

LEGISLATIVE COUNCIL

Read 1° 28 April 1992

(Brought in by the Honourable D. R. White)

A BILL

to amend the Port of Melbourne Authority Act 1958

Port of Melbourne Authority (Amendment) Act 1992

The Parliament of Victoria enacts as follows:

1. Purpose

The purposes of this Act are—

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- (a) to modernise the regulation-making powers of the Port of Melbourne Authority; and
 - (b) to increase the penalties that may be imposed for a breach of the Authority's regulations concerning goods, oils and inflammable liquids.

2. Commencement

10 This Act comes into operation on the day it receives the Royal Assent.

Section headings appear in bold italics and are not part of the Act.
(See Interpretation of Legislation Act 1984.)

3. Amendment to regulation-making powers

In section 136 of the **Port of Melbourne Authority Act 1958**—

- (a) after “136.” insert “(1)”;
- (b) paragraph (ua) is repealed; 5
- (c) at the end of the section insert—
 - “(2) Regulations made under sub-section (1) (u) may impose the following penalties—
 - (a) in the case of an offence by a body corporate— 10
 - (i) a penalty of not more than 400 penalty units for the commission of the offence; and
 - (ii) a penalty of not more than 50 penalty units for each day the offence continues after conviction; 15
 - (b) in the case of an offence by anyone else—
 - (i) a penalty of not more than 100 penalty units for the commission of the offence; and 20
 - (ii) a penalty of not more than 10 penalty units for each day the offence continues after conviction.
 - (3) All other regulations made under this section may impose— 25
 - (a) a penalty of not more than 20 penalty units for the commission of an offence; and
 - (b) a penalty of not more than 1 penalty unit for each day an offence continues after conviction. 30
 - (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 35

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.”.

