N., 5

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 5 September 1989

WATERFRONT INDUSTRY RESTRUCTURING BILL

Proposed Amendments

Hon. W. P. JEFFRIES, in Committee, to move the following amendments:

Clause 2: To insert on page 3, after the definition of the term "Port related commercial undertaking", the following definitions:

"Redundancy", in relation to any waterside worker, includes any fringe benefit tax payable by the employer of that worker in relation to any redundancy payment payable to that worker:

"Shipwright" means a worker who, within wharf limits, is engaged in the shoring and unshoring of cargo and hold preparation work, including the handling and placing of dunnage and the lashing and unlashing of cargo; but does not include any waterside worker or seaman engaged in such work:

"Tally clerk" means a worker who, within wharf limits, is engaged in the checking and tallying of cargo and the recording of container movements; but does not include any tolls officer, cargo storeman, or clerical employee employed by a harbour board and engaged in any such work:

Clause 5: To insert in line 20 on page 4, and also in line 27 on that page, after the words "waterside workers" in each case, the words ", tally clerks, and shipwrights".

To omit from line 21 on that page the word "waterside", and substitute the word "those".

Clause 16: To add to subclause (1), in line 36 on page 7, the words ", tally clerks, and shipwrights".

To insert in line 3 on page 8, and also in line 8 on that page, after the words "waterside worker" in each case, the words ", tally clerk, or shipwright".

To insert in line 10 on that page, and also in line 11 on that page, after the words "waterside workers" in each case, the words "tally clerks, and shipwrights,".

Clause 17: To insert in line 14 on page 8, after the words "waterside workers", the words ", tally clerks, or shipwrights".

To omit from line 18 on that page the words "1st day of March", and substitute the words "30th day of June".

Clause 20: To add in line 2 on page 9 the words "in the year in which the payments are made".

Clause 33: To omit the clause on page 12, and substitute the following clause:

33. Levy on harbour board land—There is hereby imposed on each local authority that holds harbour board land a levy of such percentage of the net income of that local authority from that land for the period beginning on the **28th day of July 1989** and ending with the close of the **30th day of June 1992** as the Authority determines under **section 37 (1) (a)** of this Act.

Clause 37: To omit paragraph (a) of subclause (1) (all the words in lines 1 to 3 on page 14), and substitute the following paragraph:

(a) The percentage that shall apply for the purposes of **section 33** of this Act, which percentage shall not exceed 75 percent:

To insert in line 19 on that page, after the words "to the same harbour)", the words ", or that no amount by way of levy shall be payable in respect of any land".

To insert in line 21 on that page, after the words "waterside workers", the words ", tally clerks, and shipwrights".

Clause 40: To insert in line 10 on page 15, after the words "waterside workers", the words ", tally clerks, or shipwrights".

Clause 41: To insert in line 16 on page 15, after the words "waterside workers", the words ", tally clerks, and shipwrights".

Clause 42: To insert in line 30 on page 15, after the word "Authority", the words ", or who made any other contributions in money to the Authority,".

To omit from line 31 on that page the word "paid", and substitute the words "or contributions paid or made".

Clause 43: To omit subclause (3) on page 16.

EXPLANATORY NOTE

It is intended to bring tally clerks and shipwrights, as well as waterside workers, within the ambit of the Bill.

Those terms are defined in the amendments to clause 2, and their inclusion requires amendments to clauses 5, 16, 17, 37, 40, and 41.

Clause 2: The proposed definition of the term "redundancy" makes it clear that assistance to employers to pay redundancy includes any fringe benefit tax payable in respect of the redundancy payments.

Clause 17: The date by which employers may seek assistance is extended from 1 March to 30 June 1990.

Clause 20: The amendment makes it clear that assistance paid to employers is to constitute assessable income in the year in which it is paid.

Clauses 33 and 37: Provision is made for a nil assessment in respect of any particular piece of land. At present, the Bill requires an assessment of 75 percent or such lesser percentage as the Authority may determine. This seems to preclude a nil assessment.

Clause 42: The clause makes provision for the equitable distribution of any surplus funds on the dissolution of the Authority. As drafted, the clause assumes that the only source of those funds would be levies under the Bill. However, other organisations may make contributions to the funds of the authority, and the amendments ensure that they will receive a share of any surplus.

Clause 43: Subclause (3) protects certain information supplied by a port company from the ambit of the Official Information Act 1982. On reflection, that protection is not considered appropriate.

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