



Victoria Government Gazette

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SPECIAL

State Owned Enterprises Act 1992

DECLARATION OF MELBOURNE PORT CORPORATION AS A REORGANISING BODY

1. The Governor in Council, acting under section 7(1) of the **State Owned Enterprises Act 1992** ("the Act"), by this Order declares the Melbourne Port Corporation, being a statutory corporation established under the **Port Services Act 1995**, to be a reorganising body.
2. For the purposes of section 7(2) of the Act, the reasons for this declaration are to –
 - (a) facilitate the implementation of the Government's policy response to the review of port reform in Victoria conducted by Professor E W Russell titled "The Review of Port Reform" and dated 20 November 2001; and
 - (b) enable the Melbourne Port Corporation, within the framework provided by the Government, to plan for, participate and assist in the creation of a new proposed port corporation to manage the Port of Melbourne; and
 - (c) facilitate the abolition of the Melbourne Port Corporation and the orderly transfer of its assets, staff and business to the proposed new port corporation.
3. This Order comes into operation on the day on which it is made.

Dated 12 March 2003

Responsible Minister
JOHN BRUMBY MP
Treasurer

HELEN DOYE
Clerk of the Executive Council

State Owned Enterprises Act 1992

ORDER CHANGING THE CONSTITUTION OF THE BOARD OF MELBOURNE PORT CORPORATION

1. The Melbourne Port Corporation, being a statutory corporation established under the **Port Services Act 1995**, has been declared to be a reorganising body for the purposes of the **State Owned Enterprises Act 1992** ("the Act").
2. The Governor in Council –
 - (a) acting under section 8(2) (c) of the Act, determines that the manner in which the chairperson and deputy chairperson of the Board of the Melbourne Port Corporation is appointed is by Order in Council;
 - (b) acting under section 8(3) of the Act by this Order appoints, for a period of 12 months commencing on the day this Order comes into operation –
 - (i) Neil Edwards as a director and chairperson; and
 - (ii) Peter Thomas, Elizabeth Parkin, Mary Anne Hartley and Frank Williamson as directors –of the Melbourne Port Corporation;
 - (c) acting under section 8(2)(b) of the Act determines the terms and conditions of appointment of the chairperson and directors referred to in paragraph (b) to be the terms and conditions set out in the Schedule;
 - (d) acting under section 8(4) of the Act removes –
 - (i) Peter Thomas as a director and chairperson; and

- (ii) Patrice Marriott as a director and deputy chairperson; and
 - (iii) Dr Owen Donald as a director –
of the Melbourne Port Corporation;
 - (e) acting under section 8A of the Act, and on the recommendation of the Treasurer after consultation with the Minister for Transport, alters or varies the functions of the Melbourne Port Corporation by conferring the following functions upon the Melbourne Port Corporation –
 - “(a) in cooperation with the Department of Infrastructure and within the policy and implementation framework provided by the Government to –
 - (i) facilitate the implementation of the Government’s proposed reforms arising out of “The Review of Port Reform” conducted by Professor E W Russell dated 20 November 2001 including the abolition of the Melbourne Port Corporation and the creation of a new proposed port corporation to manage the port of Melbourne;
 - (ii) plan for, and assist in, the creation of the new proposed corporation to manage the port of Melbourne and the orderly transfer of its assets, staff and business to the new corporation;
 - (b) instead of preparing a corporate plan for the financial year commencing 1 July 2003 in accordance with section 33 of the **Port Services Act 1995**, to prepare a proposed corporate plan for the period commencing 1 June 2003 until 30 June 2006 for the new proposed port corporation that will manage the land and waters of the port of Melbourne as if that plan were a plan required under section 33 of the **Port Services Act 1995** and as if in section 33(2) of that Act for “31 May in each year” there was substituted “31 May 2003”; and
 - (c) to undertake the functions set out in paragraphs (a) and (b) and the functions set out in section 13(1)(a) and (b) of the **Port Services Act 1995** in a manner which maintains existing business continuity and provides high standards of service to port service operators and customers of those operators and other port users.”
3. This Order comes into operation on the day after the day it is made.

Dated 12 March 2003
Responsible Minister
JOHN BRUMBY MP
Treasurer

HELEN DOYE
Clerk of the Executive Council

State Owned Enterprises Act 1992
CHANGE TO THE CONSTITUTION OF THE
MELBOURNE PORT CORPORATION BOARD OF DIRECTORS
SCHEDULE TO THE ORDER

1. Appointment Arrangements

The appointments of Peter Thomas, Mary Anne Hartley, Frank Williamson and Elizabeth Parkin are on a part-time basis.

The appointment of Neil Edwards is full-time and is consistent with the terms and conditions as set out in his contract of employment as Secretary of the Department of Innovation, Industry and Regional Development.

2. Period of Appointment

The appointments of all directors to the Board of the Melbourne Port Corporation are for twelve months from the date on which this Order comes into operation.

3. Duties and responsibilities of the position

The board of directors of a port corporation is responsible for the management of the affairs of the corporation.

4. Termination arrangements

As specified in section 8 (5) of the **State Owned Enterprises Act 1992**, a member of a board of a reorganising body removed from office under this section is not entitled to any remuneration or compensation for loss of office.

5. Payment Provisions

As full-time chair and Secretary of the Department of Innovation, Industry and Regional Development, Neil Edwards' remuneration package is in accordance with the approval provided by the Government.

The remuneration packages of Mr Peter Thomas, Mary Anne Hartley, Frank Williamson and Elizabeth Parkin are in accordance with the "Guidelines for the Appointment and Remuneration of Part-time Non-executive Directors", effective from the date on which this Order comes into operation and consist of:

- \$31,080 p.a.; and
- an additional fee of \$2,200 p.a for membership of certain Board committees

6. Superannuation Obligations

Superannuation contributions will be paid by the employer in accordance with the **Commonwealth's Superannuation Guarantee Act 1992**.

7. Travel and Personal Expenses Arrangements

All expenses reasonably incurred in the discharge of office will be reimbursed.

8. Leave Arrangements

Neil Edwards' leave arrangements will be provided in accordance with conditions determined in his contract for the position of Secretary of the Department of Innovation, Industry and Regional Development.

There are no formal leave arrangements for part-time directors.

9. Prior Service

Peter Thomas has previously served as director and chairperson of the Board of the Melbourne Port Corporation.

10. The appointees have been given the Information Privacy Provision 1.3 form.**11. The appointees have given the Consent to Use of Information form.**

State Owned Enterprises Act 1992**DECLARATION OF THE VICTORIAN CHANNELS AUTHORITY
AS A REORGANISING BODY**

1. The Governor in Council, acting under section 7(1) of the **State Owned Enterprises Act 1992** ("the Act"), by this Order declares the Victorian Channels Authority, being a statutory corporation established under the **Port Services Act 1995**, to be a reorganising body.
2. For the purposes of section 7(2) of the Act, the reasons for this declaration are to –
 - (a) facilitate the implementation of the Government's policy response to the review of port reform in Victoria conducted by Professor E W Russell titled "The Review of Port Reform" and dated 20 November 2001; and

- (b) within the framework provided by the Government, work in collaboration with the Melbourne Port Corporation and the Department of Infrastructure in planning for, participating and assisting in the creation of a new proposed port corporation to manage the Port of Melbourne; and
 - (c) facilitate the orderly transfer to the proposed new port corporation of management responsibility for port waters (including channels) serving the port of Melbourne.
3. This Order comes into operation on the day on which it is made.

Dated 12 March 2003

Responsible Minister
JOHN BRUMBY MP
Treasurer

HELEN DOYE
Clerk of the Executive Council

State Owned Enterprises Act 1992

ORDER CHANGING THE CONSTITUTION OF THE BOARD OF
VICTORIAN CHANNELS AUTHORITY

1. The Victorian Channels Authority, being a statutory corporation established under the **Port Services Act 1995**, has been declared to be a reorganising body for the purposes of the **State Owned Enterprises Act 1992** ("the Act").
2. The Governor in Council –
 - (a) acting under section 8(3) of the Act by this Order appoints, for a period of 12 months commencing on the day this Order comes into operation, Alan Taylor as a director of the board of directors of the Victorian Channels Authority;
 - (b) acting under section 8(2)(b) of the Act determines the terms and conditions of appointment of directors to the board of the Victorian Channels Authority to be the terms and conditions set out in the Schedule;
 - (c) acting under section 8A of the Act, and on the recommendation of the Treasurer after consultation with the Minister for Transport, alters or varies the functions of the Victorian Channels Authority by conferring the following functions upon the Victorian Channels Authority –
 - “(a) in cooperation with the Department of Infrastructure and within the policy context and implementation framework provided by the Government to –
 - (i) facilitate the implementation of the Government’s proposed reforms arising out of “The Review of Port Reform” conducted by Professor E W Russell dated 20 November 2001 including the abolition of the Melbourne Port Corporation and the creation of a new proposed port corporation to manage the port of Melbourne;
 - (ii) assist with the creation of the new proposed corporation to manage the port of Melbourne and to plan for the orderly transfer of responsibility for the management of its port waters (including channels) to the new corporation;
 - (b) instead of preparing a corporate plan for the financial year commencing 1 July 2003 in accordance with section 33 of the **Port Services Act 1995**, to prepare a proposed corporate plan for the period commencing 1 June 2003 until 30 June 2006 as if the new proposed port corporation that will manage the land and waters of the port of Melbourne had been

established, and as if that plan were a plan required under section 33 of the **Port Services Act 1995**, and as if in section 33(2) of that Act for “31 May in each year” there were substituted “31 May 2003”; and

- (c) to undertake the functions set out in paragraphs (a) and (b) and those set out in section 21 of the **Port Services Act 1995** in a manner which maintains existing business continuity and provides high standards of service to the providers and users of port services, and other users of port waters (including their channels) and in a way consistent with current environmental and safety standards.”.

3. This Order comes into operation on the day after the day it is made.

Dated 12 March 2003

Responsible Minister
JOHN BRUMBY MP
Treasurer

HELEN DOYE
Clerk of the Executive Council

State Owned Enterprises Act 1992

ORDER CHANGING THE CONSTITUTION OF THE BOARD OF
VICTORIAN CHANNELS AUTHORITY

SCHEDULE TO THE ORDER

1. Appointment Arrangements

The appointments for all directors of the board of the Victorian Channels Authority are part-time.

2. Period of Appointment

The appointments for all directors of the board of the Victorian Channels Authority are for a period of twelve months from the day on which this Order comes into operation.

3. Duties and Responsibilities of the Position

The board of directors of a port corporation is responsible for the management of the affairs of the corporation.

4. Termination Arrangements

As specified in section 8 (5) of the **State Owned Enterprises Act 1992**, a member of a board of a reorganising body, removed from office under this section is not entitled to any remuneration or compensation for loss of office.

5. Payment Provisions

Remuneration for all board members is in accordance with the approval provided by the “Guidelines for the Appointment and Remuneration of Part-time Non-executive Directors”, effective from the day on which this Order comes into operation and consists of:

- for Mary Anne Hartley, director and chairperson, \$35,520 p.a.; and
- for the directors, Meredith Doig, Michael Dowling and Alan Taylor, \$19,980 p.a.;
- for all directors, \$2,200 p.a. for membership of certain committees

6. Superannuation Obligations

Superannuation contributions will be paid by the employer in accordance with the **Commonwealth’s Superannuation Guarantee Act 1992**.

7. Travel and Personal Expenses Arrangements

All expenses reasonably incurred in the discharge of office will be reimbursed.

8. Leave Arrangements

No arrangement have been made for leave.

9. The appointee has been given the Information Privacy Provision 1.3 form.

10. The appointee has given consent to use of the information form.

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