

South Australia

South Australian Ports (Disposal of Maritime Assets) Regulations 2012

under the *South Australian Ports (Disposal of Maritime Assets) Act 2000*

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1—Short title

These regulations may be cited as the *South Australian Ports (Disposal of Maritime Assets) Regulations 2012*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *South Australian Ports (Disposal of Maritime Assets) Act 2000*;

panel means the Port Adelaide Container Terminal Monitoring Panel;

port of Port Adelaide means the Port Adelaide port as constituted under the *Harbors and Navigation Act 1993*;

port operator has the same meaning as in the *Harbors and Navigation Act 1993*.

4—Membership of panel (section 21 of Act)

- (1) The panel will consist of the following persons appointed by the Minister:
 - (a) a nominee of the South Australian Freight Council Incorporated;
 - (b) a nominee of the port operator of the port of Port Adelaide;
 - (c) a nominee of the operator of the Port Adelaide Container Terminal (being a person who works in South Australia);
 - (d) a nominee of Shipping Australia Limited;
 - (e) a nominee of The South Australian Road Transport Association Incorporated;

- (f) a nominee of Customs Brokers and Forwarders Council of Australia Inc;
 - (g) a nominee of the South Australian Employers' Chamber of Commerce and Industry Inc (*Business SA*);
 - (h) a nominee of the Commonwealth Minister responsible for the administration of the *Customs Act 1901* of the Commonwealth;
 - (i) a nominee of the Commonwealth Minister responsible for the administration of the *Quarantine Act 1908* of the Commonwealth;
 - (j) a nominee of The Maritime Union of Australia (being a person who works at the Port Adelaide Container Terminal);
 - (k) a nominee of the Australian Maritime Officers Union (being a person who works at the Port Adelaide Container Terminal);
 - (l) 1 or 2 persons selected by the Minister to represent the interests of importers and exporters in South Australia.
- (2) If the Minister selects 2 persons under subregulation (1)(l), 1 must represent the interests of importers, and the other the interests of exporters, in South Australia.

5—Procedures of panel (section 22 of Act)

- (1) The member appointed on the nomination of the South Australian Freight Council Incorporated (or an alternate member acting for that member) must preside at meetings of the panel.
- (2) A quorum of the panel consists of half of the total number of its members (ignoring any fraction resulting from the division) plus 1 and must include—
 - (a) the member appointed on the nomination of the South Australian Freight Council Incorporated (or the relevant alternate member); and
 - (b) the member appointed on the nomination of the port operator of the port of Port Adelaide (or the relevant alternate member); and
 - (c) the member appointed on the nomination of the operator of the Port Adelaide Container Terminal (or the relevant alternate member); and
 - (d) 2 other members (or the relevant alternate members) entitled to vote on a question arising for decision by the panel.
- (3) A decision carried by the majority of the votes cast by the members present at a meeting of the panel is a decision of the panel.
- (4) Subject to subregulation (5), each member of the panel is entitled to 1 vote on a question arising for decision by the panel.
- (5) The following members (and their alternates) are not entitled to vote:
 - (a) the member appointed on the nomination of the port operator of the port of Port Adelaide;
 - (b) the member appointed on the nomination of the operator of the Port Adelaide Container Terminal;
 - (c) the member appointed on the nomination of The Maritime Union of Australia;

- (d) the member appointed on the nomination of the Australian Maritime Officers Union.

Schedule 1—Revocation of *South Australian Ports (Disposal of Maritime Assets) Regulations 2007*

The *South Australian Ports (Disposal of Maritime Assets) Regulations 2007* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 8 November 2012

No 225 of 2012

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