

Serial 113
Ports Management (Repeals and Related and Consequential Amendments)
Bill 2015
Mr Giles

A Bill for an Act to repeal various regulations and amend other laws related to,
or in consequence of the enactment of, the *Ports Management Act*

NORTHERN TERRITORY OF AUSTRALIA

PORTS MANAGEMENT (REPEALS AND RELATED AND
CONSEQUENTIAL AMENDMENTS) ACT 2015

Act No. [] of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2015

An Act to repeal various regulations and amend other laws related to, or in consequence of the enactment of, the *Ports Management Act*

[Assented to [] 2015]
[Second reading [] 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Ports Management (Repeals and Related and Consequential Amendments) Act 2015*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Litter Act

3 Act amended

This Part amends the *Litter Act*.

4 Section 3 amended

Section 3, definition **officer**, paragraph (b)(ii)

omit

5 Section 8 amended

(1) Section 8(2)(b)

omit

the Darwin Port Authority

insert

a boat registration authority

(2) After section 8(10)

insert

(11) In this section:

boat registration authority means:

- (a) the Registrar, or a Deputy Registrar, as defined in section 3(1) of the *Shipping Registration Act 1981* (Cth); or
- (b) the Director as defined in section 4(1) of the *Fisheries Act*; or
- (c) a prescribed person.

6 Section 9A amended

Section 9A(8)(b)

omit

7 Section 11A amended

Section 11A(2)(b)

omit

or the Darwin Port Authority

Part 3 Amendment of Marine Act**8 Act amended**

This Part amends the *Marine Act*.

9 Section 4 amended

Section 4(3) and (4)

omit

10 Section 7 amended

Section 7(1), definition ***marine incident***

omit, insert

marine incident means any of the following:

- (a) the death of a person associated with the operation or navigation of a vessel;
- (b) an injury to a person associated with the operation or navigation of a vessel that requires or results in treatment by a medical practitioner;
- (c) the loss or presumed loss of a vessel;
- (d) a collision of a vessel with another vessel;
- (e) a collision by a vessel with an object;
- (f) the grounding, sinking, flooding or capsizing of a vessel;
- (g) a fire on board a vessel;
- (h) a loss of stability of a vessel that affects the safety of the vessel;
- (i) the structural failure of a vessel;
- (j) a situation in which vessels pass each other, or a vessel passes another vessel, a person or an object, in such proximity that a reasonable person would conclude that in all the circumstances there was a risk of an imminent collision;
- (k) an event that results in, or could have resulted in:
 - (i) the death of, or an injury of a kind mentioned in paragraph (b) to, a person on board a vessel; or
 - (ii) the loss of a person from a vessel; or
 - (iii) a vessel becoming disabled and requiring assistance;

- (l) the fouling or damaging by a vessel of:
 - (i) any pipeline or submarine cable; or
 - (ii) an aid to navigation as defined in section 14(1) of the *Navigation Act 2012* (Cth);
- (m) a prescribed incident involving a vessel.

11 Section 7A inserted

After section 7, in Part 1

insert

7A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 7A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

12 Section 8 amended

Section 8(7)

omit

13 Section 97 amended

Section 97(1) and (2)

omit, insert

- (1) A person commits an offence if the person:
 - (a) sends a vessel to sea; and
 - (b) knows that the vessel is an unsafe ship.

Maximum penalty: 1 250 penalty units.

- (2) The master of a vessel commits an offence if the master:
 - (a) takes the vessel to sea; and

(b) knows that the vessel is an unsafe ship.

Maximum penalty: 1 250 penalty units.

14 Section 102 amended

Section 102(3)

omit, insert

(3) The master of a vessel commits an offence if:

(a) a direction is given to the master under subsection (1); and

(b) the master engages in conduct; and

(c) the conduct contravenes the direction.

Maximum penalty: 500 penalty units.

15 Section 105 amended

Section 105(2)

omit, insert

(1A) The master of a vessel commits an offence if:

(a) a direction is given to the master under subsection (1); and

(b) the master contravenes the direction.

Maximum penalty: 100 penalty units.

(1B) An offence against subsection (1A) is an offence of strict liability.

(2) It is a defence to a prosecution for an offence against subsection (1A) if the defendant has a reasonable excuse.

16 Section 106 amended

(1) Section 106(3), penalty provision

omit

or imprisonment for 6 months

- (2) After section 106(3)
insert
- (3A) An offence against subsection (3) is an offence of strict liability.
- (3) Section 106(5), after "carried"
insert
(as the case requires)
- (4) Section 106(5), after "Act"
insert
or in accordance with Part 41 of the Marine Orders made under the *Navigation Act 2012* (Cth)

17 Section 107 replaced

Section 107

repeal, insert

107 Forfeiture of dangerous goods

- (1) This section applies if a person is found guilty by a court of an offence against section 106.
- (2) The court may order the dangerous goods in respect of which the offence was committed:
- (a) to be forfeited to the Territory; or
 - (b) to be destroyed.
- (3) The court may order the forfeiture or destruction of the dangerous goods despite:
- (a) them not belonging to the person found guilty; or
 - (b) their owner having no knowledge of the proceeding.
- (4) The Competent Authority may recover from the person found guilty, as a debt due and payable to the Territory, the costs incurred by it in relation to the forfeiture or destruction of the dangerous goods.
- (5) This section does not apply to a vessel within a designated port.

(6) In this section:

Competent Authority, see section 3 of the *Dangerous Goods Act*.

18 Section 109 replaced

Section 109

repeal, insert

109 Collisions

- (1) The master of a vessel (**vessel A**) commits an offence if:
- (a) vessel A is involved in a collision with another vessel (**vessel B**); and
 - (b) the master of vessel A knows that vessel A was involved in a collision with vessel B; and
 - (c) the master fails to do all of the following:
 - (i) render to vessel B all practical assistance to save vessel B, its passengers and its crew from any danger caused by the collision;
 - (ii) stay by vessel B until he or she has ascertained that there is no need for further assistance;
 - (iii) if vessel A is a recreational vessel – give to the master of vessel B the name and address of the master or owner of vessel A;
 - (iv) if vessel A is not a recreational vessel – give the following information to the master of vessel B:
 - (A) the name of vessel A;
 - (B) vessel A's port of registry or home port;
 - (C) the port from which vessel A has come and to which it is bound.

Maximum penalty: 1 250 penalty units.

- (2) Strict liability applies to subsection (1)(a) and (c).
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse for failing to do the things mentioned in subsection (1)(c)(ii), (iii) or (iv).

19 Section 110 amended

- (1) Section 110(1), penalty provision

omit, insert

Maximum penalty: 100 penalty units.

- (2) Section 110(2)

omit, insert

- (2) The owner of a vessel commits an offence if:

- (a) the vessel is operated in Northern Territory waters; and
- (b) the vessel is not provided with appropriate means of exhibiting the lights, shapes and signals prescribed for use in or in connection with the prevention of collisions.

Maximum penalty: 100 penalty units.

- (3) The master of a vessel commits an offence if:

- (a) the master operates the vessel in Northern Territory waters; and
- (b) the vessel is not provided with appropriate means of exhibiting the lights, shapes and signals prescribed for use in or in connection with the prevention of collisions.

Maximum penalty: 100 penalty units.

- (4) An offence against subsection (1), (2) or (3) is an offence of strict liability.

- (5) It is a defence to a prosecution for an offence against subsection (1), (2) or (3) if the defendant has a reasonable excuse.

20 Section 112 replaced

Section 112

repeal, insert

112 False distress signals

- (1) A person commits an offence if the person without reasonable cause:
- (a) sets off, or causes to be set off, a flare or EPIRB (Emergency Position Indicating Radio Beacon); or
 - (b) displays, or causes to be displayed, lights, sheets or signs that indicate distress; or
 - (c) makes, or causes to be made, any other distress signal.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

- (3) A person commits an offence if:

- (a) the person makes, or causes to be made, a signal; and
- (b) the signal may be confused with a prescribed distress signal.

Maximum penalty: 50 penalty units.

21 Section 115 amended

After section 115(2)

insert

- (3) An offence against subsection (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

22 Sections 115A and 115B replaced

Sections 115A and 115B

repeal, insert

115A Duty not to obstruct

The owner or the master of a vessel commits an offence if:

- (a) the owner or master operates, moors, anchors or secures the vessel, or allows the vessel to be operated, moored, anchored or secured; and
- (b) the manner in which the vessel is operated, moored, anchored or secured is likely to:
 - (i) obstruct or impede the safe passage or navigation of another vessel; or
 - (ii) create a hazard to the safe passage, navigation or operation of another vessel.

Maximum penalty: 100 penalty units or imprisonment for 1 year.

115B Person not to obstruct or endanger safe passage

A person commits an offence if:

- (a) the person engages in conduct, including the unlawful use of nets, lines, pots or other gear; and
- (b) the conduct obstructs, hinders or endangers, or is likely to obstruct, hinder or endanger, the safe passage of a vessel.

Maximum penalty: 100 penalty units or imprisonment for 1 year.

23 Section 115D amended

After section 115D(1)

insert

- (1A) The owner of a vessel to whom a direction is given under subsection (1) commits an offence if the owner fails to comply with the direction within 14 days after it is given.

Maximum penalty: 100 penalty units.

(1B) An offence against subsection (1A) is an offence of strict liability.

(1C) It is a defence to a prosecution for an offence against subsection (1A) if the defendant has a reasonable excuse.

24 Section 117 inserted

After section 116

insert

117 Report of marine incidents

(1) The master of a recreational vessel that is involved in, or causes, a marine incident commits an offence if he or she fails to report the incident to the Director as soon as practicable after it occurs and, in any event, not later than 4 pm on the next business day.

Maximum penalty: 100 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

25 Section 120 amended

(1) Section 120(2)

omit, insert

(2) A person commits an offence if:

(a) the person is required to answer a question under subsection (1)(b); and

(b) in response to the requirement the person gives information; and

(c) the person knows the information is misleading.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2A) A person commits an offence if:

(a) the person is required to produce a document or certificate under subsection (1)(c); and

- (b) in response to the requirement the person produces a document or certificate; and
- (c) the person knows the document or certificate contains misleading information.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2B) Strict liability applies to subsections (2)(a) and (2A)(a).

(2C) Subsection (2A) does not apply if the person, when producing the document or certificate:

- (a) draws the misleading aspect of the document or certificate to the attention of the person to whom it is produced; and
- (b) to the extent to which the person can reasonably do so – gives the person to whom it is produced the information necessary to remedy the misleading aspect of the document or certificate.

(2D) A person commits an offence if:

- (a) the person is required to answer a question under subsection (1)(b) or to produce a document or certificate under subsection (1)(c); and
- (b) the person refuses to answer the question or produce the document or certificate.

Maximum penalty: 100 penalty units.

(2E) An offence against subsection (2D) is an offence of strict liability.

(2F) It is a defence to a prosecution for an offence against subsection (2D) if the defendant has a reasonable excuse.

(2) Section 120(3), after "(2)"

insert

or (2D)

(3) After section 120(5)

insert

(6) In this section:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

26 Section 127 amended

Section 127(1)

omit, insert

(1) A passenger or other person on board a vessel who is not a seaman belonging to the vessel commits an offence if he or she:

(a) engages in conduct; and

(b) the conduct results in the obstruction of any part of the machinery, equipment or fittings of the vessel.

Maximum penalty: 100 penalty units.

27 Section 128 amended

After section 128(2)

insert

(3) An offence against subsection (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

28 Section 135 amended

(1) Section 135, heading, after "**information**"

insert

or document

(2) Section 135(1), after "information"

insert

or document

(3) After section 135(2)

insert

(3) An offence against subsection (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant has a reasonable excuse.

29 Section 139 amended

After section 139(4)

insert

(5) An offence against subsection (4) is an offence of strict liability.

(6) It is a defence to a prosecution for an offence against subsection (4) if the defendant has a reasonable excuse.

30 Section 140 replaced

Section 140

repeal, insert

140 Offences relating to declared services

(1) A person commits an offence if:

(a) the person carries on a declared service; and

(b) the person is not a licensee.

Maximum penalty: 400 penalty units.

(2) A licensee commits an offence if the licensee contravenes a condition of the licence other than one mentioned in section 136(1)(a) or (b).

Maximum penalty: 100 penalty units.

(3) The master of a vessel that is engaged in a declared service commits an offence if the master causes or permits the vessel to be used in a way that contravenes a condition of a licence held in respect of the declared service.

Maximum penalty: 100 penalty units.

-
- (4) An offence against subsection (2) or (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (2) or (3) if the defendant has a reasonable excuse.

31 Section 141 amended

- (1) Section 141, heading

omit, insert

141 Review of decisions of Director

- (2) Section 141(1)

omit

pursuant to a direction of the Local Court under subsection (7)(c)

insert

made on a reconsideration under section 50(1)(c)(ii) of the *Northern Territory Civil and Administrative Tribunal Act*

- (3) Section 141(1)

omit

appeal to the Local Court against

insert

apply to the Tribunal for a review of

- (4) Section 141(2), (3) and (4)

omit

appeal against

insert

apply for a review of

- (5) Section 141(5), (6), (7) and (8)
omit, insert
- (5) Subject to subsection (6), an application for a review of a decision of the Director must be filed with the Registrar of the Tribunal within 28 days after:
- (a) the day on which the Director gives notice of a variation of the decision as a result of a request made under subsection (2);
or
 - (b) the expiry of the period of 14 days after the receipt of that request if the Director does not vary the decision within that period.
- (6) The Tribunal may extend the time allowed for making an application mentioned in subsection (5).

32 Section 142 replaced

Section 142

repeal, insert

142 Effect of review proceeding on decisions

- (1) On the commencement of a proceeding to review a decision of the Director to vary a licence, the decision is of no effect unless and until it is confirmed by the Tribunal.
- (2) On the commencement of a proceeding to review a decision of the Director to refuse to renew a licence, the licence remains valid until:
- (a) a decision is made by the Tribunal under section 50 of the *Northern Territory Civil and Administrative Tribunal Act*; and
 - (b) if that decision is to send the matter back to the Director for reconsideration, until a decision is made on that reconsideration.
- (3) Subsection (2) has effect even if, but for that subsection, the licence would have expired because of section 137.

33 Section 148 amended

- (1) Section 148, before "A"

insert

(1)

- (2) Section 148, penalty provision

omit, insert

Maximum penalty: 100 penalty units.

- (3) Section 148, at the end

insert

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

34 Section 149 amended

Section 149(3)

omit, insert

(3) A person served with a notice under subsection (2) commits an offence if the person fails or refuses to comply with the requirement contained in the notice.

Maximum penalty: 100 penalty units.

(3A) An offence against subsection (3) is an offence of strict liability.

(3B) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

35 Section 152 amended

- (1) Section 152, before "A"

insert

(1)

- (2) Section 152, penalty provision

omit, insert

Maximum penalty: 100 penalty units.

- (3) Section 152, at the end

insert

- (2) An offence against subsection (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

36 Sections 153, 154 and 155 replaced

Sections 153, 154 and 155

repeal, insert

154 Offences in relation to aids

- (1) A person must not damage or destroy an aid.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if the person engages in conduct that:

(a) results in the view of an aid being obstructed in a manner that lessens its efficiency; or

(b) hinders the effective use of the aid.

Maximum penalty: 200 penalty units.

- (3) A person must not be in or on:

(a) an aid; or

(b) an enclosed area of land on which an aid is situated.

Maximum penalty: 100 penalty units.

- (4) An offence against subsection (1), (2) or (3) is an offence of strict liability.

- (5) It is a defence to a prosecution for an offence against subsection (1), (2) or (3) if the defendant has a reasonable excuse.

155 Notification of damage

- (1) A person commits an offence if:
 - (a) an aid is damaged, destroyed or interfered with; and
 - (b) the person fails to report the damage, destruction or interference immediately to the Director.

Maximum penalty: 100 penalty units.

- (2) Strict liability applies to subsection (1)(b).
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

37 Section 188A replaced

Section 188A

repeal, insert

188A Erection of structures

- (1) A person must not, in or on Northern Territory waters, without the prior written approval of the Director or otherwise than in accordance with the terms of any such approval:
 - (a) erect, or cause to be erected, below the high water mark any jetty, wharf, pontoon (whether or not attached to the shore), mooring or structure, whether temporary or permanent; or
 - (b) moor, anchor or otherwise fasten a floating structure or mooring buoy to the sea floor, a lake or riverbed or the shore.

Maximum penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.
- (4) The Director must not withhold an approval under subsection (1), or impose a condition on such an approval, except on reasonable grounds set out in a written notice given to the person seeking to do the thing mentioned in subsection (1)(a) or (b).

-
- (5) A person given a notice under subsection (4) may apply to the Tribunal for a review of a decision of the Director to withhold an approval under subsection (1) or impose a condition on an approval.
- (6) This section does not apply to waters within a designated port.

38 Section 188B amended

Section 188B(3)

omit, insert

- (3) A person commits an offence if the person is in closed waters contrary to a notice under subsection (1).
- Maximum penalty: 50 penalty units.
- (3A) An offence against subsection (3) is an offence of strict liability.
- (3B) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.

39 Sections 188C and 188D inserted

After section 188B

insert

188C Power of Minister to close waters

- (1) The Minister may, by written notice, close any specified area of Northern Territory waters to shipping for a period specified in the notice so as to:
- (a) enable the safe staging of regattas and races; or
 - (b) facilitate salvage or construction operations; or
 - (c) clean up polluted waters; or
 - (d) deal with any matter relating to safety.
- (2) The Minister must, as far as practicable, publicise the proposed closure beforehand in such manner as the Minister thinks fit.
- (3) A person commits an offence if the person is in closed waters contrary to a notice under subsection (1).

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant has a reasonable excuse.
- (6) This section does not apply to waters within a designated port.

188D Obstruction of officers or crew members

- (1) A person commits an offence if:
 - (a) the person obstructs another person; and
 - (b) the other person is an officer; and
 - (c) the person knows the officer is acting in an official capacity.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (2) A person commits an offence if:
 - (a) the person obstructs another person; and
 - (b) the other person is a member of the crew of a vessel who is engaged in the navigation, management or operation of the vessel; and
 - (c) the person knows the member is engaged in the navigation, management or operation of the vessel.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (3) Strict liability applies to subsections (1)(b) and (2)(b).

- (4) In this section:

acting in an official capacity, in relation to an officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

obstruct includes hinder and resist.

officer means:

- (a) a shipping inspector; or
- (b) a person authorised under section 147(2).

40 Sections 191AA and 191A repealed

Sections 191AA and 191A

repeal

41 Part 10, Division 1 repealed

Part 10, Division 1

repeal

42 Part 10, Division 3 inserted

After section 213

insert

Division 3 Ports Management (Repeals and Related and Consequential Amendments) Act 2015**214 Definitions**

In this Part:

amendments means the amendments made to this Act by sections 31, 32 and 37 of the *Ports Management (Repeals and Related and Consequential Amendments) Act 2015*.

former Act means this Act as in force immediately before the commencement of the amendments.

215 Appeals made to Local Court

- (1) This section applies if, before the commencement of the amendments:
 - (a) a person had lodged an appeal with the Local Court against a decision of the Director; but
 - (b) the Local Court had not determined the appeal.
- (2) The Local Court must hear, or continue to hear, and determine the appeal in accordance with the former Act, as if the amendments had not commenced.

216 Appeals not yet made to Local Court

- (1) This section applies if, before the commencement of the amendments:
 - (a) a person had a right to appeal to the Local Court against a decision of the Director and the period for doing so had not expired; but
 - (b) the person entitled to appeal had not done so.
- (2) The person may appeal to the Local Court on and after the commencement in accordance with the former Act, as if the amendments had not commenced.
- (3) The Local Court must hear and determine the appeal in accordance with the former Act, as if the amendments had not commenced.

Part 4 Amendment of Ports Management Act**43 Act amended**

This Part amends the *Ports Management Act*.

44 Section 3 amended

- (1) Section 3, definitions ***buoy*** and ***Port of Darwin***

omit

- (2) Section 3

insert (in alphabetical order)

mooring buoy means a floating apparatus (other than a vessel) that is in navigable waters and used for securing a vessel.

Port of Darwin means the area of water and land comprised within the boundaries as declared from time to time under section 7 to constitute the Port of Darwin.

45 Section 53 amended

(1) Section 53(1)

omit, insert

- (1) A person must not, without the prior written approval of the regional harbourmaster for a designated port or otherwise than in accordance with the terms of any such approval, in or on waters within the designated port:

- (a) erect, or cause to be erected, below the highwater mark any jetty, wharf, pontoon (whether or not attached to the shore), mooring or structure, whether temporary or permanent; or
- (b) moor, anchor or otherwise fasten a floating structure or mooring buoy to the sea floor, a lake or riverbed or the shore.

Maximum penalty: 100 penalty units.

(2) Section 53(4)

omit, insert

- (4) The regional harbourmaster must not withhold an approval under subsection (1), or impose a condition on such an approval, except on reasonable grounds set out in a written notice given to the person seeking to do the thing mentioned in subsection (1)(a) or (b).

(3) Section (5), after "approval"

insert

, or to impose a condition on the approval,

46 Section 76 amended

After section 76(6)(b)

insert

- (ba) the medical examination of a licensed pilot in order that his or her fitness to discharge his or her duties may be determined; and

47 Section 87 amended

- (1) Section 87(1), after "the pilotage area"
insert
and that involve:
- (a) a licensed pilot employed or engaged by the pilotage services provider; or
 - (b) a vessel of which a licensed pilot employed or engaged by the pilotage services provider has pilotage charge.
- (2) Section 87(2)(a) and (3)(a), after "incident"
insert
mentioned in subsection (1)

48 Section 96 amended

- (1) Section 96(1)
omit
A
insert
Subject to subsection (1A), a
- (2) After section 96(1)
insert
- (1A) The port operator of a designated port may only approve the establishment, alteration or removal of an aid mentioned in subsection (1) with the prior written approval of the regional harbourmaster for the designated port.

49 Section 108 amended

- Section 108(4)(c)(ii) and (6), definitions ***berth*** and ***dolphin***
omit
buoy

insert

mooring buoy

50 Section 127 amended

After section 127(1)

insert

- (1A) The regulations may include among the prescribed matters any matter about which the Regulator considers that guidelines should be issued with a view to assisting the Regulator in determining whether a private port operator is complying with its access policy.

51 Section 131 amended

- (1) After section 131(2)

insert

- (2A) The regulations may require the Regulator:
- (a) to send a copy of a draft price determination to specified persons, invite submissions on the draft from those persons and consider any submissions received; and
 - (b) to send a copy of a price determination to specified persons and publish the determination on the Regulator's website.

- (2) After section 131(4)

insert

- (4A) A price determination must specify its expiry date.

52 Section 147 amended

Section 147(1)(c), after "*Darwin Port Corporation Act*"

insert

(repealed)

53 Section 154 amended

- (1) Section 154, before "The"

insert

- (1)

- (2) Section 154, at the end

insert

- (2) A regulation may:

(a) prescribe fees payable under this Act; or

(b) provide for an offence against a regulation to be an offence of strict or absolute liability.

54 Section 158 amended

Section 158(1), after "*Darwin Port Corporation Act*"

insert

(repealed)

55 Section 159 amended

Section 159(1), after "*Darwin Port Corporation Act*"

insert

(repealed)

56 Section 162 amended

Section 162(1), after "*Darwin Port Corporation Act*"

insert

(repealed)

57 Schedule 1 amended

- (1) Schedule 1, after "section 53(1)"

insert

or impose a condition on such an approval

(2) Schedule 1

omit

or structure

insert

, mooring or structure or to moor, anchor or otherwise fasten a floating structure or mooring buoy

Part 5 Amendment of Marine (General) Regulations

58 Regulations amended

This Part amends the *Marine (General) Regulations*.

59 Regulation 16 amended

(1) Regulation 16(1)

omit

(1)

(2) Regulation 16(1)(c) and (2)

omit

60 Regulation 23 repealed

Regulation 23

repeal

61 Regulation 24 amended

After regulation 24(2)

insert

(3) This regulation does not apply to a vessel within a designated port.

Part 6 Amendment of Work Health and Safety (National Uniform Legislation) Regulations

62 Regulations amended

This Part amends the *Work Health and Safety (National Uniform Legislation) Regulations*.

63 Regulation 530 amended

Regulation 530(2)

omit

64 Regulation 532 amended

After regulation 532(3)

insert

- (4) Schedule 15 chemicals in transit at a designated port, as defined in section 3 of the *Ports Management Act*, are not to be considered in determining whether the port is a facility or a major hazard facility.

Part 7 Amendment of other laws

65 Laws amended

Schedule 1 amends the laws mentioned in it.

Part 8 Repeals

66 Regulations repealed

The Regulations specified in Schedule 2 are repealed.

Part 9 Expiry of Act

67 Expiry of Act

This Act expires on the day after it commences.

Schedule 1 Other laws amended

section 65

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>AustralAsia Railway (Special Provisions) Act</i>		
section 5AA, heading	Darwin Port Corporation etc.	Territory
section 5AA	the Darwin Port Corporation or	
<i>Fisheries Regulations</i>		
regulation 3(1), definition <i>Darwin port</i>	whole definition	<i>(in alphabetical order)</i> <i>Darwin port</i> means the Port of Darwin as defined in section 3 of the <i>Ports Management Act</i> .
<i>Marine Pollution Regulations</i>		
regulation 37(3)	a person at any of the following places	any of the following
regulation 37(3)(a) and (b)	whole paragraph	(a) Northern Territory Environment Protection Authority, Darwin NT; (ab) the regional harbourmaster for a designated port, as defined in section 3 of the <i>Ports Management Act</i> ; (b) a port management officer, as defined in section 3 of the

		<i>Ports Management Act</i> , for a designated port, as defined in that section;
regulation 37(3)(c)	Nabalco Pty Ltd	Alcan Gove Pty Ltd

Mining Management Act

section 5(4)	Darwin Port Corporation	port operator, as defined in section 3 of the <i>Ports Management Act</i> , of the Port of Darwin, as defined in that section,
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Schedule 2 Repealed Regulations

section 66

<i>Marine (Pilotage) Regulations</i>	Subordinate Legislation No. 19 of 1982
<i>Amendments of the Marine (Pilotage) Regulations</i>	Subordinate Legislation No. 10 of 1984
<i>Amendments of Marine (Pilotage) Regulations</i>	Subordinate Legislation No. 11 of 2001
<i>Marine (Pilotage) Amendment Regulations 2012</i>	Subordinate Legislation No. 22 of 2012
