

LEGISLATIVE COUNCIL

PORT MANAGEMENT AMENDMENT (PORT OF MELBOURNE CORPORATION
LICENCE FEE) BILL 2011

(New Clauses to be proposed in Committee by Ms PULFORD)

NEW CLAUSES

Insert the following New Clauses to follow clause 5—

'A New Division 6 inserted

After Division 5 of Part 3 of the Principal Act **insert**—

"Division 6—Port licence fee oversight

63L Definition

In this Division—

regulated fee means any fee or charge payable to the Port of Melbourne Corporation that may be the subject of a price determination by the Commission in accordance with Part 3 of the **Essential Services Commission Act 2001**.

63M Notice of increase in regulated fees

The Port of Melbourne Corporation must cause a notice to be published in the Government Gazette before 31 May in each financial year specifying, in relation to the following financial year—

- (a) the amount of each regulated fee that is payable; and
- (b) the part of the amount referred to in paragraph (a) that is attributable to payment by the Port of Melbourne Corporation of the port licence fee; and
- (c) the proportion of anticipated revenue from regulated fees that can be attributed to payment by the Port of Melbourne Corporation of the port licence fee.

63N Over-recovery of port licence fee

If, in a financial year, the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that is collected for the purpose of payment of the port licence fee is an amount that exceeds the amount of the port licence fee payable in that financial year—

- (a) the balance of that proportion of revenue must be applied to the payment of the port licence fee in the following financial year; and
- (b) the Port of Melbourne Corporation must make a new determination of those regulated fees to reduce the proportion of the regulated fees collected for the purpose of payment of the port licence fee.

63O Information to be disclosed in annual report

The Port of Melbourne Corporation must include in its annual report of operations under Part 7 of the **Financial Management Act 1994** details of the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that was collected for the purpose of payment of the port licence fee.

63P Review of determination by Commission

- (1) In addition to any other powers the Commission may have under this Act or the **Essential Services Commission Act 2001**, the Commission must, not later than 30 November 2014, conduct and complete a review of a price determination it has made in relation to prescribed services in the port of Melbourne, having regard to—
 - (a) whether in any financial year the proportion of revenue from regulated fees paid to the Port of Melbourne Corporation that was collected for the purpose of payment of the port licence fee exceeded the amount of the port licence fee payable in that financial year; and
 - (b) any other factor which may impact on the amount of revenue from regulated fees paid or payable to the Port of Melbourne Corporation that is attributable to payment of the port licence fee; and
 - (c) whether an exemption or partial exemption from a regulated fee or an increase in a regulated fee should be granted to any person or class of person liable to pay the regulated fee on the basis that payment of the regulated fee or increase in regulated fee by that person or class of person would be inequitable or against the public interest.
- (2) As a result of a determination under subsection (1), the Commission may amend or revoke and remake a price determination in relation to prescribed services in the port of Melbourne."

B New Part 18 inserted

At the end of Part 17 of the Principal Act **insert—**

"PART 18—REPEALS

188 Repeal of definitions

In section 3(1), the definitions of *port licence fee* and *quarter* are **repealed** on 1 July 2016.

189 Repeal of Part 2B

Part 2B is **repealed** on 1 July 2016.

190 Repeal of Division 6 of Part 3

Division 6 of Part 3 is **repealed** on 1 July 2016.

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