

Version No. 051
Port of Melbourne Authority Act 1958
Act No. 6312/1958
Version incorporating amendments as at 1 July 1997

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Version No. 051
Port of Melbourne Authority Act 1958
Act No. 6312/1958

Version incorporating amendments as at 1 July 1997

An Act to consolidate the Law providing for the Regulation Management and Improvement of the Port of Melbourne and certain Portions of the River Yarra Yarra and certain Portions of the Maribyrnong River and for other purposes connected therewith.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

S. 1
amended by
Nos 9178 s. 7,
123/1986 s. 4.

1. *Short title and commencement*

This Act may be cited as the **Port of Melbourne Authority Act 1958** and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. *Repeals*

- (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.
- (2) Except as in this Act expressly or by necessary implication provided—
 - (a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and

subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

- (b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation rule by-law order decision appointment determination declaration direction certificate licence security debenture stock agreement lease contract grant report proceeding notice toll rate charge transfer vesting liability or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act.

3. Definitions

Nos 3733 s. 3, 4422 s. 2.

In this Act unless inconsistent with the context or subject-matter—

"associated port" means a port, or a part of a port, that is declared under section 3AA to be an associated port for the purposes of this Act;

S. 3 def. of "associated port" inserted by No. 52/1988 s. 112(1)(a). S. 3 def. of "Authority" inserted by No. 9178 s. 7.

"Authority" means the Port of Melbourne Authority;

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S. 3 def. of "ballast" repealed by No. 82/1995 s. 126(2).

Port of Melbourne Authority Act 1958
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| s. 3 |
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|---|---|---|---|---|---|
| S. 3 def. of "Board" repealed by No. 7228, s.7(Sch. 4 Pt. 26(a)). | * | * | * | * | * |
| S. 3 def. of "books" inserted by No. 9592 s. 2, repealed by No. 82/1995 s. 126(2). | * | * | * | * | * |
| S. 3 def. of "buoys and beacons" repealed by No. 82/1995 s. 126(2). | * | * | * | * | * |
| S. 3 def. of "coastal waters" inserted by No. 52/1988 s. 112(1)(b), repealed by No. 82/1995 s. 126(2). | * | * | * | * | * |
| S. 3 def. of "Commis- sioners" repealed by No. 9178 s. 7. | * | * | * | * | * |
| S. 3 def. of "goods" and "cargo" amended by No. 7311 s. 2(a)(i), repealed by No. 82/1995 s. 126(2). | * | * | * | * | * |

Port of Melbourne Authority Act 1958
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| s. 3 |
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|---|---|---|---|---|--|
| * | * | * | * | * | <p>S. 3 def. of "Harbor- master" repealed by No. 123/1986 s. 5.</p> |
| * | * | * | * | * | <p>S. 3 def. of "master" repealed by No. 82/1995 s. 126(2).</p> |
| | | | | | <p>S. 3 def. of "Melbourne Port Corporation" inserted by No. 82/1995 s. 126(1).</p> |
| | | | | | <p>S. 3 def. of "member" inserted by No. 9178 s. 7.</p> |
| * | * | * | * | * | <p>S. 3 def. of "owner" amended by No. 7311 s. 2(a)(ii), repealed by No. 82/1995 s. 126(2).</p> |
| * | * | * | * | * | <p>S. 3 def. of "owner of a ship registered" repealed by No. 82/1995 s. 126(2).</p> |
| | | | | | <p>"person" includes a corporation whether aggregate or sole and any commission or other public body although not incorporated and persons trading together in partnership;</p> |

Port of Melbourne Authority Act 1958
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s. 3

S. 3
def. of "Port of
Hastings"
inserted by
No. 82/1995
s. 126(1).

"Port of Hastings" means the lands and waters
that, as at 1 January 1995, were the Port of
Hastings in accordance with section 3AA of
this Act;

S. 3
def. of "Port of
Westport"
inserted by
No. 52/1988
s. 112(1)(c),
repealed by
No. 82/1995
s. 126(2).

* * * * *

S. 3 defs of
"river", "ship",
"shore"
repealed by
No. 82/1995
s. 126(2).

* * * * *

S. 3
def. of "the
port"
substituted by
No. 6923 s. 2,
amended by
Nos 9178 s. 7,
82/1995
s. 126(3).

"the port" means—

- (a) so much of the Port of Melbourne the waters falling into it and the lands on the margin as is included within the metes and bounds described in Parts I and IV of the Second Schedule to this Act excluding therefrom the lands described in Part II of the said Schedule; and
- (b) any other lands vested in acquired by belonging to or otherwise howsoever under the management and control of the Authority which are declared by Order in Council made pursuant to the provisions of section 45A to be part of the port—

but does not include any land which ceases to be land of a kind referred to in section 45A whether because of the exercise with respect to it of a power under section 10(2),

50 or 56A of this Act or Part 8 of the **Port Services Act 1995** or for any other reason whatsoever;

* * * * *

S. 3
def. of
"vessel"
repealed by
No. 82/1995
s. 126(2).

"Victorian Channels Authority" means
Victorian Channels Authority established by
Division 2 of Part 2 of the **Port Services Act 1995**.

* * * * *

S. 3
def. of
"Victorian
Channels
Authority"
inserted by
No. 82/1995
s. 126(1).

S. 3
def. of
"wreck"
repealed by
No. 82/1995
s. 126(2).

S. 3AA
inserted by
No. 52/1988
s. 112(2).

3AA. Associated ports

(1) The Governor in Council may, on the recommendation of the Minister, from time to time by notice published in the Government Gazette declare any lands or waters (other than any lands or waters that on 1 January 1995 were part or all of—

- (a) the port; or
- (b) the port within the meaning of the **Port of Geelong Authority Act 1958**; or
- (c) the port within the meaning of the **Port of Portland Authority Act 1958**)—

to be an associated port for the purposes of this Act.

(2) Before making a recommendation in relation to Crown land within the meaning of the

S. 3AA(1)
amended by
No. 82/1995
s. 127(1).

Conservation, Forests and Lands Act 1987, the Minister must give a copy of the proposed recommendation to and consult with the Minister administering the **Conservation, Forests and Lands Act 1987**.

- (3) A notice must contain a description of the associated port that is sufficient to identify it and to define its boundaries.
- (4) Subject to section 114B and Part VA, the Authority has the same functions and powers in relation to an associated port as it had, immediately before 1 January 1995, in relation to the port with any modifications that are necessary because of the geography of the associated port.

S. 3AA(4) amended by No. 82/1995 s. 127(2).

S. 3AB inserted by No. 52/1988 s. 113, repealed by No. 82/1995 s. 135(1).

* * * * *

S. 3A inserted by No. 9178 s. 2.

3A. Change of name of Melbourne Harbor Trust Commissioners

- (1) The Melbourne Harbor Trust Commissioners established and constituted under the **Melbourne Harbor Trust Act 1958** shall after the commencement of the **Port of Melbourne Authority Act 1978** become and be known as the Port of Melbourne Authority and the **Melbourne Harbor Trust Act 1958** shall become and be known as the **Port of Melbourne Authority Act 1958**.
- (2) The Port of Melbourne Authority shall be deemed to be the same body as The Melbourne Harbor Trust Commissioners established and constituted under the **Melbourne Harbor Trust Act 1958** and no act matter or thing shall be in any way

abated or affected by reason of the alteration in the name thereof.

- (3) Every person holding the office of Commissioner under the **Melbourne Harbor Trust Act 1958** immediately before the commencement of the **Port of Melbourne Authority Act 1978** shall become and be a member of the Port of Melbourne Authority for the purposes of this Act and shall be a member of the Port of Melbourne Authority without any further or other authority than the provisions of this section for the remainder of the term for which he was appointed to be a Commissioner under the **Melbourne Harbor Trust Act 1958**.
- (4) Unless the context otherwise requires any reference occurring in any Act or in any Order in Council by-law regulation deed contract application notice sign list order complaint declaration transfer certificate security summons warrant bond recognizance or other instrument or any other document whatsoever—
- (a) to the **Melbourne Harbor Trust Act 1958** shall be deemed and taken to refer to and mean the **Port of Melbourne Authority Act 1958**;
 - (b) to The Melbourne Harbor Trust Commissioners shall be deemed and taken to refer to and mean the Port of Melbourne Authority;
 - (c) to any Commissioner or Commissioners of The Melbourne Harbor Trust Commissioners shall be deemed and taken to refer to and mean any member or members of the Port of Melbourne Authority; or
 - (d) to any officer or officers of The Melbourne Harbor Trust Commissioners shall be

s. 3A

Port of Melbourne Authority Act 1958

Act No. 6312/1958

deemed and taken to refer to and mean the corresponding officer or officers of the Port of Melbourne Authority.

**PART I—CONSTITUTION OF THE PORT OF MELBOURNE
AUTHORITY**

Pt 1 (Heading)
amended by
No. 9178 s. 7.

Constitution of Authority

4. Authority

Nos 3733 s. 4,
5697 s. 2(1)(a).

(1) There shall be a Port of Melbourne Authority for carrying this Act into execution.

S. 4(1)
amended by
No. 9178 s. 7.

(2) The Governor in Council may appoint six fit and proper persons to be members of the Port of Melbourne Authority and may appoint one of such persons to be the chairman of such Authority and may as any vacancy occurs in the office of the chairman or a member appoint some fit and proper person to fill such vacancy: Provided that in the event of a vacancy in the office of a member other than the chairman such person so appointed to fill such vacancy shall be a person representative of similar interests to those represented by the member through whom such vacancy occurred.

S. 4(2)
amended by
Nos 9178 s. 7,
9549 s. 2(1).

* * * * *

No. 3733
ss 5–7.

Ss 5–7
amended by
No. 9178 s. 7,
repealed by
No. 82/1995
s. 135(2).

* * * * *

Nos 3733 s. 8,
5697 s. 2(1)(b).

S. 8 amended
by Nos 6589
s. 2, 7946
s. 2, 9178 s. 7,
repealed by
No. 82/1995
s. 135(2).

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s. 9

No. 3733 s. 9.
S. 9
amended by
No. 9178 s. 7.

9. *Present members*

The present members shall for the respective terms for which they were appointed be deemed to be members and the present chairman shall be deemed to be the chairman as if appointed under this Act.

No. 3733 s. 10.
S. 10
amended by
Nos 9178 s. 7,
82/1995
s. 128(1).

10. *The Authority to be a body corporate*

(1) The Authority shall be a body corporate by the name of "Port of Melbourne Authority" and by that name shall have perpetual succession and a common seal and shall be capable in law of suing and being sued and shall have power to take purchase sell lease and hold lands tenements and hereditaments goods chattels and other property for the purposes of and subject to this Act; and all courts judges and persons acting judicially shall take judicial notice of the common seal of the said Authority affixed to any deed and shall presume that such seal was properly affixed thereto.

S. 10(2)
inserted by
No. 82/1995
s. 128(2).

(2) In addition to its other powers under this Act, the Authority must (if directed in writing to do so by the Treasurer after consultation with the Minister) sell, assign, transfer or otherwise dispose of any part of its assets, liabilities, undertaking or business to any person or body specified in the written direction, at the price specified in the written direction and subject to and in accordance with the other conditions (if any) specified in the written direction.

S. 10(3)
inserted by
No. 82/1995
s. 128(2).

(3) The exercise of a power conferred by sub-section (2) has effect despite anything to the contrary in this Act and even if, as a result of the exercise of that power, the Authority is no longer able to carry out a part of its functions under this Act.

- (4) No stamp duty or other tax is chargeable under any Act in respect of anything done under sub-section (2) at the direction of the Treasurer or in respect of any act or transaction connected with or necessary to be done by reason of sub-section (2) or by way of compliance with the direction, including a transaction entered into or an instrument made, executed, lodged or given for the purpose of, or connected with, the transfer of property to, or the creation of an interest in or in favour of, a purchaser or transferee.

S. 10(4)
inserted by
No. 82/1995
s. 128(2).

11. Treasurer may give directions to Authority

- (1) The Treasurer may give to the members of the Authority written directions in relation to the performance of the functions or exercise of the powers of the Authority.
- (2) The members of the Authority must comply with any direction given under sub-section (1).
- (3) The Treasurer must cause a copy of any direction given under sub-section (1) to be published in the Government Gazette as soon as practicable after it has been given.

S. 11
repealed by
No. 9178 s. 6,
new s. 11
inserted by
No. 82/1995
s. 129.

11A. Administration of Act

Subject to the Minister—

- (a) the Authority shall administer this Act; and
- (b) the Authority shall have and may exercise the rights powers and authorities and shall discharge the duties conferred or imposed on it by this Act or any other Act.

S. 11A
inserted by
No. 7311
s. 2(b),
amended by
No. 9178 s. 7.

12. Chairman of Port of Melbourne Authority

The chairman shall receive such salary and allowances as are determined by the Governor in Council.

Nos 3733
s. 13, 5970
s. 9.
S. 12
amended by
No. 8165 s. 7.

Nos 3733
s. 14, 5933
s. 2(3).
S. 13
amended by
Nos 6589 s. 3,
7054 s. 6,
7356 s. 6(2),
7581 s. 9,
7954 s. 7,
8082 s. 3(4),
9178 s. 7.

13. Attendance fees of other members

Every member (other than the chairman) shall for his services as a member be entitled to receive such remuneration as the Governor in Council determines.

No. 3733 s. 15.
S. 14
amended by
Nos 8199 s. 2,
9178 s. 7.

14. Salary etc. to be paid out of fund

The said salary allowances or remuneration shall be paid out of the Port of Melbourne Fund.

Nos 3733
s. 16, 4734
s. 2, 4751 s. 3.

15. Disability of chairman

S. 15(1)
repealed by
No. 123/1986
s. 6(1).

* * * * *

S. 15(2)
amended by
No. 123/1986
s. 6(2).

- (2) If immediately prior to the appointment of any person to the office of chairman such person—
 - (a) is an officer of the public service; or
 - (b) (having formerly been an officer of the public service) is engaged or employed in any office or capacity in which he is eligible on the recommendation of the Public Service Board to be re-appointed upon the termination of such engagement or employment to some office in the public service—

such person shall, if not required to continue to perform the duties of that office, engagement or employment after being appointed as chairman, be eligible on the recommendation of the Public Service Board to be re-appointed at the termination of his term of office as chairman to

some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately prior to his appointment as chairman or (as the case may be) his engagement or employment as aforesaid as if the whole period of his service as chairman and (where the case so requires) in any such other office or capacity had been a period of service in the public service.

(3) If the person appointed as chairman is at the date of his appointment an officer within the meaning of the **State Superannuation Act 1988** or any corresponding previous enactment he shall notwithstanding such appointment be deemed to continue subject to the said Act to be an officer within the meaning of the said Act and, notwithstanding that his salary as chairman may be paid at other intervals or on other days, his contributions to the Superannuation Fund shall be made at fortnightly intervals and on those days which are pay-days for permanent officers of the public service and, for the purposes of the said Act, such days shall be deemed to be his pay-days.

S. 15(3)
amended by
No. 50/1988
s. 93(2).

(4) Notwithstanding anything in the **State Superannuation Act 1988** where any payment is made by the Treasurer to the Superannuation Fund out of the Consolidated Fund in respect of a pension or other benefit paid—

S. 15(4)
amended by
Nos 9178 s. 7,
46/1987 s. 6,
50/1988
s. 93(2).

(a) to any person who at any time during that person's period of contribution to the Superannuation Fund held the office of chairman; or

S. 15(4)(a)
amended by
No. 46/1987
s. 6.

(b) to the spouse or children of any such person—

S. 15(4)(b)
amended by
No. 46/1987
s. 6.

there shall be paid into the Consolidated Fund out of the Port of Melbourne Fund an amount which

bears to the amount of such payment by the Treasurer as aforesaid the same proportion as the amount of such person's contributions to the Superannuation Fund during that person's period of office as chairman bears to the total amount of that person's contributions to the Superannuation Fund.

No. 3733 s. 17.
S. 16
amended by
No. 9178 s. 7.

16. *Tenure*

Each member shall subject to this Act be entitled to hold office for the term for which he is appointed but such term shall not exceed five years and any member may from time to time be re-appointed for any further term not exceeding five years.

No. 3733 s. 18.
S. 17
amended by
No. 9178 s. 7.

17. *Resignation of member*

The Governor in Council may at any time accept the resignation of any member.

No. 3733 s. 19.
S. 18
amended by
No. 9178 s. 7.

18. *Removal of member*

A member may be removed for misbehaviour or incompetence in the following manner:

- (a) A member may be suspended from his office by the Governor in Council for misbehaviour or incompetence but shall not be removed from office except as hereinafter provided.

The Governor in Council shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament is in session and actually sitting and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting.

- (b) A member suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the

time when such statement has been laid before it declares by resolution that the said member ought to be removed from office and if each House of Parliament within the said time so declares the said member shall be removed by the Governor in Council accordingly.

19. Quorum

Any four of the members shall form a quorum and shall have and may exercise and perform all the powers authorities and duties which by any Act or any means whatsoever are vested in or imposed upon the Authority.

Nos 3733
s. 20, 5697
s. 2(1)(c).
S. 19
amended by
No. 9178 s. 7.

20. Presiding member

- (1) The member presiding at a meeting of the said Authority shall in the event of an equal division of votes at such meeting have a second or casting vote.
- (2) In the absence of the chairman at any meeting, one of the members present shall be elected to take the chair and preside at such meeting.

Nos 3733
s. 21, 5697
s. 2(1)(d).
S. 20(1)
amended by
No. 9178 s. 7.

S. 20(2)
substituted by
No. 7946 s. 3,
amended by
No. 9178 s. 7.

21. Appointment of acting member

- (1) At any time when there is a deficiency in the number of members available for the transaction of business by reason of the absence from Victoria sickness or other incapacity of any member the Governor in Council may appoint any fit and proper person representative of similar interests to those represented by the member whose absence sickness or incapacity caused such deficiency in number to be an acting member for any period not exceeding six months in the place of such member so absent or incapacitated.

No. 3733 s. 22.
S. 21
amended by
No. 9178 s. 7.

- (2) Such acting member shall discharge the duties of such member so absent or incapacitated until the return to Victoria or removal of the incapacity of such member or the expiry of the period of appointment of such acting member whichever first happens.

No. 3733 s. 23.
S. 22
amended by
No. 9178 s. 7.

22. *Insolvent not to be or continue to be a member*

No person being an undischarged or uncertificated bankrupt or insolvent shall be capable of being a member and no member who is declared bankrupt or insolvent or who applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors or who compounds by deed or instrument in writing with his creditors or who stops payment in the common mercantile acceptance of the term shall be capable of continuing a member and the office of such member shall become vacant.

No. 3733 s. 24.
S. 23
amended by
Nos 9178 s. 7,
123/1986
s. 6(3).

23. *No person holding office under or concerned in any contract with the Authority to be a member*

- (1) If at any time after being appointed any member, other than the chairman, accepts or continues to hold any office or place of profit under the Authority or be concerned in any contract or participate in any manner in any work to be done under the authority of this Act, or derives or is entitled to any benefit either directly or indirectly therefrom, or is absent from four consecutive periodical meetings of the Authority without leave obtained from the Authority in that behalf such person shall cease to be a member, and his office thereupon shall become vacant.
- (2) If the chairman is absent from four consecutive periodical meetings of the Authority without leave of the Authority that person ceases to be a member, and the office of chairman becomes vacant.

S. 23(2)
inserted by
No. 123/1986
s. 6(4).

24. Exception

No person being a shareholder or member of any incorporated or joint stock company consisting of more than twenty persons shall be disqualified from acting as a member of the Authority by reason of any contract entered into between such company and the Authority; nevertheless it shall not be lawful for any such shareholder or member to act as a member of the Authority in any matter relating to any contract entered into between the Authority and such company.

No. 3733 s. 25.
S. 24
amended by
No. 9178 s. 7.

25. Application of certain provisions of the State Owned Enterprises Act 1992

Sections 41, 42, 43, 44, 53, 54 and 55 of the **State Owned Enterprises Act 1992** (with any necessary modifications) apply to the Authority as if in those sections—

- (a) a reference to a State business corporation or a corporation were a reference to the Authority;
- (b) a reference to the board of directors or board were a reference to the members of the Authority whether appointed under this Act or under section 8 of the **State Owned Enterprises Act 1992**;
- (c) a reference to the relevant Minister were a reference to the Minister administering this Act.

No. 3733 s. 26.
S. 25
amended by
Nos 9178 s. 7,
9549 s. 2(1),
9902 s. 2(1),
repealed by
No. 123/1986
s. 7, new s. 25
inserted by
No. 23/1995
s. 8.

* * * * *

No. 3733 s. 27.
S. 26
amended by
Nos 6999 s. 2,
9178 s. 7,
9549 s. 2(1),
repealed by
No. 123/1986
s. 7.

No. 3733 s. 28.

S. 27
amended by
No. 9178 s. 7,
repealed by
No. 123/1986
s. 7.

* * * * *

No. 3733 s. 29.

S. 28
amended by
Nos 9178 s. 7,
9549 s. 2(1),
repealed by
No. 123/1986
s. 7, new s. 28
inserted by
No. 82/1995
s. 130.

28. Annual report

The Authority, in its annual report for a financial year under Part 7 of the **Financial Management Act 1994**, must include—

- (a) a copy of each direction given under section 11(1) together with a statement of its response to the direction; and
- (b) a copy of the statement of corporate intent last completed.

No. 3733 s. 30.

S. 29
amended by
No. 9178 s. 7,
substituted by
No. 123/1986
s. 8.

29. Authority may regulate procedure

Subject to this Act, the Authority may regulate its procedure.

No. 3733 s. 31.

S. 30
amended by
Nos 9178 s. 7,
9549 s. 2(1),
9902 s. 2(1).

30. Authority's acts not invalidated by irregularity in appointment

No act or proceeding of the Authority or of any of its members shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of the act or proceeding, and all acts and proceedings of the Authority or of any of its members or of any person acting as a member shall notwithstanding it is afterwards discovered that there was some defect in the appointment of any such member or person acting as a member or that the members or of any of its members were disqualified or not

Port of Melbourne Authority Act 1958

Act No. 6312/1958

s. 30

entitled to act or vote be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member.

PART II—OFFICERS ETC.

No. 3733 s. 32.
S. 31
amended by
No. 9178 s. 7,
substituted by
No. 123/1986
s. 9.

31. *Authority may appoint officers etc.*

The Authority may appoint, on any terms and conditions it determines, any officers, servants and other people to assist in the execution of this Act that the Authority thinks necessary.

Ss 32–35¹ (see Note 1).

* * * * *

No. 3733 s. 37.

S. 36
amended by
Nos. 9178 s. 7,
81/1988 s. 39,
49/1992
s. 116(a)(b),
4/1996
s. 134(9)
repealed by
No. 50/1997
s. 5.

36A. *Long service leave*

- (1) The Authority shall grant subject to and in accordance with the regulations—
- (a) long service leave with pay to—
- (i) the chairman of the Authority; and
- (ii) a person who is one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act or is included in a class of officers, servants or persons so employed or appointed, being persons in respect of whom or a class of persons in respect of which the regulations provide for long service leave with pay; and

S. 36A
inserted by
No. 6999 s. 3,
amended by
Nos 7311
s. 2(c)(i)(ii),
8758 s. 2(a)–
(c), 9178 s. 7,
substituted by
No. 9444
s. 2(1),
amended by
No. 49/1992
s. 116(a)(b).

-
- (b) subject to sub-sections (2) and (3), payment in lieu of long service leave with pay to—
- (i) the chairman of the Authority, upon his ceasing to hold the office of chairman; and
 - (ii) a person who is one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act or is included in a class of officers, servants or persons so employed or appointed, being persons in respect of whom or a class of persons in respect of which the regulations provide for payment in lieu of long service leave with pay, upon that person leaving the service of the Authority.
- (2) Upon the death of—
- (a) the chairman of the Authority; or
 - (b) a person who was immediately before his death—
 - (i) one of the officers, servants or other persons employed or appointed by the Authority for the purposes of this Act, being persons in respect of whom the regulations provide for payment in lieu of long service leave with pay; or
 - (ii) included in a class of officers, servants or other persons employed or appointed by the Authority for the purposes of this Act, being a class of persons in respect of which the regulations provide for payment in lieu of long service leave with pay—

the Authority shall grant subject to and in accordance with the regulations payment in lieu of long service leave with pay to the legal personal representative of that deceased person.

(3) Where—

- (a) the Authority is required by paragraph (b) of sub-section (1) to grant payment in lieu of long service leave with pay to any person; and
- (b) the person dies before the Authority has paid to him the whole amount that it is required to pay pursuant to paragraph (b) of sub-section (1)—

the Authority shall to the extent to which the amount is unpaid grant subject to and in accordance with the regulations payment in lieu of long service leave with pay to the legal personal representative of that deceased person.

Ss 37–44² (see Note 3).

PART III—PROPERTY AND POWERS OF AUTHORITY

Pt 3 (Heading)
amended by
No. 9178 s. 7.

45. *Ports and rivers vested in the Authority*

No. 3733 s. 46.

(1) The bed and soil and shores of the waters and the pieces or parcels of land within the metes and bounds described in Parts I and III of the Second Schedule to this Act excluding therefrom the pieces or parcels of land described in Part II of the said Schedule are hereby declared to have been vested in the Authority under former Acts relating to the Melbourne Harbor Trust, upon trust for the purposes of the said Acts, and the same shall become and be vested in the Authority upon trust for the purposes of this Act, but subject to the estate and interest of any person in such pieces or parcels of land existing at the time of the passing of **The Melbourne Harbor Trust Act 1876** or since lawfully acquired and to the right of Her Majesty to resume possession at any time without payment of compensation of any land required for giving ingress egress and regress to and from the shore for the purpose only of proclaiming such land a public highway.

S. 45(1)
amended by
Nos 6871
s. 11(4), 9178
s. 7, 9427
s. 6(1).

(2) All that piece or parcel of land described in Part IV of the Second Schedule to this Act shall be and as from the first day of August One thousand nine hundred and eighteen be deemed to have been vested in the Commissioners under former Acts relating to the Melbourne Harbor Trust and shall become and be vested in the Authority upon trust for the purposes of this Act, and shall be and as from the said day be deemed to have been and shall continue to be included in the port subject to

S. 45(2)
amended by
No. 9178 s. 7.

Port of Melbourne Authority Act 1958

Act No. 6312/1958

s. 46

the provisions of the last preceding sub-section as if it were included in the lands declared by that sub-section to have been vested.

It shall be and as from the said day be deemed to have been the duty of the Authority to dredge cleanse and scour all channels on the said land and leading therefrom to the piers at Williamstown and Port Melbourne respectively and to maintain and improve the said channels.

S. 45A
inserted by
No. 6923 s. 3,
amended by
No. 9178 s. 7,
repealed by
No. 82/1995
s. 135(6).

* * * * *

No. 3733 s. 47.
S. 46
amended by
Nos 8353
s. 19, 9178
s. 7, 9921
s. 255,
repealed by
No. 123/1986
s. 16, new
s. 46 inserted
by No.
23/1995 s. 9.

46. *Power to excise land from the port*

The Governor in Council, by Order published in the Government Gazette, may excise from the port any land specified in the Order.

Ss 47–49³ (see Note 4).

Nos 3733
s. 51, 5947
s. 2.
S. 50
amended by
Nos 6999
s. 6(a), 9178
s. 7, 9427
s. 6(1),
substituted by
No. 123/1986
s. 17.

50. *Sale etc. of land*

(1) In this section, "**develop**" means improve land for any commercial or civic or other public or private purpose, and includes the construction, demolition or substantial alteration of any structure in or on the land or the excavation of the land.

(2) The Authority may, subject to section 50A—

(a) sell any land that is vested in or acquired by or that belongs to it; or

S. 50(2)(a)
amended by
No. 23/1995
s. 12(1).

-
- (b) grant a lease of any land that is vested in or acquired by or that belongs to it, or a licence over it, even though the land was—
- (i) granted to the Authority or any other person subject to a trust or condition requiring it to be used for a particular purpose; or
- (ii) temporarily or permanently reserved for any purpose under the **Crown Land (Reserves) Act 1978** or any previous Act relating to Crown land; or
- (c) develop any land that is vested in or acquired by or that belongs to it.
- (3) In developing land the Authority may—
- (a) subdivide and re-subdivide the land; or
- (b) consolidate the title to it; or
- (c) grant or create an easement over it in favour of any person and on any terms and conditions; or
- (d) effect or arrange with other people for the development on any terms and conditions; or
- (e) maintain, operate and manage or arrange with other people to maintain, operate and manage the land and any buildings, works, structures and other property on it; or
- (f) promote a Property Trust and—
- (i) with the consent of the Treasurer, subscribe for or otherwise acquire and dispose of any unit in the Trust; and
- (ii) arrange with the Trust for the management of the Trust by the Authority; and
- S. 50(2)(b) amended by No. 23/1995 s. 12(1).
- S. 50(2)(c) amended by No. 23/1995 s. 12(1).

- (iii) enter into any contracts with the Trust that the Authority decides are necessary to guarantee an agreed return to unit holders in the Trust; and
 - (iv) make any loans to the Trust that the Authority determines, on any terms that the Authority determines.
- (4) A Property Trust must provide that the trustees are to be appointed by the Minister.
- (5) On the sale of any land under this section or the transfer, sale or surrender under any other Act of any land that is vested in or acquired by or that belongs to the Authority—
- (a) that land is no longer subject to any trust referred to in section 45; and
 - (b) despite section 55(1), that land forms part—
 - (i) if it is situated within the corporation of the city of Melbourne, of that corporation; and
 - (ii) in any other case, of the municipal district in which it is situated.

S. 50(5)
inserted by
No. 52/1989
s. 4, amended
by No.
23/1995
s. 12(2).

S. 50A
inserted by
No. 123/1986
s. 18,
substituted by
No. 82/1995
s. 131.

S. 50B
inserted by
No. 82/1995
s. 131.

50A. *Treasurer's approval required*

The Authority must not, under section 50, sell any land or grant a lease of, or licence over, any land without the prior written approval of the Treasurer.

50B. *Land tax*

Section 10 of the **Land Tax Act 1958** does not apply to land that ceases to be exempt from land tax under section 9(1)(b) of that Act because of it ceasing to be vested in the Authority after the commencement of section 131 of the **Port Services Act 1995**.

50C. Validation of certain leases

A lease granted by the Authority under section 50 of any land for a term of more than 21 years at any time between 23 December 1986 and the commencement of section 131 of the **Port Services Act 1995** is not, and must be taken never to have been, invalid only because it was granted without the approval of the Minister and any such lease has effect, and must be taken always to have had effect, according to its tenor.

S. 50C
inserted by
No. 82/1995
s. 131.

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No. 3733
s. 54(1).

S. 51
amended by
No. 9178 s. 7,
repealed by
No. 82/1995
s. 135(9).

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No. 3733
s. 54(2)(3).

S. 52
amended by
Nos. 6999
s. 6(b), 9178
s. 7, 57/1989
s. 3(Sch. item
159.1),
repealed by
No. 82/1995
s. 135(9).

* * * * *

No. 3733
s. 54(4).

S. 53
amended by
Nos 9178 s. 7,
57/1989
s. 3(Sch. item
159.2),
repealed by
No. 82/1995
s.135(9).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 55

No. 3733 s. 55.

S. 54

amended by
Nos 9178 s. 7,
121/1986

s. 112,

repealed by

No. 82/1995
s. 135(9).

No. 3733 s. 56.

S. 55(1)

amended by
Nos 9178 s. 7,
12/1989

s. 4(1)(Sch. 2
items 94.1,
94.2), 82/1995
s. 132.

S. 55(2)

amended by
Nos 9178 s. 7,
12/1989

s. 4(1)(Sch. 2
item 94.3).

S. 56

repealed by

No. 6999

s. 6(c), new

s. 56 inserted

by No.

82/1995 s.

~~56~~6A

inserted by

No. 82/1995

s. 133.

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55. Authority's lands to be free from municipal rates

- (1) All lands for the time being vested in or belonging to the Authority shall be deemed to be severed from the council of the City of Melbourne or from any municipal district in which such lands are situated, and such lands shall be exempt from any rate or charge which the council of the City of Melbourne or any municipal council but for this section might have imposed or levied thereon.
- (2) Nothing herein shall preclude the council of the City of Melbourne or any other municipal council from levying and collecting rates upon tenements erected on such lands occupied for private purposes and otherwise than by the Authority.

56. Formation of companies

The Authority may, with the approval of the Treasurer, form, or participate in the formation of, or be a member of, companies.

56A. Treasurer may exercise certain Authority powers

- (1) The Treasurer, after consultation with the Minister, may exercise any power of the Authority with respect to—
 - (a) the sale of, or the granting of a lease of or licence over, any land; or
 - (b) the sale, assignment, transfer or disposal in any other way of any part of the assets, liabilities, undertaking or business of the Authority—

and the exercise of that power by the Treasurer is for all purposes as effectual as if it had been exercised by the Authority.

- (2) The Treasurer may, and the Authority must, do anything necessary to make the exercise of a power under sub-section (1) fully effective.

56B. Indemnity

- (1) The Treasurer, on behalf of the Government of Victoria, may by instrument on such terms and conditions (including payment of fees) as the Treasurer determines indemnify the Authority or any other person in respect of the whole or any part of the liability of the Authority or any liability arising in relation to the business that is or has been carried on by the Authority or by a company while all its shares were beneficially held by the Authority.
- (2) Any sums required by the Treasurer in fulfilling any liability arising under an indemnity given under this section must be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

S. 56B inserted by No. 82/1995 s. 133.

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No. 3733 s. 58. S. 57 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

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No. 3733 s. 59. S. 58 amended by Nos 9178 s. 7, 12/1989 s. 4(1)(Sch. 2 item 94.4), repealed by No. 82/1995 s. 135(6).

s. 58A

S. 58A
inserted by
No. 123/1986
s. 19.

58A. Authority may act as agent

- (1) The Authority may, with the approval of the Minister, arrange with any person to act as the agent of that person for any purpose that the Minister approves.
- (2) That power is in addition to the Authority's other powers.

Ss 59–73⁴ (see Note 5).

No. 3733 s. 76.

74. The Authority may make contracts etc.

S. 74(1)
amended by
No. 9178 s. 7.

- (1) The Authority may enter by the corporate name of the Authority into contracts with any persons for the execution of any work authorized by this Act to be done by the Authority or which the Authority thinks proper to do or to direct to be done under or by virtue of the powers conferred on the Authority by this Act, or for furnishing materials or labour or for providing proper engines or other power or for any other matters and things whatsoever necessary for enabling the Authority to carry the purposes of this Act into full and complete effect in such manner and upon such terms and for such sum of money and under such stipulations regulations and restrictions as the Authority thinks proper and the Authority shall give such previous notice of such contract as is required by regulations.

S. 74(2)
repealed by
No. 8199 s. 5.

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S. 74(3)
repealed by
No. 7547 s. 3.

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No. 3733 s. 77.
S. 75
amended by
No. 9178 s. 7.

75. The Authority may compound for breach of contracts

The Authority may from time to time compound and agree with any person who has entered into any contract in pursuance or under the authority of

Port of Melbourne Authority Act 1958

Act No. 6312/1958

this Act or any corresponding previous enactment or against whom any action or suit is brought for any penalty contained in any such contract or in any bond or other security for the performance thereof, or for or on account of any breach or non-performance of any such contract bond or security for such sum of money or other recompense as the Authority thinks proper.

75A. *Power to the Authority to take and enforce indemnities etc.*

The Authority shall have and shall be deemed always to have had power to receive accept hold and enforce according to its terms any undertaking indemnity bond or other security whereby the Authority is secured indemnified or otherwise protected against loss or damage to the Authority or to any other person arising out of or connected with the use by any person of any place structure equipment vessel or vehicle provided by the Authority or the exercise of any right power or privilege granted by the Authority and whether caused by negligence, wrongful act or omission, act of God, or inevitable accident.

**S. 75A
inserted by
No. 8199 s. 6,
amended by
No. 9178 s. 7.**

Ss 76–106B⁵ (see Note 6).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 107

No. 3733
ss 112, 113,
117.
Pt 4 (Heading
and
ss 107–114A)
amended by
Nos 7311
s. 2(g), 7617
s. 2(a)(b), 8199
ss 9(1)(2), 10,
11, 8627
ss 5–7(1),
9178 s. 7,
9444 s. 3,
123/1986
ss 22(1)–(4),
23, 24,
52/1988
ss 114(a)–(d),
115 repealed
by No.
82/1995 s.
135(10).⁶

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PART V—PORT OF MELBOURNE FUND ETC.^{7, 8}

Pt 5 (Heading)
amended by
No. 9178 s. 7.

* * * * *

S. 114B
inserted by
No. 52/1988
s. 116,
repealed by
No. 82/1995
s. 135(11).

115. *Port of Melbourne Fund*

Nos 3733
s. 118, 4231
s. 18.

S. 115
amended by
No. 9178 s. 7.

(1) All tolls rates and charges authorized by this Act or which by Act of Parliament or otherwise are at any time given granted to and received or taken by the Authority and also all moneys which are received by the Authority under the authority of this Act including all moneys which are received by the Authority from leases licences rents fines penalties and forfeitures and any other source or fund whatsoever together with any moneys borrowed shall be paid into and form a fund to be called the "Port of Melbourne Fund," and shall be applicable to and be applied by the Authority in carrying this Act into execution.

S. 115(1)
amended by
Nos 7617
s. 2(c)(i),
82/1995
s. 134(1).

(2) The proceeds or instalments of proceeds derived from any exercise, after the commencement of section 134(2) of the **Port Services Act 1995**, of a power under section 10(2), 50 or 56A of this Act must be paid into the Fund.

S. 115(2)
substituted by
No. 7617
s. 2(c)(ii),
repealed by
No. 9887
s. 4(1)(a), new
s. 115(2)
inserted by
No. 82/1995
s. 134(2).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 115

S. 115(3)
inserted by
No. 82/1995
s. 134(2).

(3) The Authority must deal with any proceeds or instalments of proceeds referred to in sub-section (2) as directed by the Treasurer in writing.

S. 115(4)
inserted by
No. 82/1995
s. 134(2).

(4) The Treasurer under sub-section (3) may direct the Authority—

(a) to repay, discharge or satisfy—

(i) any specified liability of the Authority, including any liability of the Authority in respect of financial accommodation obtained, or financial arrangements entered into, by the Authority;

(ii) any specified liability of the Treasury Corporation of Victoria in respect of a liability in respect of financial accommodation obtained, or financial arrangements entered into, by the Authority;

(b) to defray any specified expenses incurred in connection with any exercise of a power under section 10(2), 50 or 56A after the commencement of section 134(2) of the **Port Services Act 1995**;

(c) to pay any specified part of the proceeds or instalments of proceeds referred to in sub-section (2) into the Consolidated Fund.

Ss 116–119⁹ (see Note 10).

120. Financial accommodation

The Authority may obtain financial accommodation in accordance with the powers conferred on it by the **Borrowing and Investment Powers Act 1987** for and in relation to the exercise of its functions and powers other than its functions and powers in respect of any associated port.

Nos 3733
s. 122, 3847
ss 2(1), 3(1),
5016 s. 2(1),
5598 s. 2(1),
5697 s. 5,
5947 s. 3.

S. 120
amended by
Nos 7311
s. 2(h), 7661
s. 2(a), 8199
s. 12, 9127
s. 2(1), 9178
s. 7, 9617
s. 2(1), 9887
s. 4(1)(b),
substituted by
No. 99/1993
s. 20.

121. Security

Financial accommodation obtained under this Act or the **Borrowing and Investment Powers Act 1987** may be secured on the revenues or other assets of the Authority or in such other manner as the Treasurer approves.

No. 3733
s. 123.

S. 121
amended by
No. 9178 s. 7,
substituted by
No. 99/1993
s. 20.

122. Security to be without preference

All persons to whom security under this Act was given before the commencement of section 21 of the **Borrowing and Investment Powers (Amendment) Act 1993** or who are entitled to moneys so secured shall in proportion to the sums therein respectively mentioned be creditors on the said tolls rates charges fines rents and other profits equally one with another without any preference in respect of the priority of advancing such moneys or of the dates of any such securities respectively.

No. 3733
s. 124.

S. 122
amended by
No. 99/1993
s. 21(a).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 123

Nos 3733
s. 125, 3847
s. 2(2).
S. 123
amended by
Nos 9178 s. 7,
99/1993
s. 21(b).

123. Power to take up money at a less rate of interest

If the Authority can at any time borrow or take up any sums of money for any of the purposes of this Act at a lower rate of interest than any securities given by the Authority under this Act and which are in force bear, then it shall be lawful for the Authority with the consent of the Governor in Council to borrow such sums of money as the Authority thinks proper at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and to charge the tolls rates charges fines rents and other profits payable under this Act or any part thereof with the payment of such sum and such lower rate of interest in such manner and subject to the provisions herein contained with respect to other moneys borrowed on mortgage.

No. 3733
s. 126.
S. 124
amended by
Nos 110/1986
s. 140(2),
99/1993
s. 21(c).

124. Receiver

In default of payment of any principal money or interest secured before the commencement of section 21 of the **Borrowing and Investment Powers (Amendment) Act 1993** by an assignment of the whole or any portion of the tolls rates charges fines rents and other profits the Supreme Court may on application by the person who has lent or advanced such principal money or of his trustees from time to time appoint some person or persons to be a receiver of the whole or portion of the tolls rates charges fines rents and other profits so assigned and any such person may at any time remove.

Every such receiver shall be deemed an officer of and shall act under the direction of the Supreme Court and shall be entitled to receive the whole or any portion of such tolls rates charges fines rents

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Act No. 6312/1958

and other profits so assigned, and to be paid such commission as and by way of remuneration as the Supreme Court appoints.

Such receiver shall hold all such moneys received by him after payment of costs and expenses and of his commission for the benefit of the person who has lent or advanced such principal moneys or his trustees.

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| * | * | * | * | * | Nos 3733 s. 127, 3847 ss 2(3), 3(2), 4422 s. 4, 5016 s. 2(2), 5598 s. 2(2), 5697 s. 5, 5947 s. 3. S. 125 amended by Nos 7661 s. 2(b), 8199 s. 12, 9127 s. 2(2), 9178 s. 7, 9617 s. 2(2), 99/1993 s. 21(d), repealed by No. 82/1995 s. 135(12). S. 125A inserted by No. 7946 s. 5, amended by Nos. 9019 s. 2(1), 9178 s. 7, 52/1989 s. 5(d), 99/1993 s. 21(e), repealed by No. 82/1995 s. 135(12). Nos 3733 s. 128. |
| * | * | * | * | * | S. 126 amended by No. 9178 s. 7, 9444 s. 4(1), 123/1986 s. 25, 99/1993 s. 21(f), repealed by No. 82/1995 s. 135(12). |

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| * | * | * | * | * | <p>No. 3733 s. 129.</p> <p>S. 127 repealed by No. 82/1995 s. 135(12).</p> |
| * | * | * | * | * | <p>No. 3733 s. 130.</p> <p>S. 128 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(12).</p> |
| * | * | * | * | * | |

Nos 3733
s. 131, 4422
s. 5.

S. 129
amended by
Nos 9178 s. 7,
99/1993
s. 21(g),
repealed by
No. 82/1995
s. 135(12).

Ss 130–134A¹⁰ (see Note 11).

S. 134B
inserted by
No. 9178
s. 4(2).

134B. *Investment of surplus and other moneys*

S. 134B(1)
amended by
No. 99/1993
s. 21(l)(i).

- (1) Notwithstanding anything to the contrary in this or any other Act any moneys received or held by the Authority from time to time and forming part of any sinking fund or any reserve or reserve fund or any temporary surplus of the Port of Melbourne Fund may be invested by the Authority in accordance with its powers under the **Borrowing and Investment Powers Act 1987**—

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 134B

* * * * *

S. 134B(1)(a)
amended by
No. 9902
s. 2(1),
repealed by
No. 99/1993
s. 21(l)(ii).

- (b) in securities guaranteed by the Government of Victoria;
- (c) in securities of the Commonwealth of Australia;
- (d) on fixed deposit with any bank;
- (e) on current account with any bank;
- (f) on deposit with any corporation declared pursuant to section 38(7)(b) of the **Companies Act 1961** to be an authorized dealer in the short-term money market;

* * * * *

S. 134B(1)(g)
repealed by
No. 99/1993
s. 21(l)(ii).

(2) Any interest earned in respect of moneys referred to in sub-section (1) shall—

S. 134B(2)
amended by
No. 99/1993
s. 21(m).

- (a) in the case of moneys forming part of a sinking fund—be credited to that fund; and
- (b) in the case of moneys forming part of any reserve or other fund—be credited to the reserve or fund from which the moneys were taken to be invested or placed or to the credit of the Port of Melbourne Fund as the Authority determines.

* * * * *

No. 4422 s. 9.
S. 135
amended by
No. 9178 s. 7,
repealed by
No. 82/1995
s. 135(11).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 135AA

S. 135AA
inserted by
No. 99/1993
s. 22.

135AA. *Investment by Authority*

The Authority may invest money of the Authority
in accordance with powers conferred on it by the
Borrowing and Investment Powers Act 1987.

Port of Melbourne Authority Act 1958
Act No. 6312/1958

s. 135A

* * * * *

**Pt 5A
(Heading and
ss 135A–135I)
inserted by
No. 52/1988
s. 117,
amended by
No. 31/1994
s. 4(Sch. 2
item 66),
repealed by
No. 82/1995
s. 135(13).**

PART VI—REGULATIONS

136. *The Authority may make regulations*

Nos 3733
s. 138, 4222
s. 11.

S. 136
amended by
Nos 6886 s. 3,
6999
s. 18(c)(d),
9178 s. 7,
25/1992

s. 3(a).
S. 136(1)
amended by
No. 82/1995
s. 135(14)(c).

(1) Subject to the provisions contained in this Act and so far as consistent therewith the Authority with the approval of the Governor in Council may from time to time make regulations for or relating to all or any of the following subjects:

S. 136(1)(a)
amended by
No. 9549
s. 2(1).

(a) The appointment of the place and hour of meetings of the Authority and the management and conduct of business thereat;

S. 136(1)(aa)
inserted by
No. 9444
s. 2(2).

(aa) Long service leave with pay and payment in lieu of long service leave with pay for or in respect of—

- (i) the Chairman of the Authority; and
- (ii) officers, servants and other persons or classes of officers, servants and other persons employed or appointed by the Authority for the purposes of this Act—

including, but without limiting the generality of the foregoing, the definition of the nature and extent of service (being service before or after the commencement of section 2 of the **Port of Melbourne Authority (Amendment) Act 1980**) which the Authority may take into account when determining an entitlement to long service

leave with pay or payment in lieu of long service leave with pay;

- (b) The control supervision and guidance of all officers and property appointed by or vested in or belonging to the Authority and the time and mode of accounting by officers of all moneys coming to their hands;

S. 136(1)(c)–(ua)¹¹ (see Note 12).

- (v) All matters and things authorized or required to be prescribed or necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act, and in particular without affecting the generality of the foregoing to the making of regulations for or with respect to—

S. 136(1)(v) amended by Nos 9178 s. 5(c), 82/1995 s. 135(14)(b)(i).

- (i) prescribing any forms for use under this Act (and any forms so prescribed or to the like effect shall be sufficient in law); and

S. 136(1)(v)(i) amended by No. 82/1995 s. 135(14)(b)(ii).

* * * * *

S. 136(1)(v)(ii) repealed by No. 82/1995 s. 135(14)(b)(iii).

and generally for carrying out the objects and purposes of this Act or for giving effect to any of the provisions of this Act.

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S. 136(2) inserted by No. 25/1992 s. 3(c), repealed by No. 82/1995 s. 135(14)(d).

- (3) Regulations made under this section may impose—

S. 136(3) inserted by No. 25/1992 s. 3(c), amended by No. 82/1995 s. 135(14)(e).

- (a) a penalty of not more than 20 penalty units for the commission of the offence; and

S. 136(4)
inserted by
No. 25/1992
s. 3(c).

(b) a penalty of not more than 1 penalty unit for each day an offence continues after conviction.

(4) Regulations made under this section may—

(a) be general or may be restricted in operation as to when, where, to whom or how they apply, and regardless of whether any of these circumstances can be determined before, at, or after the making of the regulations;

(b) require a matter affected by the regulations to be approved by, or to the satisfaction of, a person or body or a class of people or bodies;

(c) apply, adopt or incorporate by reference any matter contained in any code, standard, rule, specification, method or other document issued by any authority or body—

(i) wholly or partly or as amended by the regulations;

(ii) as in existence at the time the regulations are made or at any time before then;

(iii) as amended from time to time;

(d) confer a power or a discretionary authority on a person or body or a class of people or bodies;

(e) exempt a person, body or thing, or a class of people, bodies or things, from any of the provisions of the regulations conditionally or unconditionally, and either wholly or partly.

S. 136(4A)
inserted by
No. 104/1994
s. 35(Sch. 2
item 8).

(4A) Regulations made under this section, whether before, on or after the commencement of the **Subordinate Legislation Act 1994**, are deemed

to be statutory rules within the meaning of the
Subordinate Legislation Act 1994.

- (5) Regulations made under this section may be disallowed in whole, or in part, by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the **Subordinate Legislation Act 1962.**

S. 136(5)
inserted by
No. 25/1992
s. 3(c).

- (6) Disallowance under sub-section (2) is deemed to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962.**

S. 136(6)
inserted by
No. 25/1992
s. 3(c).

Ss 137–139¹² (see Note 13).

PART VII—MISCELLANEOUS¹³

Ss 140–148¹⁴ (see Note 15).

No. 3733
s. 151.

149. *Responsibility of master for acts of persons on board*

Whenever any person other than the master on board of or employed in or about any vessel has failed to observe any of the regulations or has incurred any penalty under this Act or the regulations, then and in every such case the master shall be liable to the penalty prescribed as well as the immediate offender, and shall be subject to the same method of enforcing the same as if he had been the immediate offender.

No. 3733
s. 152.

150. *Accountability for damage*

S. 150(1)
amended by
Nos 6999
s. 20, 9178
s. 7.

(1) The Authority may recover damages in any court of competent jurisdiction from the owner master and agent of any vessel or any of them for any injury caused by such vessel or by any boatman or other persons belonging to or employed in or about such vessel to the property or effects of the Authority or the banks or wharfs or other works erected maintained or repaired under the provisions of this Act.

S. 150(2)
substituted by
No. 8199 s. 15.

(2) The owner master and agent of a vessel shall be liable for any injury referred to in sub-section (1) notwithstanding—

- (a) that the injury was caused by act of God or inevitable accident or otherwise without negligence or wrongful act or omission on the part of any person; or
- (b) that the vessel was under compulsory pilotage.

151. Saving

Nothing in the last preceding section shall prejudice any other rights which the Authority may have or limit any liabilities to which the vessel or the master owner or agent thereof may be subject in respect of any injury caused by such vessel.

No. 3733
s. 153.
S. 151
amended by
No. 9178 s. 7.

152. Liability of certain persons to owner etc. of vessel causing damage

Where any sum has been paid to the Authority by or recovered from the owner master or agent of any vessel as damages for any injury under section one hundred and fifty of this Act such owner master or agent (as the case may be) may if the injury was due to the negligence of some person other than such owner master or agent recover from such person such sum (together with the costs of levying and recovering the same) in any court of competent jurisdiction:

Nos 3733
s. 154, 4191
s. 2.
S. 152
amended by
No. 9178 s. 7.

Provided that nothing in this section shall deprive any licensed pilot of the benefit of any statutory limitation of his liability.

Ss 153–159¹⁵ (see Note 16).

160. Procedure as to goods or property of the Authority or in custody of the Authority

In any proceedings for the prosecution of any offence whether summary or indictable in connexion with any goods or property being in or upon any building wharf pier land or premises belonging to or under the control of the Authority or being in the possession of any officer of the Authority in his capacity as such officer it shall be sufficient to lay such goods or property in the Authority and such goods or property shall for the

No. 3733
s. 161.
S. 160
amended by
No. 9178 s. 7.

purposes of such prosecution be deemed to be the
goods or property of the Authority.

S. 161
repealed by
No. 9178 s. 6,
new s. 161
inserted by
No. 52/1988
s. 120,
repealed by
No. 82/1995
s. 135(15).

* * * * *

No. 3733
s. 163.

162. *Burden of proof that a vessel is exempted*

If in any legal proceeding under this Act any question arises whether any vessel is or is not within the provisions of this Act or of some particular part thereof such vessel shall be taken to be within such provisions unless proof to the contrary is adduced.

No. 3733
s. 164.

163. *How proceedings to be taken*

S. 163
amended by
No. 9178 s. 7.

It shall be lawful for the Authority to sue and take any proceedings against any person who steals takes or carries away or wilfully defaces or injures any property article or thing belonging to the Authority, and in every such case it shall be sufficient to state generally the property article or thing in respect of which such proceedings have been taken to be the property of the Authority.

No. 3733
s. 165.

164. *Service of notice on the Authority*

S. 164
amended by
No. 9178 s. 7.

Any summons notice writ or other proceeding required to be served upon the Authority may lawfully be served by delivering the same personally to the secretary or by leaving the same at the office of the Authority.

No. 3733
s. 166.

165. *Service to be good if made personally or at abode or on board ship etc.*

S. 165
amended by
No. 6999
s. 23(a)(i).

(1) Service of any summons or other process in any legal proceeding under this Act shall be deemed

good service if made personally on the person to be served or if made at his last-known place of abode or business or if made on board any ship to which he belongs and accompanied with a statement of the purport thereof to the person in command or appearing to be in command or charge of such ship.

- (2) This section shall be construed as in aid of and not in derogation from any provision in any other Act relating to the service of summonses or legal process.

S. 165(2)
inserted by
No. 6999
s. 23(a)(ii).

165A. Service of informations on owners and masters of vessels

A charge-sheet and summons against the owner or master of a vessel for an offence against this Act or the regulations may be served by serving it on the agent for the vessel.

S. 165A
inserted by
Nos 6999
s. 23(b),
57/1989
s. 3(Sch. item
159.4).

166. Authentication of notices

Every summons demand or notice or other like document issued or given under the provisions of this Act may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if signed by any member or by a person who is authorised by the Authority to do so, and need not be sealed with the common seal of the Authority.

No. 3733
s. 167.
S. 166
amended by
Nos 9178 s. 7,
123/1986
s. 13(5).

* * * * *

No. 3733
s. 168.
S. 167
amended by
Nos 9178 s. 7,
57/1989
s. 3(Sch. item
159.5),
repealed by
No. 82/1995
s. 135(15).

168. Penalties

No. 3733
s. 169.

S. 168
amended by
No. 6999
s. 24(b).

S. 168(1)
inserted by
No. 6999
s. 24(a),
amended by
Nos 8796
s. 2(i)(i)(ii),
9945 s. 3(1).

(1) Every person who contravenes or fails to comply with any provision of this Act or of the regulations or who fails to comply with any direction or notice given pursuant to this Act shall be guilty of an offence against this Act and shall be liable where no penalty is specially provided to a penalty of not more than 20 penalty units and where the contravention or failure is of a continuing nature to a further penalty of not more than 1 penalty unit for every day during which the contravention or failure continues after conviction.

S. 168(2)
amended by
No. 9178 s. 7.

(2) All penalties recovered for offences against this Act or against any regulation for the time being in force under this Act shall be paid to the Port of Melbourne Fund, and are hereby appropriated for the purposes of this Act.

S. 169
repealed by
No. 9178 s. 6,
new s. 169
inserted by
No. 9221 s. 2.

169. Construction of World Trade Centre approved

(1) The construction of a World Trade Centre in the Port of Melbourne is hereby approved.

(2) In addition to and without in any way limiting or derogating from any of the powers conferred upon the Authority by or under this Act the Port of Melbourne Authority is hereby authorized and shall be deemed always to have been authorized to do and suffer all such acts matters and things as are necessary or expedient for the purpose of constructing maintaining and operating a World Trade Centre in the Port of Melbourne.

S. 169(3)
inserted by
No. 123/1986
s. 31.

(3) In this section, "**World Trade Centre**" includes offices, shops, exhibition facilities, hotels,

convention rooms and centres, gallerias, display areas, car parks, connecting concourses, roads, bridges and walkways, and associated buildings and structures.

170. *Effect of surrender or divesting of land under Melbourne City Link Act 1995*

S. 170
inserted by
No. 107/1995
s. 124.

If, under section 31 of the **Melbourne City Link Act 1995**, the Authority surrenders or is divested of any land vested in the Authority, that land on that surrender or divesting—

- (a) to the extent that it is described in Part I or III or IV of the Second Schedule is deemed to be excluded from that Schedule; and
 - (b) if it is part of the port, ceases to be part of the port.
-

Port of Melbourne Authority Act 1958
Act No. 6312/1958

Sch. 2

SCHEDULES

Sch. 1
repealed by
No. 82/1995
s. 135(16).

* * * * *

Sections 3,
45.
Nos 4485 s. 2,
4508 ss 5, 8,
4805 s. 4(3).

SECOND SCHEDULE

PART I

All those pieces or parcels of land, commencing at a point near the eastern shore end of the southern side of the Breakwater Pier at Williamstown and bearing S. 74° 36' E. one thousand six hundred and sixty-nine links and six-tenths from the intersection of the northern side of Little Nelson-street with the western side of Morris-street; bounded thence by lines bearing respectively N. 77° 15' 14" E. twenty-five thousand two hundred and fifty-two links and four-tenths, N. 25° 28' W. one thousand one hundred and twenty-eight links and two-tenths, N. 42° 08' W. eight hundred and sixty-six links and two-tenths, N. 49° 26' W. one thousand and forty-three links and three-tenths, and N. 43° 28' W. seven hundred and forty-eight links and seven-tenths to a point where the last-named line meets the prolongation of the centre line of Fraser-street southwards which said centre line is the boundary between the municipal districts of St. Kilda and South Melbourne; thence by lines bearing respectively N. 59° 07' W. seventy-eight links and five-tenths, N. 60° 05' W. nine hundred and fifty-five links and six-tenths, N. 62° 40' 30" W. nine hundred and nineteen links and eight-tenths, N. 65° 43' 30" W. seven hundred and seventy-five and four-tenths, N. 65° 13' W. one thousand six hundred and ninety-nine links and seven-tenths, N. 63° 08' W. eight hundred and forty-nine links and eight-tenths, N. 69° 22' W. seven hundred and three links and four-tenths, N. 66° 04' W. one hundred and fifty links and two-tenths, N. 66° 12' W. three thousand nine hundred and sixty-one links and eight-tenths, N. 60° 50' 30" W. nine hundred and fifty-four links and nine-tenths, N. 66° 52' 30" W. seven hundred and fourteen links and three-tenths, N. 72° 58' W. one thousand and ninety-six links and four-tenths, and N. 28° 51' 15" E. three hundred and fifty-eight links and two-tenths to the south-west corner of section A, municipal district of Port Melbourne; thence by the western boundary of the said section to its north-west corner; thence by a direct line bearing north-westerly to the north-eastern corner of section 2B, in the said municipal district of Port Melbourne; thence by that section bearing S. 28° 51' W. five hundred and fifty-one links; thence by the northern side of Beach-street bearing N. 61° 09' W. three hundred and fifty-one links, S. 63° 39' W. one hundred and

forty-three links and five-tenths, N. 61° 13' W. one thousand one hundred and fifty-six links and six-tenths, N. 86° 32' W. one hundred and eleven links, N. 60° 48' W. six hundred and one links, and N. 72° 51' W. six hundred and twenty links and five-tenths; thence by the eastern boundary of the Railway Reserve, bearing S. 28° 39' W. two hundred and thirty-two links and five-tenths, and by the southern boundary thereof bearing N. 81° 21' W. to the eastern extremity of the overhead footbridge; thence by the line of the southern side of that footbridge bearing westerly to the western extremity thereof; thence by a line at right angles to the last-mentioned line bearing southerly to the southern boundary of the Railway Reserve; thence by that boundary bearing N. 81° 21' W. to the south-west angle of the said reserve; thence by lines bearing respectively N. 81° 42' W. eight hundred and eighty links and four-tenths, N. 85° 20' W. one thousand one hundred and twenty links and eight-tenths, S. 86° 12' W. one thousand four hundred and ninety-four links and seven-tenths, S. 84° 31' W. one thousand and forty-nine links and seven-tenths, S. 81° 19' W. six hundred and eighty-three links and two-tenths, S. 77° 11' W. seven hundred and ninety-one links and three-tenths, S. 71° 24' W. one thousand four hundred and eighteen links and five-tenths, S. 82° 07' W. seven hundred and one links and five-tenths, S. 74° 46' W. five hundred and fifty-two links, S. 66° 39' W. one thousand nine hundred and eighty-four links and five-tenths, S. 80° 14' W. two hundred and eighty-two links and two-tenths, N. 85° 39' W. eight hundred and five links, N. 80° 10' W. three hundred and nineteen links and seven-tenths, N. 67° 11' W. four hundred and eighty-two links and six-tenths, and N. 24° 07' W. eight hundred and twenty-three links and four-tenths to the intersection of the northern side of Williamstown-road with the western side of Lorimer-street; thence by the western side of the said street bearing N. 24° 07' W. one thousand nine hundred and seventy links and five-tenths, and N. 6° 42' W. two thousand four hundred and sixty-one links; thence by lines bearing respectively N. 68° 58' E. six thousand two hundred and thirty-six links and eight-tenths, and N. 21° 02' W. four thousand and fourteen links to the northern side of Lorimer-street; thence by the said northern side of Lorimer-street bearing easterly five thousand seven hundred and seventy-nine links and two-tenths in an arc of a circle whose radius is thirteen thousand nine hundred and sixty-four links, S. 82° 26' E. eight thousand seven hundred and fifty-three links and six-tenths, and N. 89° 44' E. one thousand and twenty-two links and five-tenths to the western side of Johnson-street, city of South Melbourne; thence by the said western side of Johnson-street, bearing N. 5° 13' E. two hundred and ninety-five links and nine-tenths to its intersection with the southern side of Yarra Bank-road; thence by the southern side of the said road bearing easterly to the north-western corner of allotment 79; thence by that allotment bearing N. 84° 19' E. four hundred and ninety links and six-tenths; thence by a direct line across a road to the

west corner of allotment 78; thence by that allotment bearing N. 38° 09' E. thirty-one links and two-tenths, and by that allotment and allotment 77 bearing N. 70° 58' E. three hundred and ninety-eight links and five-tenths; thence by allotment 77A bearing N. 72° 43' E. two hundred and thirty-four links and four-tenths; thence by a direct line across Normanby-road and Clarendon-street bearing easterly to the north-west corner of allotment 59A; thence by the southern side of Yarra Bank-road bearing N. 49° 18' E. two thousand one hundred and twenty-five links and nine-tenths to the eastern angle of allotment 51; thence by the Port Melbourne railway north-easterly to a point in line with the western side of Queen's Bridge; thence by a line and the western side of Queen's Bridge bearing northerly to the southern side of Queen's Wharf; thence by the southern side of that wharf to a point thereon bearing S. 62° W. two hundred and six links, S. 28° E. two hundred and thirty links, and S. 54° 20' E. forty links from the intersection of the western side of William-street, city of Melbourne, with the northern side of Flinders-street; thence by lines bearing respectively N. 54° 20' W. forty links, and N. 28° W. eighty links; thence by Flinders-street bearing S. 62° W. one hundred and fifty links; thence by lines bearing respectively S. 35° 45' W. three hundred and forty links, S. 39° 15' W. three hundred and seventy links, and N. 28° W. two hundred and ninety links; thence by Flinders-street bearing S. 62° W. one hundred and fifty links; thence by lines bearing respectively S. 28° E. three hundred and fifty links, S. 43° 30' W. three hundred and thirty links, S. 47° W. three hundred and thirty links S. 50° 45' W. three hundred and eighty links and N. 28° W. six hundred and fifteen links; thence by the southern side of Flinders-street bearing S. 62° 11' W. three hundred and eighty-five links, and S. 38° 15' W. one hundred and twenty-two links; thence by the western side of a road bearing S. 27° 25' E. two hundred links; thence by the northern side of Siddeley-street bearing S. 62° 35' W. three hundred and eighteen links and two-tenths; thence by a line bearing N. 27° 25' W. two hundred links; thence by the southern side of Flinders-street extension bearing S. 62° 35' W. one thousand four hundred and twenty links and three-tenths to its intersection with the northern side of Australian Wharf-road; thence by the said side of that road bearing N. 89° 31' W. four hundred and twenty-seven links and five-tenths to the angle formed by the junction of the northern side of Flinders-street extension and the southern boundary of the Spencer-street Railway Reserve; thence further by the northern side of Australian Wharf-road bearing N. 89° 31' W. seven hundred and seventy-nine links and five-tenths to the intersection therewith of the western side of Blyth-street; thence further by the northern side of Australian Wharf-road bearing N. 89° 31' W. six hundred and seventy-nine links and five-tenths, N. 76° 26' W. seven hundred and thirty-three links and one-tenth and N. 79° 0' W. three hundred and fifty-six links and five-tenths; thence by a line bearing N. 0° 10' E. five hundred and sixty-seven links and

six-tenths; thence by allotment 45, a line, and allotment B1 bearing N. 57° 23' E. seven hundred and forty-nine links and seven-tenths, and by the latter allotment and allotment B bearing S. 89° 33' E. one thousand one hundred and four links and two-tenths to the western side of Blyth-street; thence by that street bearing N. 0° 08' E. ninety-five links; thence by allotment A bearing N. 73° 54' W. one hundred and sixty links N. 26° 33' W. five hundred and eighty-three links and five-tenths, and N. 28° 23' W. one hundred and fifteen links and two-tenths; thence by allotment I of section 98 bearing N. 26° 26' W. three thousand six hundred and eighty-six links and eight-tenths; thence by Dudley-street bearing S. 57° 04' W. seven thousand two hundred and thirty-four links; thence by a road bearing N. 70° 02' W. eight hundred and ninety-four links and two-tenths, N. 50° 25' W. seven thousand and thirty-one links and three-tenths, N. 66° 21' W. eight hundred and forty-eight links and seven-tenths, N. 78° 41' W. nine hundred and fifty-two links and seven-tenths, S. 89° 36' W. six hundred and ninety-five links and five-tenths, S. 71° 52' W. nine hundred and fifty-five links and N. 76° 50' W. five hundred links and three-tenths; thence by lines bearing respectively N. 12° 10' E. one hundred and fifty links, and N. 76° 50' W. fifty-five links and five-tenths; thence by a line and allotments 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of section 19 bearing N. 13° 11' E. two thousand six hundred and fifty links; thence by allotments 13, 14 and 15 bearing north-easterly five hundred and ninety-eight links and four-tenths in an arc of a circle whose radius is four hundred and forty-four links and one-tenth; thence by a line bearing S. 89° 53' W. to the western side of Maribyrnong-street, city of Footscray; thence by the western side of that street bearing S. 12° 52' W. five hundred and forty-four links, S. 12° 20' W. one thousand one hundred and fifty-five links and nine-tenths, S. 15° 40' W. one hundred and fifty links and two-tenths, and S. 13° 20' W. five hundred and one links and two-tenths; thence by lines bearing respectively S. 13° 20' W. five hundred links and five-tenths, and N. 76° 47' W. seventy-five links; thence by a line, allotments B and C, a line, allotment 1 of section 11A, and a line bearing S. 13° 32' W. one thousand three hundred and seven links; thence by allotment 1 of section A bearing S. 74° 3' W. six hundred and two links; thence by allotment 4, a line, allotments 5 and 6, and a line bearing S. 5° 21' W. two thousand three hundred links and three-tenths; thence by a line bearing S. 12° 55' W. one thousand two hundred and three links and five-tenths; thence by the north boundary of allotment 1 of section 8, parish of Cut Paw Paw, bearing S. 89° 21' E. two hundred and eighty-three links and seven-tenths; thence southerly by the eastern boundaries of allotments 1 to 7 to a point on the north side of Comben-street, bearing S. 89° 20' E. two thousand four hundred and twenty-five links and two-tenths from its intersection with the eastern side of Whitehall-street; thence by the north side of Comben-street bearing N. 89° 20' W. one thousand five hundred and

twelve links and two-tenths; thence by a line across Comben-street bearing S. $0^{\circ} 40'$ W. one hundred links; thence by allotment 8 of section 8 bearing southerly and north-westerly to the east side of Whitehall-street; thence by a line bearing N. $89^{\circ} 20'$ W. one hundred links across Whitehall-street; thence by the west side of Whitehall-street bearing S. $0^{\circ} 40'$ W. one thousand and twenty-seven links; thence by a portion of the southern boundary of allotment 9 bearing westerly to a point on the east side of Hyde-street; thence by the east side of Hyde-street bearing N. $0^{\circ} 36'$ E. two hundred and forty-eight links and seven-tenths; thence by a line bearing N. $89^{\circ} 15'$ W. one hundred and twenty links and three-tenths; thence by allotments 10 and 11 bearing N. $58^{\circ} 40'$ W. three hundred and sixty links and four-tenths and by the latter allotment bearing S. $86^{\circ} 08'$ W. one hundred and fifty-six links; thence by allotment 12 bearing S. $85^{\circ} 04'$ W. two hundred and fifty-seven links; thence by a line bearing S. $89^{\circ} 22'$ W. two hundred and sixty-two links and five-tenths; thence by Stephen-street bearing S. $1^{\circ} 09'$ W. one hundred and twenty-five links; thence by Quarry-road bearing S. $70^{\circ} 28'$ W. seven hundred and forty-five links and two-tenths, N. $78^{\circ} 14'$ W. six hundred and thirty-five links, N. $77^{\circ} 51'$ W. one hundred and two links, and N. $69^{\circ} 53'$ W. six hundred and twenty-seven links and five-tenths; thence by lines bearing respectively S. $51^{\circ} 22'$ W. three hundred and twenty-five links, S. $10^{\circ} 51'$ W. eighty links, S. $18^{\circ} 18'$ E. two hundred and ten links and eight-tenths, S. $48^{\circ} 53'$ E. three hundred and sixty-three links and seven-tenths, S. $65^{\circ} 58'$ E. three hundred and fifty-nine links and five-tenths, S. $69^{\circ} 18'$ E. nine hundred and eighty-one links, and N. $84^{\circ} 28'$ E. one hundred and seventy-nine links; thence by allotment 69 of section 7 bearing N. $1^{\circ} 03'$ E. seventy-six links, and N. $80^{\circ} 0'$ E. four hundred and eight links; thence by a line bearing N. $76^{\circ} 26'$ E. one hundred and four links and three-tenths; thence by allotment 74 bearing S. $57^{\circ} 24'$ E. one hundred and ninety-four links, S. $38^{\circ} 36'$ E. seven hundred and thirty-eight links and three-tenths, N. $43^{\circ} 21'$ E. eighteen links, S. $46^{\circ} 39'$ E. eighty-six links, N. $43^{\circ} 21'$ E. sixty-eight links, S. $46^{\circ} 39'$ E. one hundred and twenty links, S. $43^{\circ} 21'$ W. thirty-eight links, S. $46^{\circ} 39'$ E. twenty-five links, S. $43^{\circ} 21'$ W. twenty-eight links, S. $46^{\circ} 39'$ E. sixty-one links, and S. $40^{\circ} 17'$ E. two hundred links; thence by a direct line to a point on the east side of Hyde-street distant N. $0^{\circ} 45'$ E. four hundred and five links and two-tenths from its intersection with the northern side of Bayview-avenue; thence by a road bearing S. $51^{\circ} 19'$ E. six hundred and fifty-eight links and six-tenths to a point on the northern side of Bayview-avenue distant S. $89^{\circ} 19'$ E. five hundred and nineteen links from the aforesaid intersection; thence by a line bearing S. $7^{\circ} 55'$ E. one hundred and one links; thence by the eastern boundary of allotment 16 of section 7 and a line in continuation thereof bearing southerly to the south side of Craig-street; thence by that street bearing N. $89^{\circ} 33'$ W. thirty-six links and five-tenths; thence by subdivisions 66, 65 and 64 of allotment 15

of section 7 bearing S. 3° 55' E. eight hundred and ninety-nine links by the last-mentioned subdivision, subdivisions 41, 40 and 39, a line, and subdivision 38 of allotment 14 bearing S. 14° 0' W. one thousand five hundred and sixty links and five-tenths, by subdivision 38 bearing south-westerly one hundred and ninety-one links and four-tenths in an arc of a circle whose radius is one hundred and eighty-one links and three-tenths, and by the last-mentioned subdivision and subdivisions 37 and 36 bearing S. 73° 12' W. nine hundred and thirty-three links; thence by subdivision 35 bearing S. 0° 19' W. seventy-five links; thence by subdivisions 33, 32 and 31 bearing S. 34° 30' E. one thousand one hundred and sixty-one links to a post on the northern side of High-street; thence by a direct line crossing that street bearing south-easterly to the north-east corner of allotment 13 of section 7; thence by the eastern boundary of that allotment and the eastern boundary of allotments 12, 11, 10 and 9 of section 2 bearing southerly to Ferguson-street, Williamstown; thence by a direct line bearing southerly to the intersection of the southern side of that street with the north-eastern side of Nelson place; thence by Nelson-place bearing S. 21° 04' E. one thousand six hundred and fifty links and two-tenths, and S. 74° 40' E. nine hundred and twenty-three links; thence by the Customs Reserve bearing N. 15° 29' E. five hundred and twenty-seven links, S. 73° 42' E. one hundred and fifty-four links, and S. 15° 21' W. five hundred and twenty-four links; thence again by Nelson-place bearing S. 74° 40' E. two thousand and twelve links; thence by the western boundary of the Railway Reserve bearing N. 15° 14' E. one thousand four hundred and ninety-four links, and S. 74° 36' E. two hundred and forty-six links and five-tenths; thence by lines bearing respectively S. 52° 52' E. one hundred and ninety-seven links, and N. 37° 24' E. one hundred and three links to the Dockyard Wharf; thence by the said Dockyard Wharf bearing S. 52° 30' E. two hundred and thirty-one links to the western entrance jetty of the patent slip; thence by the said western jetty of the patent slip bearing N. 37° 30' E. four hundred and sixty-one links, S. 52° 30' E. fifteen links, and S. 37° 30' W. six hundred and seventy-seven links; thence by a line bearing S. 4° 45' E. seventy-two links to the patent slip; thence by the patent slip bearing S. 52° 30' E. forty-five links; thence by a line bearing N. 70° 15' E. seventy-two links to the eastern entrance jetty; thence by the said eastern entrance jetty bearing N. 37° 30' E. six hundred and sixty links, S. 52° 30' E. fifty-one links and S. 37° 30' W. five hundred and forty-four links; thence along the Graving Dock Pier by lines bearing respectively S. 52° 30' E. three hundred and seventy links, and S. 13° E. forty-five links; thence by a line bearing S. 11° 17' E. to the north-east angle of the land reserved for the purposes of a Naval Depot; thence by lines bearing respectively S. 31° 55' E. sixty-eight links and two-tenths, S. 71° 21' E. thirty-seven links and nine-tenths, S. 18° 19' W. two hundred and seven links and six-tenths, S. 23° 02' W. three hundred and ninety-two links and four-tenths, S. 38° 31' W. three hundred and seven links and six-tenths and S. 56° 03' E. five hundred and sixty links and six-tenths to a point on the eastern boundary of the Railway

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Reserve; and thence by a direct line bearing south-easterly to the commencing point and—

Sch. 2 Pt 1(a)
amended by
Nos 6644
s. 8(3), 6871
s. 11(1).

- (a) the lands described in the Sixth Schedule to the agreement set out in Schedule A to the **Port Melbourne (Aircraft Agreement) Land Act 1937**;
- (b) the lands described in the Third and Fourth Schedules to the **Melbourne Lands Exchange Act 1941**;
- (c) the lands described in the Second, Third, and Fourth Schedules to the **Melbourne Harbor Trust Lands Act 1960**;
- (d) the lands described in the Third Schedule and in Parts I, II and III of the Seventh Schedule to the **Melbourne Harbor Trust Lands Act 1962**;

Sch. 2 Pt 1(e)
inserted by
No. 7098 s. 4.

- (e) the land described in the First Schedule to the **Williamstown (Melbourne Harbor Trust) Land Act 1963**;

Sch. 2 Pt 1(f)
inserted by
No. 7618 s. 3.

- (f) the land described in the Schedule to the **Melbourne Harbor Trust Land Act 1967**;

Sch. 2 Pt 1(g)
inserted by
No. 7734
s. 7(a).

- (g) the land delineated and shown hatched on the plan in the Schedule to the **Melbourne Harbor Trust (Exchange of Yarraville Lands) Act 1968**;

Sch. 2 Pt 1(h)
inserted by
No. 7764 s. 7.

- (h) the land described in the First Schedule to the **Melbourne Harbor Trust Land Act 1968**;

Provided that where any street or road that was in existence at the time of the passing of **The Melbourne Harbor Trust Act 1876** is within the boundaries hereinbefore described, such street or road shall be deemed to be excluded therefrom.

Sch. 2 Pt 2
substituted by
No. 6871
s. 11(3),
amended by
Nos 7710 s. 7,
7734 s. 7(b),
79/1988 s. 20,
GG 31.8.95
p. 2312.

PART II

Being the lands included within the outside boundaries as described in Part I of this Schedule, which for the purposes of ascertaining the land included in the Port are to be excluded from the area in the said Part I described:

Firstly, the lands described in the Second Schedule to the **Spencer-street Bridge Act 1927** excepting thereout the land described in Part II of the First Schedule to the **Melbourne Harbor Trust Lands Act 1962**;

Secondly, the lands described in the Second and Sixth Schedules to the **Melbourne to Footscray Road Act 1927**;

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Thirdly, the lands described in the Third, Eighth, Ninth, Tenth, and Twelfth Schedules to the agreement set out in Schedule A and the land described in Schedule C to the **Port Melbourne (Aircraft Agreement) Land Act 1937**;

Fourthly, the lands described in the Fifth, Sixth, and Seventh Schedules to the **Melbourne Harbor Trust Lands Act 1960**;

Fifthly, the lands described in the Fourth and Fifth Schedules and in Part VI of the Sixth Schedule to the **Melbourne Harbor Trust Lands Act 1962**;

Sixthly, the lands described in the Second Schedule to the **West Melbourne Lands Act 1968**;

Seventhly, the land delineated and shown cross-hatched on the plan in the Schedule to the **Melbourne Harbor Trust (Exchange of Yarraville Lands) Act 1968**;

Eighthly, the land shown cross-hatched on the plan in Schedule 2 to the **Footscray Land Act 1988**;

Ninthly, the 3·619 hectare parcel of land as shown on Certified Plan No. 110670 and the 6·665 hectare parcel of land shown on Certified Plan No. 111939 lodged in the Central Plan Office.

PART III

Land granted to the Commissioners of Savings Bank in the colony of Victoria (now the Commissioners of the State Savings Bank of Victoria) to be vested in the Melbourne Harbor Trust Commissioners: 1 rood $1\frac{7}{10}$ perch more or less situate in the city of Melbourne parish of Melbourne North county of Bourke being part of original Customs Reserve:

Commencing at a point on the west side of Market-street bearing S 28° E 16 feet 6 inches from its intersection with the south side of Little Flinders-street; bounded on the east by Market-street bearing 152° 112 feet 9 inches on the south by a line bearing 242° 5' 101 feet 0 $\frac{1}{4}$ inch on the west by a line bearing 332° 8' 112 feet 3 $\frac{1}{4}$ inches; and on the north by a line bearing 61° 49' 100 feet 9 inches to the point of commencement.

Sch. 2 Pt 3
amended by
Nos 6505 s. 2,
6871 s. 10.

PART IV

All that piece or parcel of land commencing at a point bearing south 74° 36 east one thousand six hundred and sixty-nine links and six-tenths of a link

Sch. 2 Pt 4
amended by
No. 9533
s. 2(a)(b).

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and north 77° 15' 14" east one thousand six hundred and sixty links from the intersection of the northern side of Little Nelson-street and the western side of Morris-street, Williamstown; bounded thence by lines bearing south 7768 metres and north 77° 15' 14" east 1207 metres more or less to the meridian of longitude 144° 56' east from Greenwich, thence by that meridian bearing north 7768 metres and by the southern boundary of the land described in Part I of the Second Schedule to the **Melbourne Harbor Trust Act 1915** bearing south 77° 15' 14" west 1207 metres more or less to the commencing point.

Sch. 2A
inserted by
No. 6923
s. 4(2),
amended by
Nos 7228
s. 7(Sch. 4
Pt 26(e)), 9178
s. 7, 41/1987
s. 103(Sch. 4
item 51.4),
repealed by
No. 82/1995
s. 135(16).

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Sch. 3
repealed by
No. 6644
s. 8(1)

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Sch. 4
repealed by
No. 6871
s. 4(1)

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Section 121.
Sch. 5
amended by
Nos 9178 s. 7,
9549 s. 2(1),
repealed by
No. 99/1993
s. 21(n).¹⁶

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SIXTH SCHEDULE

The following provisions shall apply to the Port of Melbourne Inscribed Stock issued in Melbourne (hereinafter referred to as "stock"):

1. *Establishment of registry and appointment of registrar*

The Authority may establish at the office of the Authority a registry for the recording of stock created and issued under the authority of the **Port of Melbourne Authority Act 1958** and appoint an officer of the Authority to be registrar of stock.

2. *Parcels of stock*

Stock may be sold by the Authority for ready money in parcels or amounts of \$200 or some multiple of \$100.

3. *Stock ledgers*

- (1) The Authority shall cause to be provided and kept at the office of the Authority books to be called "stock ledgers."
- (2) All stock issued shall be recorded in the stock ledgers by entering the names of the purchasers of stock and the amount of stock purchased by them respectively.
- (3) In the case of joint purchasers of stock the names of not more than four of them shall be recorded as the joint purchasers.
- (4) The stock ledgers shall—
 - (a) be open for inspection at all reasonable times by purchasers of stock and their assigns on payment of Ten cents (\$0.10) for each inspection; and
 - (b) be evidence of any matters appearing therein and required or authorized by or under this Act to be inserted therein.

4. *Stock how transferable*

- (1) Stock or any share therein shall be transferable in the manner prescribed by regulations of the Authority from one person to another by instrument in the form so prescribed and not otherwise.
- (2) No person shall be entitled or allowed to transfer any fraction of \$100 or any smaller sum than \$200 unless that smaller sum is the full amount of the balance standing to his

Section 125.
No. 4422
s. 4(2).
Sch. 6
amended by
No. 9178 s. 7.
Sch. 6 cl. 1
amended by
No. 9592
s. 3(d)(i)(ii).

Sch. 6 cl. 2
amended by
No. 9592
s. 3(a).

Sch. 6 cl. 3(2)
amended by
No. 9592
s. 3(b).

Sch. 6 cl. 3(3)
amended by
No. 9592
s. 3(b).

Sch. 6 cl. 4(2)
amended by
No. 9592
s. 3(e)(i)(ii).

credit in the stock ledger.

(3) Every instrument of transfer of the said stock or any share therein shall be executed by all parties and the signatures to such instrument shall be attested in the manner prescribed by the regulations.

Sch. 6 cl. 4(4)
amended by
No. 9592
s. 3(c).

(4) Every instrument of transfer when executed shall be delivered to the registrar who shall register the same by entering a memorial of it in the stock ledger and shall record the name of the transferee in the stock ledger as the owner of the said stock.

5. *Application for transmission (other than a transfer) of stock*

Sch. 6 cl. 5(1)
amended by
No. 9592
s. 3(b).

(1) Any person to whom any stock is transmitted in consequence of the death or bankruptcy or insolvency of the registered owner of any stock or by any other lawful means than by a transfer in accordance with this Act may apply in the form prescribed by the regulations to the registrar at the registry to be recorded as the owner of such stock.

Sch. 6 cl. 5(2)
amended by
No. 9592
s. 3(f)(i)–(iii).

(2) Every such application for transmission shall be verified by statutory declaration or in such other manner as is so prescribed, and—

(a) in the case of such a transmission consequent on death—the probate of the will or the letters of administration or such other instrument acceptable to the Authority as authorizing a person to administer the estate of a deceased person shall be produced to the registrar or in the case of transmission to a survivor or the survivors of a joint owner a certificate

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- of the death of the owner who has died may if the registrar approves be produced to him in lieu of probate or letters of administration or such other instrument;
- (b) in the case of such a transmission consequent on bankruptcy or insolvency—an office copy of the adjudication or order of sequestration shall be delivered to the registrar;
- (c) where a person dies leaving stock of an amount not exceeding \$5000 the Authority or an officer authorized from time to time by the Authority may dispense with the requirements of paragraph (a) and may authorize the transmission of the stock to such person as the Authority or such officer thinks fit; and
- (d) no person shall have any claim against the Authority or such officer in respect of any transmission in pursuance of this clause, but nothing in this clause shall relieve the person to whom the stock is transmitted from any liability to account for or deal with the stock in accordance with the law.
- (3) The registrar shall if he is satisfied that the provisions of this Act have been complied with register any such transmission by entering a memorial of it in the stock ledger and record the name of the person to whom the stock has been transmitted in the stock ledger as the registered owner of the stock.

Sch. 6
cl. 5(2)(c)
inserted by
No. 9592
s. 3(f)(iv).

Sch. 6
cl. 5(2)(d)
inserted by
No. 9592
s. 3(f)(iv).

Sch. 6 cl. 5(3)
amended by
No. 9592
s. 3(c).

6. Powers of attorney

- (1) Any person may by power of attorney under his hand and seal and attested by two or more credible witnesses appoint some person to be his attorney for any purpose in relation to stock (including an application for conversion or to receive interest or redemption money).
- (2) A power of attorney shall be valid and effectual for all purposes therein mentioned until notice of its revocation or of the bankruptcy insolvency lunacy unsoundness of mind or death of the principal has been received by the registrar at the registry.

7. *When transfer books to be closed and ledgers balanced*

- (1) No instrument of transfer of stock shall be registered on any Saturday or holiday or within the period of fourteen days or within such period (not exceeding twenty-one days) as is prescribed next before any of the days on which the interest thereon is payable.
- (2) During the periods last aforesaid respectively the Authority shall cause the amount of the said stock respectively standing to the credit of the several registered owners thereof to be ascertained and the balances to be struck and carried forward in the proper stock ledger.
- (3) No instrument of transfer of stock or of any part thereof shall be registered during the period of twenty-one days immediately preceding the date of maturity of stock.

8. *Power of Court to prohibit transfer and order to be served*

- (1) If any person by the affidavit of himself or of another or others makes appear to the satisfaction of the Supreme Court that any part of the stock standing in the name or names of any other person or persons is held by him or them upon any trust in the execution or performance of which such first-mentioned person is beneficially interested the Court may make an order in the form or to the effect following:

In the Supreme Court.

Upon reading the affidavits of A.B. and C.D. and upon hearing [the attorney *or* agent *or* Mr. H. of counsel] for the said A.B., the Court orders that dollars of the Port of Melbourne Inscribed Stock created under the **Port of Melbourne Authority Act 1958** now standing in the name of G.M. [*or* the names of G.M. and E.F.] shall not be transferred without the further order of this court, unless the said A.B. shall by writing under his hand upon the said transfer express his assent thereto.

Dated this day A.D. 19

- (2) The said order shall be signed in duplicate and with office copies of the affidavit or affidavits mentioned therein shall be delivered to or served upon the Authority which shall obey the said order and cause the same and the said attested

Sch. 6 cl. 8(1)
amended by
No. 57/1989
s. 3(Sch. item
159.6(a)-(c)).

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copies to be filed in the office of the Authority and a memorandum of the said order to be made in the proper place in the stock ledger.

- (3) Upon receipt of any such order and office copies as aforesaid the Authority shall cause to be sent by the post to every person registered as owner of the stock mentioned in such order a notice in the following form or to the like effect:

Sch. 6 cl. 8(3) amended by Nos 123/1986 s. 13(6), 57/1989 s. 3(Sch. item 159.7(a)(b)).

The Port of Melbourne Authority Office, Melbourne, 19

A Supreme Court order prohibiting the transfer of _____ dollars of the Port of Melbourne Inscribed Stock created under the **Port of Melbourne Authority Act 1958** standing in your name *or* in the names of yourself and _____ has been obtained by A.B. and served upon the Port of Melbourne Authority.

If you object to the said order you must apply to the Supreme Court to rescind it, as while it remains in force no transfer can be made without the consent of the person who obtained it.

Port of Melbourne Authority.

- (4) (a) Any person registered as the owner of the stock mentioned in any such order may at any time apply by summons to the Supreme Court to rescind such order or to permit a transfer of some specified part of the said stock.
- (b) The Court may make an order with or without costs dismissing such summons or rescinding such first-mentioned order or permitting a transfer of some specified part as aforesaid.
- (c) Such order shall be signed in duplicate and shall be delivered to or served upon the Authority which shall obey the same and cause it to be filed in the office of the Authority and a memorandum of it to be made in the proper place in the stock ledger.

Sch. 6 cl. 8(4)(a) amended by No. 57/1989 s. 3(Sch. item 159.8(a)).

Sch. 6 cl. 8(4)(b) amended by No. 57/1989 s. 3(Sch. item 159.8(b)).

9. Receipt of registered stock-holders to discharge and where one of the holders dies

- (1) The receipt of the person in whose name any stock stands in the stock ledger, or if it stands in the names of more persons than one the receipt of one of the persons named in the stock ledger shall be a sufficient discharge to the Authority for any interest payable in respect of such stock,

Sch. 6 cl. 9(1) amended by No. 9549 s. 2(1).

notwithstanding any trusts to which such stock may then be subject and whether or not the Authority has had notice of such trusts, and the Authority shall not be bound to see to the application of the money paid upon such receipt.

- (2) If any stock is held in joint names and one or more of the registered owners of the stock dies becomes bankrupt insolvent or otherwise legally incapable, the receipt of any one of the other joint owners or survivors shall be a sufficient discharge to the Authority for any interest payable in respect of such stock, notwithstanding that a transmission has not been registered as required by this Act.

10. Registrar to keep forms

- (1) The registrar shall keep the several forms prescribed under this Act and required in connexion with stock.
- (2) No forms other than the prescribed forms shall be used except with the consent of the Authority.

Section 126.
 Sch. 7
 amended by
 Nos 9178 s. 7,
 9427 s. 6(1),
 9549 s. 2(1),
 123/1986
 s. 13(7),
 repealed by
 No. 99/1993
 s. 21(n).¹⁷

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NOTES

1. General Information

The **Port of Melbourne Authority Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 892.

The name of this Act was changed from the **Melbourne Harbor Trust Act 1958** to the **Port of Melbourne Authority Act 1958** by section 7 of the **Port of Melbourne Authority Act 1978**, No. 9178/1978.

Port of Melbourne Authority Act 1958
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2. Table of Amendments

This Version incorporates amendments made to the **Port of Melbourne Authority Act 1958** by Acts and subordinate instruments.

Melbourne Harbor Trust (Commissioners) Act 1959, No. 6589/1959

Assent Date: 8.12.59
Commencement Date: 8.12.59
Current State: All of Act in operation

Melbourne Harbor Trust Lands Act 1960, No. 6644/1960

Assent Date: 7.6.90
Commencement Date: 7.6.90
Current State: All of Act in operation

Melbourne Harbor Trust Lands Act 1962, No. 6871/1962

Assent Date: 2.5.62
Commencement Date: 2.5.62
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

Melbourne Harbor Trust (Port of Melbourne) Act 1962, No. 6923/1962

Assent Date: 20.11.62
Commencement Date: 20.11.62
Current State: All of Act in operation

Melbourne Harbor Trust (Amendment) Act 1963, No. 6999/1963

Assent Date: 21.5.63
Commencement Date: 21.5.63
Current State: All of Act in operation

Statute Law Revision Act 1963, No. 7065/1963

Assent Date: 3.12.63
Commencement Date: 3.12.63
Current State: All of Act in operation

Williamstown (Harbor Trust) Land Act 1963, No. 7098/1963

Assent Date: 10.12.63
Commencement Date: 10.12.63
Current State: All of Act in operation

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Public Lands and Works Act 1964, No. 7228/1964

Assent Date: 15.12.64
Commencement Date: 15.3.65: Government Gazette 11.3.65 p. 557
Current State: All of Act in operation

Melbourne Harbor Trust (Amendment) Act 1965, No. 7311/1965

Assent Date: 23.11.65
Commencement Date: 23.11.65
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1965, No. 7356/1965

Assent Date: 14.12.65
Commencement Date: 1.12.65: s. 1(2)
Current State: All of Act in operation

Instruments (Corporate Bodies Contracts) Act 1967, No. 7547/1967

Assent Date: 17.3.67
Commencement Date: 1.7.67: Government Gazette 21.6.67 p. 2027
Current State: All of Act in operation

Judges and Public Officers Salaries Act 1967, No. 7581/1967

Assent Date: 21.11.67
Commencement Date: 1.7.67: s. 1
Current State: All of Act in operation

Harbor Charges Act 1967, No. 7617/1967

Assent Date: 12.12.67
Commencement Date: 12.12.67
Current State: All of Act in operation

Melbourne Harbor Trust Land Act 1967, No. 7618/1967

Assent Date: 12.12.67
Commencement Date: 12.12.67
Current State: All of Act in operation

Melbourne Harbor Trust (Borrowing Powers) Act 1968, No. 7661/1968

Assent Date: 2.4.68
Commencement Date: 2.4.68
Current State: All of Act in operation

West Melbourne Lands Act 1968, No. 7710/1968

Assent Date: 22.10.68
Commencement Date: All of Act (except ss 4, 5, 7) on 5.2.69: Government Gazette 5.2.69 p. 238; ss 4, 5, 7 on 17.3.71: Government Gazette 17.3.71 p. 634
Current State: All of Act in operation

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Melbourne Harbor Trust (Exchange of Yarraville Lands) Act 1968, No. 7734/1968

Assent Date: 2.12.68
Commencement Date: 2.12.68
Current State: All of Act in operation

Melbourne Harbor Trust Land Act 1968, No. 7764/1968

Assent Date: 18.12.68
Commencement Date: 1.1.69: s. 1(2)
Current State: All of Act in operation

Melbourne Harbor Trust (Amendment) Act 1970, No. 7946/1970

Assent Date: 2.4.70
Commencement Date: 2.4.70
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1970, No. 7954/1970

Assent Date: 7.4.70
Commencement Date: 1.1.70: s. 2
Current State: All of Act in operation

Statutory Salaries Act 1970, No. 8082/1970

Assent Date: 22.12.70
Commencement Date: 22.12.70
Current State: All of Act in operation

Statutory Salaries Act 1971, No. 8165/1971

Assent Date: 3.11.71
Commencement Date: 3.11.71
Current State: All of Act in operation

Melbourne Harbor Trust (Amendment) Act 1971, No. 8199/1971

Assent Date: 30.11.71
Commencement Date: 27.12.71: Government Gazette 22.12.71 p. 3907
Current State: All of Act in operation

Railways (Amendment) Act 1972, No. 8353/1972

Assent Date: 13.12.72
Commencement Date: 8.5.73: Government Gazette 2.5.73 p. 946
Current State: All of Act in operation

Harbors and Navigable Waters Control Act 1974, No. 8627/1974

Assent Date: 17.12.74
Commencement Date: All of Act (*except s. 7*) on 1.2.75: Government Gazette 8.1.75 p. 2; s. 7 on 2.6.75: Government Gazette 14.5.75 p. 1135
Current State: All of Act in operation

Ports and Harbors Act 1975, No. 8724/1975

Assent Date: 16.5.75
Commencement Date: 10.6.75: Government Gazette 4.6.75 p. 1918
Current State: All of Act in operation

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Magistrates (Summary Proceedings) Act 1975, No. 8731/1975

Assent Date: 16.5.75
Commencement Date: S. 173 on 1.7.76: Government Gazette 24.3.76 p. 848
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Harbors and Navigable Waters Protection Act 1975, No. 8749/1975

Assent Date: 5.11.75
Commencement Date: 8.12.75: Government Gazette 3.12.75 p. 3946
Current State: All of Act in operation

Melbourne Harbor Trust (Long Service Leave) (Amendment) Act 1975, No. 8758/1975

Assent Date: 18.11.75
Commencement Date: 18.11.75
Current State: All of Act in operation

Ports and Harbors (Penalties) Act 1975, No. 8796/1975

Assent Date: 2.12.75
Commencement Date: 22.12.75: Government Gazette 17.12.75 p. 4061
Current State: All of Act in operation

Ports and Harbors Act 1976, No. 8926/1976

Assent Date: 7.12.76
Commencement Date: 22.12.76: Government Gazette 22.12.76 p. 3739
Current State: All of Act in operation

Statute Law Revision Act 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77: subject to s. 2(2)
Current State: All of Act in operation

Melbourne Harbor Trust (Borrowing Powers) Act 1978, No. 9127/1978

Assent Date: 23.5.78
Commencement Date: 23.5.78
Current State: All of Act in operation

Port of Melbourne Authority Act 1978, No. 9178/1978 (as amended by No. 9427/1980)

Assent Date: 8.11.78
Commencement Date: 8.11.78
Current State: All of Act in operation

Trustee (Authorized Investments) Act 1978, No. 9204/1978

Assent Date: 5.12.78
Commencement Date: 5.12.78
Current State: All of Act in operation

Port of Melbourne (World Trade Centre) Act 1978, No. 9221/1978

Assent Date: 19.12.78
Commencement Date: 19.12.78
Current State: All of Act in operation

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Statute Law Revision Act 1980, No. 9427/1980

Assent Date: 27.5.80
Commencement Date: 27.5.80: subject to s. 6(2)
Current State: All of Act in operation

Port of Melbourne Authority (Amendment) Act 1980, No. 9444/1980

Assent Date: 2.12.80
Commencement Date: Ss 1, 3, 4 on 2.12.80: s. 1(4); s. 2 on 25.2.81:
Government Gazette 25.2.81 p. 627
Current State: All of Act in operation

Port of Melbourne Authority (Lands) Act 1981, No. 9533/1981

Assent Date: 5.5.81
Commencement Date: 5.5.81
Current State: All of Act in operation

Statute Law Revision Act 1981, No. 9549/1981

Assent Date: 19.5.81
Commencement Date: 19.5.81: subject to s. 2(2)
Current State: All of Act in operation

Crimes (Classification of Offences) Act 1981, No. 9576/1981

Assent Date: 26.5.81
Commencement Date: 1.9.81: Government Gazette 26.8.81 p. 2799
Current State: All of Act in operation

Port of Melbourne Authority (Inscribed Stock) Act 1981, No. 9592/1981

Assent Date: 17.11.81
Commencement Date: 17.11.81
Current State: All of Act in operation

Port of Melbourne Authority (Borrowing Powers) Act 1981, No. 9617/1981

Assent Date: 1.12.81
Commencement Date: 1.12.81
Current State: All of Act in operation

Public Authorities (Sinking Funds) Act 1982, No. 9746/1982

Assent Date: 6.7.82
Commencement Date: 7.7.82: Government Gazette 7.7.82 p. 2226—see **Acts Interpretation Act 1958**
Current State: All of Act in operation

Public Authorities (Contributions) (Amendment) Act 1983, No. 9887/1983

Assent Date: 10.5.83
Commencement Date: 1.7.82: s. 1(3)
Current State: All of Act in operation

Statute Law Revision Act 1983, No. 9902/1983

Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s. 2(2)
Current State: All of Act in operation

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Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255 on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Penalties and Sentences (Amendment) Act 1983, No. 9945/1983

Assent Date: 20.9.83
Commencement Date: S. 2 on 1.9.81: s. 1(4); rest of Act on 20.12.83: Government Gazette 14.12.83 p. 4035
Current State: All of Act in operation

Public Authorities (Dividends) Act 1983, No. 10003/1983

Assent Date: 13.12.83
Commencement Date: S. 8 on 1.7.82: s. 2(a); ss 1, 2, 9 on 13.12.83: s. 2(b); rest of Act on 1.7.83: s. 2(c)
Current State: All of Act in operation

Supreme Court Act 1986, No. 110/1986

Assent Date: 16.12.86
Commencement Date: 1.1.87: s. 2
Current State: All of Act in operation

Land Acquisition and Compensation Act 1986, No. 121/1986 (as amended by No. 123/1986)

Assent Date: 23.12.86
Commencement Date: 29.11.87: Government Gazette 25.11.87 p. 3224
Current State: All of Act in operation

Port Authorities (Amendment) Act 1986, No. 123/1986

Assent Date: 23.12.86
Commencement Date: S. 31 on 19.12.78: s. 2(2); rest of Act on 23.12.86: Government Gazette 23.12.86 p. 4775
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 51.1–51.4) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Equal Opportunity (Amendment) Act 1987, No. 46/1987

Assent Date: 25.8.87
Commencement Date: 1.12.87: Government Gazette 21.10.87 p. 2777
Current State: All of Act in operation

Port of Melbourne Authority Act 1958
Act No. 6312/1958

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 item 46) on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Marine Act 1988, No. 52/1988

Assent Date: 31.5.88
Commencement Date: S. 159(4) on 1.7.89: Government Gazette 28.6.89 p. 1558; rest of Act on 20.12.88: Special Gazette (No. 105) 20.12.88 p. 1
Current State: All of Act in operation

Footscray Land Act 1988, No. 79/1988

Assent Date: 20.12.88
Commencement Date: S. 20 on 1.7.89: s. 2(2)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Superannuation Acts (Amendment) Act 1988, No. 81/1988

Assent Date: 20.12.88
Commencement Date: Ss 21, 22, 25 on 1.1.88: s. 2(1); ss 5, 10, 29, 31 on 1.7.88: s. 2(2); rest of Act on 20.12.88: s. 2(3)
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 94.1, 94.3–94.7, 94.9–94.11) on 1.11.89: Government Gazette 1.11.89 p. 2798; Sch. 2 items 94.2, 94.8 on 1.10.92: Government Gazette 23.9.92 p. 2789
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Transfer of Land (Computer Register) Act 1989, No. 18/1989

Assent Date: 16.5.89
Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488
Current State: All of Act in operation

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 41(Sch. 2 items 33.1–33.4) on 1.7.89: s. 2(1)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Port of Melbourne Authority Act 1958

Act No. 6312/1958

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Port of Melbourne Authority (Amendment) Act 1989, No. 52/1989

Assent Date: 14.6.89
Commencement Date: 21.6.89: Government Gazette 21.6.89 p. 1487
Current State: All of Act in operation

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Port of Melbourne Authority (Amendment) Act 1992, No. 25/1992

Assent Date: 16.6.92
Commencement Date: 16.6.92
Current State: All of Act in operation

Superannuation (Occupational Superannuation Standards) Act 1992, No. 49/1992

Assent Date: 30.6.92
Commencement Date: 30.6.92: Special Gazette (No. 31) 30.6.92 p. 2
Current State: All of Act in operation

Borrowing and Investment Powers (Amendment) Act 1993, No. 99/1993

Assent Date: 23.11.93
Commencement Date: Pt 1 (ss 1–3) on 23.11.93: s. 2(1); rest of Act on 23.5.94: s. 2(3)
Current State: All of Act in operation

Electricity Industry Act 1993, No. 130/1993 (as amended by No. 53/1994)

Assent Date: 14.12.93
Commencement Date: S. 122(Sch. 4 item 11) on 3.1.94: Special Gazette (No. 97) 23.12.93 p. 1
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 66) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

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Electricity Industry (Amendment) Act 1994, No. 53/1994 (as amended by No. 110/1994)

Assent Date: 15.6.94
Commencement Date: S. 34 on 3.10.94: Special Gazette (No. 64) 27.9.94 p. 1; Sch. 1 item 7 on 3.10.94: s. 2(4A)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Project Development and Construction Management Act 1994, No. 101/1994

Assent Date: 13.12.94
Commencement Date: S. 61 on 22.5.95: Government Gazette 18.5.95 p. 1180
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Subordinate Legislation Act 1994, No. 104/1994

Assent Date: 13.12.94
Commencement Date: 1.1.95: s. 2
Current State: All of Act in operation

Electricity Industry (Further Amendment) Act 1994, No. 110/1994

Assent Date: 20.12.94
Commencement Date: S. 41(Sch. 1 item 8) on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Gas Industry Act 1994, No. 112/1994

Assent Date: 20.12.94
Commencement Date: S. 114 on 20.12.94: Sch. 5 item 7 on 21.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Ports Acts (Amendment) Act 1995, No. 23/1995 (as amended by No. 82/1995)

Assent Date: 16.5.95
Commencement Date: Ss 8, 12 on 14.12.95: Government Gazette 14.12.95 p. 3488—see **Interpretation of Legislation Act 1984**; s. 9 on 16.5.96: s. 2(3); ss 7, 10, 11, 13 were never proclaimed, repealed by No. 82/1995 s. 196(5)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Port of Melbourne Authority Act 1958

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Gas and Fuel Corporation (Repeal) Act 1995, No. 31/1995

Assent Date: 6.6.95
Commencement Date: S. 52 (Sch. 1 item 8) on 21.6.95: Special Gazette (No. 49) 14.6.95 p. 1
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Port Services Act 1995, No. 82/1995 (as amended by No. 51/1996)

Assent Date: 28.11.95
Commencement Date: Ss 126(1)(3), 127–134, 135(2)(3)(16)(18)–(20) on 14.12.95: Government Gazette 14.12.95 p. 3488—see **Interpretation of Legislation Act 1984**; ss 126(2), 135(1)(4)(6)(8)(10)(11)(14)(15) on 1.3.96: Special Gazette (No. 14) 27.2.96 p. 1; s 135(9)(12)(13) on 19.6.97: Government Gazette 19.6.97 p. 1385
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Melbourne City Link Act 1995, No. 107/1995

Assent Date: 12.12.95
Commencement Date: S. 124 on 14.12.95: Special Gazette (No. 120) 14.12.95 p. 3
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Superannuation Acts (Amendment) Act 1996, No. 4/1996

Assent Date: 18.6.96
Commencement Date: S. 134(9) on 18.6.96: s. 2(1)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

Superannuation Acts (Miscellaneous Amendment) Act 1997, No. 50/1997

Assent Date: 11.6.97
Commencement Date: S. 5 on 30.6.97: s. 2(3)
Current State: This information relates only to the provisions amending the **Port of Melbourne Authority Act 1958**

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Melbourne Harbor Trust Act 1958 No. 6312—Conversion to Metrics, No. 129/1973

Date of Making: 26.6.73

Date of Commencement: 1.7.73

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3. Explanatory Details

¹ Ss 32–35

No. 3733 s. 33.

S. 32 amended by Nos 8796 s. 2(a), 9178 s. 7, 9945 s. 3(1), repealed by No. 123/1986 s. 10.

S. 33 substituted by No. 9178 s. 3, repealed by No. 123/1986 s. 10.

No. 3733 s. 35.

S. 34 amended by Nos 9178 s. 7, 9549 s. 2(1), repealed by No. 123/1986 s. 10.

No. 3733 s. 36.

S. 35 amended by Nos 9019 s. 2(1), 9178 s. 7, 9945 s. 3(3), repealed by No. 123/1986 s. 10.

² Ss 37–44

Nos 3733 s. 38, 5456 s. 2.

S. 37 amended by Nos 6999 s. 4(a)(b), 7065 s. 2, 8199 s. 3, 9178 s. 7, 9549 s. 2(1), 121/1986 s. 112, 46/1987 s. 6, 52/1989 s. 5(a)(i)–(iii), repealed by No. 82/1995 s. 135(3).

S. 37A inserted by No. 7946 s. 4, amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(3).

No. 3733 s. 39.

S. 38 amended by No. 9178 s. 7, substituted by No. 123/1986 s. 12, repealed by No. 52/1988 s. 161(Sch. 6 item 11.1).

No. 3733 s. 40.

S. 39 amended by No. 123/1986 s. 13(1), repealed by No. 82/1995 s. 135(4).

No. 3733 s. 41.

S. 40 amended by Nos 6999 s. 5(1), 8796 s. 2(b), 123/1986 s. 13(1), repealed by No. 82/1995 s. 135(4).

No. 3733 s. 42.

S. 41 amended by No. 123/1986 s. 13(1), repealed by No. 82/1995 s. 135(4).

No. 3733 s. 43.

S. 42 amended by Nos 6999 s. 5(2), 8796 s. 2(c), 123/1986 s. 13(2)(a)(b), repealed by No. 82/1995 s. 135(4).

No. 3733 s. 44.

S. 43 amended by No. 123/1986 s. 13(3), repealed by No. 82/1995 s. 135(4).

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S. 44 repealed by No. 9178 s. 6, new s. 44 inserted by No. 123/1986 s. 15, repealed by No. 82/1995 s. 135(4).

³ Ss 47–49

No. 3733 s. 48.

S. 47 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(8).

No. 3733 s. 49.

S. 48 amended by Nos 7228 s. 7(Sch. 4 Pt 26(b)), 9178 s. 7, 123/1986 s. 14, substituted by No. 121/1986 s. 112 (as amended by No. 123/1986 s. 81(b)(i)(ii)), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 50.

S. 49 amended by S.R. No. 129/1973 reg. 2, Nos 9178 s. 7 (as amended by No. 9427 s. 6(1)), 9427 s. 6(1), substituted by No. 123/1986 s. 17, amended by No. 18/1989 s. 13(Sch. 2 item 65), repealed by No. 82/1995 s. 135(6).

⁴ Ss 59–73

No. 3733 s. 60.

S. 59 amended by Nos 6999 s. 7(a)(b), 7617 s. 2(d), 9178 s. 7, 9549 s. 2(1), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 61.

S. 60 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

S. 61 amended by Nos 7311 s. 2(d), 8199 s. 4, 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 ss 63–66.

Ss 62–65 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 s. 67.

S. 66 repealed by No. 82/1995 s. 135(6).

No. 3733 s. 68.

S. 67 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 s. 69.

S. 68 amended by Nos 7228 s. 7(Sch. 4 Pt 26(c)(i)(ii)), 9178 s. 7, 9549 s. 2(1), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 71.

S. 69 amended by Nos 9178 s. 7, 9549 s. 2(1), repealed by No. 82/1995 s. 135(6).

S. 69 (repealed): Section 135(18)(20) of the **Port Services Act 1995**, No. 82/1995 reads as follows:

Port of Melbourne Authority Act 1958
Act No. 6312/1958

135. Repeal of certain provisions of Port of Melbourne Authority Act

- (18) Despite the repeal by sub-section (6) of section 69 of the **Port of Melbourne Authority Act 1958**, that section continues to apply to legal proceedings instituted or brought after the commencement of that sub-section in relation to acts or omissions that occurred before that commencement.
- (20) The provisions of sub-sections (18) and (19) are in addition to, and not in derogation from, the provisions of the **Interpretation of Legislation Act 1984**.

Nos 3733 s. 72, 5967 s. 4.

S. 70 amended by Nos 9178 s. 7, 9549 s. 2(1), 123/1986 s. 20(1), 52/1989 s. 5(b), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 73.

S. 71 amended by No. 9178 s. 7, repealed by No. 123/1986 s. 21.

No. 3733 s. 74.

S. 72 amended by Nos 9178 s. 7, 9427 s. 6(1), repealed by No. 10003 s. 8.

S. 72A inserted by No. 6999 s. 8, amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 s. 75.

S. 73 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

⁵ Ss 76–106B

No. 3733 s. 78.

S. 76 amended by Nos 8627 s. 4, 9178 s. 7, 9427 s. 6(1), 12/1989 s. 4(1)(Sch. 2 item 94.5), repealed by No. 82/1995 s. 135(6).

S. 77 substituted by No. 8926 s. 5(1), amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

S. 78 substituted by No. 8926 s. 5(1), amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 s. 81.

S. 79 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

S. 80 repealed by No. 6999 s. 9.

No. 3733 s. 83.

Port of Melbourne Authority Act 1958
Act No. 6312/1958

- S. 81 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 84.
S. 82 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 85.
S. 83 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
S. 84 repealed by No. 6999 s. 9.
No. 3733 s. 87.
S. 85 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 88.
S. 86 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 4422 s. 3.
S. 87 amended by Nos 7311 s. 2(e), 8199 s. 7, 8926 s. 5(2)(a)–(c), 9178 s. 7, 9549 s. 2(1), repealed by No. 82/1995 s. 135(6).
No. 3733 s. 90.
S. 88 amended by Nos 6999 s. 10(a)–(d), 9178 s. 7 (as amended by No. 9427 s. 6(1)), 9549 s. 2(1), repealed by No. 82/1995 s. 135(6).
No. 3733 s. 91.
S. 89 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 92.
S. 90 amended by Nos 6999 s. 11, 9178 s. 7, repealed by No. 82/1995 s. 135(6).
S. 90A inserted by No. 6999 s. 12, amended by Nos 8724 s. 8(1), 9178 s. 7, 9921 s. 255, 9945 s. 3(1), repealed by No. 82/1995 s. 135(6).
S. 90B inserted by No. 7311 s. 2(f), amended by Nos 9178 s. 7, 9921 s. 255, 44/1989 s. 41(Sch. 2 item 33.1), repealed by No. 82/1995 s. 135(6).
No. 3733 s. 93.
S. 91 amended by Nos 8796 s. 2(d), 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 94.
S. 92 substituted by No. 6999 s. 14, amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
S. 92A inserted by No. 101/1994 s. 61, repealed by No. 82/1995 s. 135(6).
No. 3733 ss 95, 96.
Ss 93, 94 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).
No. 3733 s. 97.
S. 95 repealed by No. 82/1995 s. 135(6).
No. 3733 s. 98.

Port of Melbourne Authority Act 1958
Act No. 6312/1958

S. 96 amended by Nos 8796 s. 2(e)(i)(ii), 9178 s. 7, repealed by No. 82/1995 s. 135(6).

No. 3733 s. 99.

S. 97 amended by Nos 9178 s. 7, 52/1989 s. 5(c), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 100.

S. 98 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

S. 99 repealed by No. 6999 s. 15.

S. 100 substituted by No. 8199 s. 8, amended by Nos 9178 s.7, 9921 s. 255, 12/1989 s. 4(1)(Sch. 2 item 94.6), 44/1989 s. 41(Sch. 2 item 33(2)(a)–(c)), 130/1993 s. 122(Sch. 4 item 11) (as amended by No. 53/1994 s. 23(3)(d), 53/1994 s. 34(Sch. 1 item 7), 110/1994 s. 4(1)(Sch. 1 item 8), 112/1994 s. 114(Sch. 5 item 7), 31/1995 s. 52(Sch. 1 item 8), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 103.

S. 101 amended by Nos 9178 s. 7, 12/1989 s. 4(1)(Sch. 2 items 94.7, 94.8), repealed by No. 82/1995 s. 135(6).

Ss 102, 103 repealed by No. 6644 s. 8(1).

S. 104 repealed by No. 6871 s. 4(1).

No. 3733 s. 108.

S. 105 amended by Nos 9178 s. 7, 12/1989 s. 4(1)(Sch. 2 items 94.9, 94.10), repealed by No. 82/1995 s. 135(6).

No. 3733 s. 109.

S. 106 amended by Nos 9178 s. 7, repealed by No. 82/1995 s. 135(6).

S. 106A inserted by No. 6923 s. 4(1), amended by Nos 7228 s. 7(Sch. 4 Pt 26(d)(i)(ii)), 9178 s. 7, 41/1987 s. 103(Sch. 4 items 51.2, 51.3), repealed by No. 82/1995 s. 135(6).

S. 106B inserted by No. 6999 s. 16, amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(6).

⁶ Pt 4 (repealed): Section 135(19)(20) of the **Port Services Act 1995**, No. 82/1995 read as follows:

135. *Repeal of certain provisions of Port of Melbourne Authority Act*

(19) The repeal by sub-section (10), (11) or (12) of a provision of the **Port of Melbourne Authority Act 1958** does not affect—

Port of Melbourne Authority Act 1958

Act No. 6312/1958

- (a) any liability to pay to the Authority any toll, rate, charge, duty, due, fee or other money (including interest) incurred under that provision before that repeal;
- (b) any right to an exemption from the obligation to pay any amount referred to in paragraph (a) acquired before that repeal;
- (c) any other obligation, right or power of any person relating to the payment, collection, recovery or application of any amount referred to in paragraph (a) arising or acquired before that repeal;
- (d) any liability of the Authority to pay any amount to a person incurred under that provision before that repeal;
- (e) any other obligation, right or power of any person relating to the payment, collection, recovery or application of any amount referred to in paragraph (d) arising or acquired before that repeal—

and any such liability, right, power or obligation continues and may be enforced or exercised as if that provision had not been repealed.

- (20) The provisions sub-sections (18) and (19) are in addition to, and not in derogation from, the provisions of the **Interpretation of Legislation Act 1984**.

⁷ Pt 5: Section 24 of the **Borrowing and Investment Powers (Amendment) Act 1993**, No. 99/1993 reads as follows:

24. Transitional provisions

- (1) A provision of an Act amended by a preceding section in this Part (other than section 23) continues to apply to or in respect of—

Port of Melbourne Authority Act 1958

Act No. 6312/1958

- (a) moneys borrowed or re-borrowed, loans, advances and financial accommodation obtained and financial arrangements entered into and any other thing done under borrowing powers or powers to obtain financial accommodation conferred by the Act before the commencement of that section; and
- (b) moneys borrowed or re-borrowed, loans, advances and financial accommodation obtained and any other thing done under borrowing powers or powers to obtain financial accommodation conferred by the Act after that commencement, pursuant to arrangements entered into before that commencement; and
- (c) the investment of moneys or exercise of powers made before the commencement of that section—

as if that section had not been enacted.

- (2) A guarantee given by or on behalf of the Government or State of Victoria or by the Treasurer and in force under an Act amended by a preceding section in this Part (other than section 23) before the commencement of that section has effect and may be enforced as if the guarantee were a contract made on behalf of the Crown and section 23(1)(a) of the **Crown Proceedings Act 1958** applied accordingly.

⁸ Pt 5: See note 3 (See Appendix).

⁹ Ss 116–119

No. 3733 s. 119.

S. 116 amended by No. 9178 s. 7 (as amended by No. 9427 s. 6(1)), repealed by No. 82/1995 s. 135(11).

No. 3733 s. 119.

Port of Melbourne Authority Act 1958
Act No. 6312/1958

S. 117 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(11).

S. 118 substituted by No. 7311 s. 3(1), amended by No. 9178 s. 7, repealed by No. 31/1994 s. 4(Sch. 2 item 66).

No. 3733 s. 121.

S. 119 substituted by No. 7311 s. 3(1), amended by Nos 8796 s. 2(f), 9945 s. 3(1), repealed by No. 82/1995 s. 135(11).

¹⁰ Ss 130–134A

No. 3733 s. 132.

S. 130 amended by Nos 9178 s. 7, 123/1986 s. 13(4), 99/1993 s. 21(h), repealed by No. 82/1995 s. 135(11).

S. 131 amended by No. 9178 s. 7, repealed by No. 9204 s. 3.

Nos 3733 s. 134, 4422 s. 7.

S. 132 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(11).

Nos 3733 s. 135, 3939 s. 2.

S. 133 amended by Nos 9127 s. 3, 9178 s. 7, 9427 s. 6(1), repealed by No. 99/1993 s. 21(i).

S. 133A inserted by No. 9127 s. 4, amended by Nos 9178 s. 7, 99/1993 s. 21(j), repealed by No. 82/1995 s. 135(11).

S. 134 amended by No. 9178 ss 4(1), 7, repealed by No. 9746 s. 3(4).

S. 134A inserted by No. 7311 s. 3(2), substituted by No. 7617 s. 2(e), amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(11).

¹¹ S. 136(1)(c)–(ua)

S. 136(1)(c)–(h) repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(i) amended by No. 7311 s. 2(i)(i), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(j) repealed by No. 52/1989 s. 5(e).

S. 136(1)(ja) inserted by No. 8627 s. 7(2), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(k) repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(ka) inserted by No. 8724 s. 8(2)(a), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(l)(m) repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(ma) (mb) inserted by No. 9178 s. 5(a), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(n)–(p) repealed by No. 82/1995 s. 135(14)(a).

Port of Melbourne Authority Act 1958
Act No. 6312/1958

S. 136(1)(q) amended by No. 8724 s. 8(2)(b), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(qa) inserted by No. 6999 s. 18(a), substituted by No. 7311 s. 2(i)(ii), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(qb)–(qd) inserted by No. 7311 s. 2(i)(ii), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(r) amended by Nos 8199 s. 13, 123/1986 s. 26(1), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(s) amended by No. 123/1986 s. 26(2), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(t) repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(u) substituted by Nos 6999 s. 18(b), 8724 s. 8(2)(c), amended by No. 9178 s. 5(b), repealed by No. 82/1995 s. 135(14)(a).

S. 136(1)(ua) inserted by No. 6999 s. 18(b), amended by Nos 8796 s. 2(g)(i)(ii), 9945 s. 3(1), repealed by No. 25/1992 s. 3(b).

¹² Ss 137–139

S. 137 repealed by No. 8199 s. 14.

S. 138 repealed by No. 6886 s. 3.

No. 3733 s. 141.

S. 139 amended by No. 9178 s. 7, repealed by No. 123/1986 s. 27.

¹³ Pt 7: (Heading): See sections 276, 289 of the **Melbourne and Metropolitan Board of Works Act 1958**, No. 6310/1958.

¹⁴ Ss 140–148

No. 3733 s. 141.

S. 140 repealed by No. 82/1995 s. 135(15).

Nos 3733 s. 143, 4485 s. 2.

S. 141 amended by Nos 8353 s. 19, 9178 s. 7, 9921 s. 255, 44/1989 s. 41(Sch. 2 item 33.4), repealed by No. 52/1989 s. 5(f).

No. 3733 s. 144.

S. 142 amended by Nos 7311 s. 2(j), 52/1988 s. 161(Sch. 6 item 11.2), repealed by No. 82/1995 s. 135(15).

No. 3733 s. 145.

S. 143 amended by No. 12/1989 s. 4(1)(Sch. 2 item 94.11), repealed by No. 82/1995 s. 135(15).

No. 3733 s. 146.

S. 144 amended by No. 9178 s. 7, repealed by No. 123/1986 s. 28.

Port of Melbourne Authority Act 1958
Act No. 6312/1958

S. 145 repealed by No. 6999 s. 19(a).

No. 3733 s. 148.

S. 146 amended by Nos 6999 s. 19(b), 9178 s. 7, repealed by No. 123/1986 s. 29.

No. 3733 ss 149, 150.

Ss 147, 148 amended by No. 9178 s. 7, repealed by No. 123/1986 s. 29.

¹⁵ Ss 153–159

No. 3733 s. 155.

S. 153 amended by Nos 9178 s. 7, 9427 s. 8(1), repealed by No. 123/1986 s. 30.

No. 4422 s. 10.

S. 154 amended by Nos 9178 s. 7, 9576 s. 11(1), repealed by No. 82/1995 s. 135(15).

S. 155 substituted by Nos 6999 s. 21, 8199 s. 16, 8749 s. 3, amended by Nos 9178 s. 7, 9945 s. 3(1), repealed by No. 52/1988 s. 118.

S. 155A inserted by No. 8749 s. 3, repealed by No. 52/1988 s. 118.

S. 155B inserted by No. 8749 s. 3, amended by Nos 9178 s. 7, 9549 s. 2(1), repealed by No. 52/1988 s. 118.

S. 155C inserted by No. 8749 s. 3, repealed by No. 52/1988 s. 118.

No. 3733 s. 157.

S. 156 amended by Nos 6999 s. 22, 8796 s. 2(h), repealed by No. 82/1995 s. 135(15).

S. 157 repealed by No. 9178 s. 6, new s. 157 inserted by No. 52/1988 s. 119, repealed by No. 82/1995 s. 135(15).

Nos 3733 s. 159, 4422 s. 12.

S. 158 amended by No. 9178 s. 7, repealed by No. 82/1995 s. 135(15).

No. 3733 s. 160.

S. 159 amended by Nos 7311 s. 2(k), 8731 s. 173, 9019 s. 2(1), 57/1989 s. 3(Sch. item 159.3(a)(b)), repealed by No. 82/1995 s. 135(15).

¹⁶ Sch. 5 (repealed): See note 4.

¹⁷ Sch. 7 (repealed): See note 4.