

[CONFIDENTIAL.]

(Bough Draft for Consideration Only.)

No. , 1933.

A BILL

To authorise the Minister for Public Works to carry on the haulage and shipment of coal and other merchandise at Port Kembla Harbour; to provide for the allocation of revenue received from such undertaking; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Port Kembla Short title. (Haulage and Shipment) Administration Act, 1933."

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“ Financial year ” means the period from the first day of July in one year to the thirtieth day of June in the next following year.

“ Works ” means the works mentioned in the Schedule, together with any additions thereto.

3. The Minister may carry on the undertaking of the haulage and shipment of coal, coke, ores and ore products, concentrates, phosphatic rock, fertilisers, sulphur, fluxes, general merchandise and other chattels at Port Kembla Harbour, and for such purpose may also hire out locomotives, cranes, launches and other plant, supply vessels with fresh water, enter into contracts for same, and generally manage and conduct the undertaking as he may deem expedient for the full development of the port facilities. The Minister may carry on haulage and shipment undertaking.

4. (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the “ Port Kembla Haulage and Shipment Working Account,” and there shall be credited to such account all revenue received by the Minister from carrying on the undertaking aforesaid and the works. Allocation of moneys. cf. Act No. 17, 1929, s. 6.

There shall be debited to such account the following charges in the order set out hereunder:—

Firstly, the cost of administration, operation, maintenance and repair of the works and the carrying on of the undertaking aforesaid.

Secondly, interest on the interest-bearing part of the capital debt referred to in section five at the current rate of interest payable by the Government for loan moneys.

Thirdly, such contributions to a sinking fund as the Colonial Treasurer may direct.

Fourthly, contributions to the renewal reserve referred to in section six.

Any balance shall be applied at the Minister’s discretion either in the reduction of the capital debt or towards the cost of improving the works.

(2) Payments of interest under this section shall be made to the Colonial Treasurer.

5.

5. (1) The capital debt in respect of the works is hereby declared to be the sum of eighty-three thousand three hundred and seventeen pounds one shilling and sixpence as at the thirtieth day of June, one thousand nine hundred and thirty-three, but may be added to as provided in the next subsection.

Fixation of capital debt. cf. Act No. 17, 1929, s. 7.

Of such capital debt the sum of seventy-seven thousand five hundred and sixty-nine pounds nine shillings shall bear interest, and the balance, amounting to five thousand seven hundred and forty-seven pounds twelve shillings and sixpence, shall not bear interest.

(2) The Minister shall, as soon as practicable, certify the total capital expenditure on the works out of moneys provided by Parliament for the financial year commencing on the first day of July, one thousand nine hundred and thirty-three and of each succeeding financial year.

Such expenditure shall be notified by the Minister in the Gazette, and shall be added to and become part of the interest-bearing capital debt.

6. (1) An account shall be kept in the Special Deposits Account in the Treasury called the "Port Kembla Haulage and Shipment Renewal Reserve Account."

Renewal reserve. cf. *Ibid.* s. 8.

A contribution to such account shall be made from the revenue of the undertaking as soon as practicable after the commencement of each financial year equal to three per centum of the capital debt outstanding at the end of the then next preceding financial year.

The first of such contributions shall be made in the financial year commencing on the first day of July, one thousand nine hundred and thirty-three.

Such account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

(2) The Minister may invest part or the whole of the balance at credit of the account in Australian Government stock or securities or on fixed deposit with the Colonial Treasurer, and the interest accruing therefrom shall be regularly credited to such account.

(3)

(3) The account shall be drawn upon only for renewing or replacing capital assets.

(4) If the Minister considers the amount at credit in the Working Account is insufficient to meet the afore-said annual contribution, having regard to the liabilities referred to in section four, such contribution shall be allowed to remain a charge on the Working Account.

Interest on the amount of such contribution at a rate to be approved by the Colonial Treasurer shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which the contribution so remains a charge: Provided that if any such contribution be made on or before the thirty-first day of August in the financial year in which it becomes payable under subsection one of this section, no interest shall be so debited.

7. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without limiting the generality of the foregoing power, may make regulations for and with respect to the protection of the works from damage, and fixing and collecting charges for haulage and shipment, use of locomotives, cranes, launches and other plant, berthing, moorings, and for fresh water supplies or other services rendered by the Minister in the execution of this Act. Regulations.

(2) The regulations may impose a penalty not exceeding *twenty pounds* for any breach thereof, and any such penalty may be recovered in a summary manner before a stipendiary or police magistrate or any two justices.

- (3) The regulations shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified therein; and
 - (c) be laid before both Houses of Parliament within fourteen sittings days of publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4)

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation has been laid before such House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULE.

Loading and shipping equipment for three jetties (known as Nos. 1, 3 and 4) at Port Kembla Harbour, comprising coal loading plant, cranes, railway lines and locomotives, waggons, launches, offices and store, and including the shipping appliances authorised by the Port Kembla Harbour Act, 1898, and all replacements thereof or additions thereto.
