments

- No. 1 Page 3, clause 4. Insert after line 16:
- (3) This Act does not authorise the transfer to the private sector of land comprising the Botany Bay Tourist Lookout at Molineux Point or the Prince of Wales Tourist Drive. It is unlawful for the operator of a private port under the *Ports and Maritime Administration Act 1995* to prevent public access to (or charge a fee for public access to) that land.
- No. 2 Page 17, clause 23 (2), lines 11 and 12. Omit all words on those lines.
- No. 3 Pages 22 and 23, clause 32. Line 34 on page 22 to line 38 on page 23. Omit all words on those lines.
- No. 4 Page 50, Schedule 6 [5]. Insert after line 18:

Division 4 Miscellaneous

40H Social responsibility obligations of port operator

The port operator of a private port is to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate these when able to do so.

- No. 5 Page 54, Schedule 6 [18], proposed clause 66C. Insert after line 17:
- (2) A port infrastructure charge may only be fixed with the approval of the Minister.
- (3) Before giving approval under this section, the Minister must refer the matter to the Independent Pricing and Regulatory Tribunal for investigation and report under section 12A of the *Independent Pricing and Regulatory Tribunal Act 1992*.
- No. 6 Page 55, Schedule 6 [21]. Insert after line 22:
- 80 Charges and rent require approval of Minister**
- (1) The port operator of a port to which this Part applies cannot impose a service charge or change the port operator's service

charges (whether the change is a variation of an existing charge, the imposition of a new charge or the removal of an existing charge) without the approval of the Minister.

- (2) Rent payable under a lease or licence granted by the port operator of a port to which this Part applies is subject to the approval of the Minister (and cannot be charged without that approval) if the rent:
 - (a) is payable under a lease or licence entered into after the commencement of this section, or
 - (b) is payable pursuant to a variation after the commencement of this section of the rent payable under a lease or licence entered into before or after the commencement of this section, except where the amount of the variation (or the method of its calculation) has been agreed to by the parties.
- (3) Before giving approval under this section, the Minister must refer the matter to the Independent Pricing and Regulatory Tribunal for investigation and report under section 12A of the *Independent Pricing and Regulatory Tribunal Act 1992*.
- (4) The Minister's approval under this section must not be unreasonably withheld.

No. 7 Page 59, Schedule 6 [21], proposed clause 84, line 2. Omit "may". Insert instead "must".