Port Management Amendment (Port of Melbourne Corporation Licence Fee) Act 2012

**No. 8 of 2012**

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**Victoria**

**Port Management Amendment (Port of Melbourne Corporation Licence Fee) Act 2012[[1]](#endnote-2)**

**No. 8 of 2012**

[Assented to 6 March 2012]

**The Parliament of Victoria** **enacts:**

Part 1—Preliminary

1 Purpose

The purpose of this Act is to amend the **Port Management Act 1995** to provide for the imposition of a licence fee on the Port of Melbourne Corporation.

2 Commencement

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(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 1 July 2012, it comes into operation on that day.

3 Principal Act

See:  
Act No.  
82/1995.  
Reprint No. 5  
as at  
31 July 2009  
and amending  
Act Nos  
69/2009, 93/2009, 6/2010, 45/2010, 65/2010, 74/2010and 38/2011.  
LawToday:  
www.  
legislation.  
vic.gov.au

In this Act, the **Port Management Act 1995** is called the Principal Act.

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Part 2—Amendments to Principal Act

4 Definitions

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In section 3(1) of the Principal Act **insert** the following definitions—

"***port licence fee*** means the fee payable by the Port of Melbourne Corporation under section 44H;

***quarter*** means a period of 3 months ending on 30 September, 31 December, 31 March or 30 June in any year;".

5 New Part 2B inserted

After Part 2A of the Principal Act **insert**—

"Part 2B—Port Licence Fee

44H Liability to pay port licence fee

The Port of Melbourne Corporation is liable to pay a port licence fee each financial year.

44I Amount of port licence fee

(1) The amount of the port licence fee payable in respect of the financial year commencing on 1 July 2012 is $75 million.

(2) The amount of the port licence fee payable in respect of each subsequent financial year is the amount calculated under section 44J.

44J Calculation of port licence fee

(1) For the purposes of section 44I(2), the amount is calculated in accordance with the formula—



where—

**A** is the amount of the fee for the financial year immediately preceding the financial year in respect of which the fee is payable;

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**B** is the sum of the consumer price index for the June quarter of the financial year that precedes the financial year in respect of which the fee is payable by 2 financial years and the consumer price indexes for the September, December and March quarters of the financial year immediately preceding the financial year in respect of which the fee is payable;

**C** is the sum of the consumer price index for the June quarter of the financial year that precedes the financial year in respect of which the fee is payable by 3 financial years and the consumer price indexes for the September, December and March quarters of the financial year that precedes the financial year in respect of which the fee is payable by 2 financial years.

(2) If it is necessary for the purposes of this section to calculate an amount that consists of or includes a fraction of a whole dollar, the amount is taken to be calculated in accordance with this section if the calculation is made to the nearest whole dollar.

(3) In this section—

***consumer price index***, for a quarter, means the all groups consumer price index for Melbourne published by the Australian Statistician in respect of the relevant quarter.

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44K Notice of port licence fee

(1) The Minister must cause a notice to be published in the Government Gazette specifying the amount of a port licence fee calculated in accordance with section 44J before the 1 June that immediately precedes the financial year to which the port licence fee relates.

(2) A failure to comply with subsection (1) in respect of a financial year does not affect the obligation of the Port of Melbourne Corporation under section 44H to pay the port licence fee for that year.

44L Method of payment of port licence fee

(1) The port licence fee for a financial year is payable by the Port of Melbourne Corporation in quarterly instalments.

(2) The Minister must issue a fee notice to the Port of Melbourne Corporation on or before the first day of a financial year specifying—

(a) the amount of the port licence fee payable in respect of that financial year; and

(b) the amount payable for each quarterly instalment and the dates on which payment is due.

(3) The Port of Melbourne Corporation must pay each instalment amount specified in the fee notice to the State within 30 days after the last day of the quarter to which the instalment relates.

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Part 3—Repeal of Amending Act

6 Repeal of amending Act

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This Act is **repealed** on 1 July 2013.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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Endnotes

Endnotes

1. *Minister's second reading speech—*

   *Legislative Assembly: 7 December 2011*

   *Legislative Council: 9 February 2012*

   The long title for the Bill for this Act was "A Bill for an Act to amend the **Port Management Act 1995** to provide for the imposition of a licence fee on the Port of Melbourne Corporation and for other purposes." [↑](#endnote-ref-2)