



# **Maritime College Act 1978**

## **Act No. 54 of 1978 as amended**

This compilation was prepared on 29 October 2001  
taking into account amendments up to Act No. 159 of 2001

The text of any of those amendments not in force  
on that date is appended in the Notes section

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# An Act relating to the Australian Maritime College

## 1 Short title [see Note 1]

This Act may be cited as the *Maritime College Act 1978*.

## 2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

## 3 Repeal

The *Maritime College Act 1976* is repealed.

## 4 Interpretation

In this Act unless the contrary intention appears:

***Chairperson*** means the Chairperson of the Council.

***College*** means the Australian Maritime College referred to in section 5.

***Council*** means the Council of the College.

***Deputy Chairperson*** means the Deputy Chairperson of the Council.

***ex officio member*** means a person who is a member by virtue of being the Principal, the Chairperson or the Chairperson of the Academic Board of the College.

***member*** means a member of the Council.

***non-teaching staff***, in relation to the College, means the members of the staff of the College other than the teaching staff.

***non-teaching staff member*** means the member referred to in paragraph 11(1)(ca).

***Principal*** means Principal of the College.

**staff**, in relation to the College, means persons employed by the College in pursuance of the power conferred by paragraph 8(2)(d).

**Statutes** means the Statutes of the College made by the Council under this Act.

**student member** means a member referred to in paragraph 11(1)(d).

**teaching staff**, in relation to the College, means the members of the staff of the College who are declared by the Statutes to be members of the teaching staff of the College.

**teaching staff member** means the member referred to in paragraph 11(1)(c).

**term of office**, in relation to a non-teaching staff member, a teaching staff member or a student member, means the term of office for which the member is elected.

#### **4A Application of the *Criminal Code***

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

#### **5 The College**

- (1) Notwithstanding the repeal effected by section 3, the college established by the *Maritime College Act 1976* under the name “Australian Maritime College” is continued in existence by this Act under that name.
- (2) The College:
  - (a) is a body corporate, with perpetual succession;
  - (b) shall have a seal;
  - (c) may acquire, hold and dispose of real and personal property;  
and
  - (d) may sue and be sued in its corporate name.

Note: The *Commonwealth Authorities and Companies Act 1997* applies to the College. That Act deals with matters relating to Commonwealth

authorities, including reporting and accountability, banking and investment, and conduct of officers.

- (3) The seal of the College shall be kept in such custody as the Council directs and shall not be used except as authorized by the Council.
- (4) All courts, judges and persons acting judicially shall take judicial notice of the seal of the College affixed to a document and shall presume that it was duly affixed.

## **6 Seat of College**

The seat of the College shall be at, or in the vicinity of, Launceston in the State of Tasmania.

## **7 Functions of College**

The functions of the College are:

- (a) to conduct an institution for the provision of such maritime and maritime-related education and training as the Council, with the approval of the Minister, determines, or as the Minister requires, being principally tertiary education for persons who wish to become, or are, officers on merchant or fishing vessels or who wish to become, or are, otherwise engaged in connexion with shipping or the fishing industry;
- (b) to use the facilities and resources of the College to advance and develop knowledge and skills in the fields with which the College is concerned;
- (c) to award such degrees, diplomas and certificates in relation to the passing of examinations or otherwise in relation to the education and training provided by the College as are provided for by the Statutes;
- (d) to consult and maintain liaison with other institutions and authorities in Australia that are concerned with the provision of maritime education and training; and
- (e) to do anything incidental or conducive to the performance of any of the preceding functions.

## **8 Powers of College**

- (1) The College has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.
- (2) Without limiting the generality of subsection (1), the College has power:
  - (a) to enter into contracts;
  - (b) to erect buildings;
  - (c) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the College;
  - (d) to employ such staff as are necessary for the efficient performance of its functions;
  - (e) to accept gifts, devises and bequests made to the College, whether on trust or otherwise, and act as trustee of moneys or other property vested in the College upon trust;
  - (f) to develop commercially any discovery, invention or property;
  - (g) to make charges for work done, services rendered, and goods and information supplied;
  - (h) to lend money to, and to provide guarantees for the benefit of, bodies carrying on activities associated with the College;
  - (j) with the written approval of the Minister:
    - (i) to form, and participate in the formation of, companies;
    - (ii) to subscribe for and purchase shares in, and debentures and other securities of, companies;
    - (iii) to enter into partnerships; and
    - (iv) to participate in joint ventures and arrangements for the sharing of profits;
  - (k) to appoint agents and attorneys;
  - (m) to do such other things as it is authorised to do by or under this Act or any other Act; and
  - (n) to do anything incidental to any of its powers.
- (3) Notwithstanding anything contained in this Act, any moneys or other property held by the College upon trust shall be dealt with in accordance with the powers and duties of the College as trustee.



- (4) The College may exercise its powers both within and outside Australia.
- (5) An approval under paragraph (2)(h):
  - (a) may be of general or particular application; and
  - (b) may be given subject to specified conditions and restrictions.

## **9 Courses of maritime training etc.**

The College may, in pursuance of arrangements between the College and a Minister, conduct on behalf of the Commonwealth:

- (a) short courses of maritime training; and
- (b) examinations and assessments for marine competency in accordance with the *Navigation Act 1912*.

## **10 The Council**

- (1) The College shall be governed by a council by the name of the Council of the Australian Maritime College.
- (2) All acts and things done in the name of, or on behalf of, the College with the authority of the Council shall be deemed to have been done by the College.

## **11 Constitution of Council**

- (1) The Council shall consist of not fewer than 14 nor more than 24 members, namely:
  - (a) the Principal;
  - (b) persons not exceeding 12 in number appointed by the Governor-General;
  - (ba) the Chairperson of the Academic Board of the College;
  - (c) one member of the teaching staff of the College elected by the teaching staff;
  - (ca) one member of the non-teaching staff of the College elected by the non-teaching staff;
  - (d) one student of the College elected by the students of the College;
  - (e) persons not exceeding 6 in number appointed by the Council; and

- (f) if a person other than a person who is a member is appointed to be Chairperson in accordance with section 15, the person so appointed.
- (2) If a person other than the Principal is for the time being performing the duties of the office of Principal, that person may attend meetings of the Council and, for the purposes of those meetings, shall be deemed to be a member.

### **13 Term of office**

- (1) The term of office of a member shall, subject to this Act, be as provided by this section.
- (2) The Principal holds office as a member while he or she holds office as Principal.
- (3) A member referred to in paragraph 11(1)(b) or (e) holds office for such period, not exceeding 4 years, as is specified in the instrument of appointment.
- (4) The Chairperson of the Academic Board of the College holds office as a member while he or she holds office as the Chairperson of the Academic Board.
- (5) Each teaching staff member or non-teaching staff member holds office for a period of 2 years commencing on:
  - (a) the day on which the poll for the election of the member is held; or
  - (b) if that day occurs before the expiration of the term of office of the person whose place he or she fills, the day after the expiration of that term.
- (6) A student member holds office for a period of 1 year.
- (7) The term of office referred to in subsection (6) shall:
  - (a) in the case of the student member who is first elected—commence on a date to be determined by the Minister; or
  - (b) in any other case—commence on:
    - (i) the day on which the poll for the election of the member is held; or

- (ii) if that day occurs before the expiration of the term of office of the person whose place he or she fills, the day after the expiration of that term.
- (8) A person who becomes a member by virtue of his or her appointment as Chairperson in accordance with section 15 holds office as a member while he or she holds office as Chairperson.

#### **14 Members eligible for re-appointment or re-election**

A member (other than an *ex officio* member) is eligible for re-appointment or re-election as a member on the expiration of his or her term of office.

#### **15 Chairperson and Deputy Chairperson**

- (1) Subject to subsection (2), the Council shall:
  - (a) appoint a person (whether a member or not) to be Chairperson; and
  - (b) appoint a member to be Deputy Chairperson.
- (2) The Principal shall not be appointed as Chairperson or Deputy Chairperson.
- (3) If a person who is not a member is appointed as Chairperson, that person:
  - (a) subject to subsection (5), holds office as Chairperson for such period, not exceeding 4 years, as is specified in his or her instrument of appointment, but is eligible for re-appointment as Chairperson; and
  - (b) may resign his or her office as Chairperson by writing signed by him or her and delivered to the Minister.
- (4) A member appointed as Chairperson or Deputy Chairperson:
  - (a) subject to subsection (5), holds office as Chairperson or Deputy Chairperson, as the case may be, for such period as is specified in his or her instrument of appointment, which shall be a period that expires on or before the expiration of his or her term of office as a member that is current at the time of the appointment, but, if he or she remains a member

- or is re-appointed or re-elected as a member, is eligible for re-appointment as Chairperson or Deputy Chairperson;
  - (b) may resign his or her office as Chairperson or Deputy Chairperson by writing signed by him or her and delivered to the Minister; and
  - (c) ceases to be Chairperson or Deputy Chairperson if he or she ceases to be a member.
- (5) The term of office as Chairperson or Deputy Chairperson of the person first appointed to that office shall not exceed 2 years.

### **17 Removal from office**

- (1) The Governor-General may remove a member from office on the ground of misbehaviour or physical or mental incapacity.
- (2) If a member:
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
  - (b) fails to comply with section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*; or
  - (c) is absent, without leave of the Council, from 3 consecutive meetings of the Council;
- the Governor-General shall remove him or her from office.
- (3) In this section, *member* does not include the Principal or the Chairperson of the Academic Board of the College.

### **19 Member to cease to hold office in certain circumstances**

- (1) A member (other than the Principal or the Chairperson of the Academic Board of the College) may resign his or her office by writing signed by him or her and delivered to the Minister.
- (2) A teaching staff member shall cease to hold office as a member if the person ceases to be a member of the teaching staff of the College.

- (2A) A non-teaching staff member ceases to be a member if the person ceases to be a member of the non-teaching staff of the College.
- (3) A student member shall cease to hold office as a member if the person ceases to be a student of the College as defined by the Statutes for the purposes of elections.

## **20 Casual vacancy in office of elected member**

If a teaching staff member, a non-teaching staff member or a student member has ceased to hold office before the expiration of his or her term of office, a person shall, if the Minister so directs, be elected to hold the vacant office from the date of his or her election until the expiration of that term.

## **21 First meeting of Council**

The Minister shall convene the first meeting of the Council and shall appoint one of the members to preside at that meeting for the purpose of the appointment by the Council of the Chairperson and the Deputy Chairperson.

## **22 Meetings of Council**

- (1) The Chairperson or, if the Chairperson is not available, the Deputy Chairperson:
  - (a) may convene a meeting of the Council;
  - (b) shall, on receipt of a written request signed by not less than 4 members, convene a meeting of the Council; and
  - (c) shall comply with any resolution of the Council with respect to the convening of meetings of the Council.
- (2) If neither the Chairperson nor the Deputy Chairperson is available, the Minister may convene a meeting of the Council.
- (3) The Chairperson shall preside at all meetings of the Council at which he or she is present.
- (4) Where the Chairperson is not present at a meeting of the Council:
  - (a) the Deputy Chairperson shall preside at that meeting; or

- (b) if the Deputy Chairperson is not present, the members present shall choose one of their number to preside at that meeting.
- (5) At a meeting of the Council, a majority of the members for the time being constitute a quorum.
- (6) Subject to subsection (7), questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present and voting, and, for this purpose, the member presiding at the meeting has a deliberative vote only.
- (7) In the event of an equality of votes on a motion proposed at a meeting of the Council, the motion shall not be passed, but, if the same motion is proposed at the next meeting of the Council held on a subsequent day and there is again an equality of votes, the member presiding at that meeting has a casting vote on that motion.
- (8) The Council may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.
- (9) Where the office of Chairperson or Deputy Chairperson is vacant, this section has effect as if there were a holder of that office but he or she were unavailable.

## **23 Validity of proceedings**

No act or proceeding of the Council is invalidated by reason of:

- (a) a defect in the appointment or election of a member;
- (b) the disqualification of a member; or
- (c) a defect in the convening of a meeting of the Council.

## **24 Statutes**

- (1) The Council may make Statutes, not inconsistent with this Act, with respect to any of the following matters:
  - (a) the management, good government and discipline of the College and of the institution conducted by the College;
  - (b) the imposition, by or on behalf of the College, of penalties upon students of the College or persons employed by the

- College for contravention of, or failure to comply with, a Statute with respect to a matter referred to in paragraph (a);
- (c) the persons who are to be regarded as members of the teaching staff of the College for the purposes of this Act;
  - (d) the election of the teaching staff members by the teaching staff of the College (including the election of a person to fill a casual vacancy in the office of a teaching staff member) and, for the purposes of such an election, the determination of questions arising in relation to the conduct or result of the election;
  - (da) the election of the non-teaching staff member by the non-teaching staff of the College (including the election of a person to fill a casual vacancy in the office of the non-teaching staff member) and, for the purposes of such an election, the determination of questions arising in relation to the conduct or result of the election;
  - (e) the election of the student member by the students of the College (including the election of a person to fill a casual vacancy in the office of the student member) and, for the purposes of such an election:
    - (i) the persons who are to be regarded as students of the College; and
    - (ii) the determination of questions arising in relation to the conduct or result of that election;
  - (f) admission of persons to courses of study or instruction of the College or to examinations of the College;
  - (g) the courses of study and instruction of the College;
  - (h) the degrees, diplomas and certificates that may be awarded by the College and the requirements for their award;
  - (j) the granting by the College of scholarships, bursaries and prizes; and
  - (k) any other matter necessary or convenient for giving effect to this Act.
- (2) A Statute may provide for empowering any authority (including the Council) or officer of the College to make rules, not inconsistent with this Act or a Statute, in relation to a matter in relation to which a Statute may be made under subsection (1), or

for carrying out or giving effect to the Statutes made under that subsection.

#### **24A Statutes relating to traffic**

- (1) The Council may make Statutes for or in relation to the regulation or control of:
  - (a) traffic; or
  - (b) the parking, stopping, standing or leaving of vehicles; on land occupied by the College in the State of Tasmania.
- (2) Without limiting subsection (1), a Statute made under that subsection may:
  - (a) authorise, and provide for the effect of, signs and markings; and
  - (b) provide for the punishment, upon summary conviction, by a fine not exceeding 2 penalty units, of offences against a Statute made under that subsection.

#### **25 Statutes to be approved by the Governor-General and notified in the *Gazette***

- (1) The Council shall cause a Statute made under this Act to be sealed with the seal of the College and transmitted to the Governor-General for approval.
- (2) A Statute approved by the Governor-General shall be notified in the *Gazette*, and, upon notification, has the force of law.
- (3) The Statutes shall be numbered consecutively in the order in which they are notified in the *Gazette*, and a notice in the *Gazette* stating that a Statute has been made and specifying the number of the Statute and a place at which copies of the Statute may be purchased is sufficient compliance with the requirement that the Statute is to be notified in the *Gazette*.
- (4) A copy of every Statute notified in the *Gazette* shall be laid before each House of the Parliament within 15 sitting days of that House after it is so notified.



- (5) The production of a document purporting to be a copy of a Statute and to be sealed with the seal of the College or to have been printed by the Government Printer is, in all proceedings, evidence of the Statute.

## **26 The Principal**

- (1) There shall be a Principal of the College, who shall be the executive officer of the College, and shall have such powers and perform such duties as the Statutes prescribe or, subject to the Statutes, as the Council determines.
- (2) The Minister shall appoint the first Principal and the Council shall appoint succeeding Principals.
- (3) A member shall not be appointed as the Principal.
- (4) The Principal shall hold office for such period as is specified in his or her instrument of appointment, being a period that does not exceed:
  - (a) in the case of the first Principal—5 years; or
  - (b) in any other case—7 years;but is eligible for re-appointment.
- (6) Subject to this section, the Principal holds office on such terms and conditions as are determined by:
  - (a) in the case of the first Principal—the Minister; or
  - (b) in any other case—the Council.

## **27 Acting Principal**

- (1) The Council may appoint a person to act as Principal:
  - (a) during a vacancy in the office of Principal, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Principal is absent from duty or from Australia or is, for any reason, unable to perform the functions of his or her office;but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.
- (2) The Council may:

- (a) determine the terms and conditions of appointment of an acting Principal; and
  - (b) at any time terminate such an appointment.
- (3) Where a person is acting as Principal in accordance with paragraph (1)(b) and the office of Principal becomes vacant while that person is so acting, that person may continue so to act until the Council otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (4) The appointment of an acting Principal ceases to have effect if he or she resigns the appointment by writing signed by him or her and delivered to the Minister.
- (5) While a person is acting as Principal by virtue of an appointment under this section, he or she may exercise all the powers, and shall perform all the duties, of the Principal.
- (6) The validity of anything done by an acting Principal shall not be called in question on the ground that:
  - (a) the occasion for his or her appointment had not arisen;
  - (b) the appointment had ceased to have effect; or
  - (c) the occasion for his or her acting as Principal had not arisen.

## **28 Staff of College**

Subject to section 29, the staff of the College shall be employed on such terms and conditions as the Council determines.

## **31 Contracts by College**

- (1) A contract to be made by the College, being a contract that, if made by a natural person, would be required by law to be in writing under the seal of that person, may be made on behalf of the College in writing under the seal of the College.
- (2) A contract to which subsection (1) does not apply:
  - (a) is not invalid by reason only that it is not executed under the seal of the College;

- (b) may be made on behalf of the College by a person acting with the authority of the College, express or implied; and
- (c) if made in writing, may be executed on behalf of the College by that person.

### **32 Fees**

- (1) Fees are not payable to the College except as provided by this section.
- (2) The Council, with the approval of the Minister, may determine, or the Minister may direct, that fees are to be payable to the College:
  - (a) in respect of such matters as are specified in the determination or direction; and
  - (b) as provided in subsections (6) and (7).
- (3) Fees payable in accordance with subsection (2) shall be at such rates as, subject to any directions of the Minister, the Council determines.
- (4) The Council, with the approval of the Minister, may determine, or the Minister may direct, that the payment of fees in accordance with subsection (2) shall be subject to such exemptions as are specified in the determination or direction.
- (5) The Minister may, by notice published in the *Gazette*, issue guidelines in relation to the provision by the College of:
  - (a) undergraduate or post-graduate courses for the purposes of subsection (6); or
  - (b) courses of technical and further education for the purposes of subsection (7).
- (6) Fees may be payable, by a person undertaking a course provided in accordance with guidelines issued under paragraph (5)(a).
- (7) Fees may be payable, by a person who has earned a living at any time, in respect of undertaking, for purposes other than an initial vocational qualification, a course provided in accordance with guidelines issued under paragraph (5)(b).

### **33 College's financial year starts on 1 January**

For the purposes of the *Commonwealth Authorities and Companies Act 1997*, the College's financial year is a period of 12 months starting on 1 January.

### **34 Application of moneys**

- (1) The moneys of the College may be applied by the College only:
  - (a) in payment or discharge of the liabilities and expenses of the College under this Act; and
  - (b) in payment of any remuneration or allowance payable to any person under this Act.
- (2) Subsection (1) does not prevent investment of surplus money of the College under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

### **36 Borrowing and raising of money**

- (1) The College may, with the written approval of the Treasurer:
  - (a) borrow money; or
  - (b) raise money otherwise than by borrowing;on terms and conditions that are specified in, or consistent with, the approval.
- (2) Without limiting the generality of subsection (1), the College may, under that subsection, borrow money, or raise money otherwise than by borrowing, by dealing with securities.
- (3) A borrowing of money, or a raising of money otherwise than by borrowing, under subsection (1) may be made, in whole or in part, in a currency other than Australian currency.
- (4) An approval may be given under subsection (1) in relation to a particular transaction or transactions in a class of transactions.
- (5) In this section, *securities* includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.

- (6) A reference in this section to dealing with securities includes a reference to:
  - (a) creating, executing, entering into, drawing, making, accepting, indorsing, issuing, discounting, selling, purchasing and reselling securities;
  - (b) creating, selling, purchasing and reselling rights or options relating to securities; and
  - (c) entering into agreements or other arrangements relating to securities.
- (7) For the purposes of this section:
  - (a) the issue by the College of an instrument acknowledging a debt in consideration of:
    - (i) the payment or deposit of money; or
    - (ii) the provision of credit;otherwise than in relation to a transaction that is in the ordinary course of the day to day operations of the College, shall be deemed to be a raising by the College, otherwise than by borrowing, of an amount equal to the amount paid or deposited or the value of the credit provided, as the case may be; and
  - (b) the obtaining of credit by the College otherwise than in relation to a transaction that is in the ordinary course of the day to day operations of the College shall be deemed to be a raising by the College, otherwise than by borrowing, of an amount equal to the value of the credit so obtained.

### **37 Guarantee of borrowings by College**

- (1) The Treasurer may, on behalf of the Commonwealth, enter into a contract:
  - (a) guaranteeing the repayment by the College of specified money borrowed under paragraph 36(1)(a) and the payment by the College of interest (including any interest on that interest) on money so borrowed; or
  - (b) guaranteeing the payment by the College of specified amounts (which may be interest) that the College is liable to pay in relation to money raised under paragraph 36(1)(b).
- (2) The Treasurer may, in writing, determine:

- (a) that the repayment by the College of money borrowed under paragraph 36(1)(a), and the payment by the College of interest (including any interest on that interest) on money so borrowed, are guaranteed by the College; or
- (b) that the payment by the College of specified money (which may be interest) that the College is liable to pay in relation to money raised under paragraph 36(1)(b) is guaranteed by the Commonwealth;

and, where the Treasurer makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this subsection, guaranteed by the Commonwealth.

- (3) A contract may be entered into under subsection (1), and a determination may be made under subsection (2), in relation to a particular transaction or class of transactions.
- (4) A contract entered into under subsection (1) may include either or both of the following provisions:
  - (a) a provision agreeing that proceedings under the contract may be taken in the courts, or a specified court, of a foreign country;
  - (b) a provision waiving the immunity of the Commonwealth from suit in the courts, or a specified court, of a foreign country in relation to any proceedings that may be taken under the contract.

### **37A College may give security**

The College may give security over the whole or any part of its land or other assets for:

- (a) the repayment of money borrowed under paragraph 36(1)(a) and the payment of interest (including any interest on that interest) on money so borrowed;
- (b) the payment of amounts (which may be interest) that it is liable to pay in relation to money raised under paragraph 36(1)(b); or
- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay

under a contract entered into under subsection 37(1) or as a result of a determination made under subsection 37(2).

**37B Borrowing not otherwise permitted**

The College may borrow money, or raise money otherwise than by borrowing, only under section 36.

**37C Delegation by Treasurer**

The Treasurer may, by signed instrument, delegate to a person occupying an office in the Department of the Treasury all or any of the Treasurer's powers under sections 36 and 37.

**37D Contracts**

The College may enter into a contract involving the payment or receipt by it of an amount exceeding \$2,000,000, or, if a higher amount is prescribed, that higher amount, only with the written approval of the Minister.

**38 Taxation**

The College is not subject to taxation under any law of the Commonwealth or of a State or Territory.

**40 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed.





**Table of Acts****Notes to the *Maritime College Act 1978*****Note 1**

The *Maritime College Act 1978* as shown in this compilation comprises Act No. 54, 1978 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information *see* Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Maritime College Act 1978</i>	54, 1978	20 June 1978	10 Oct 1978 (see <i>Gazette</i> 1978, No. S201)	
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXVII (s. 280): Royal Assent (a)	S. 280(2) and (3)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1984</i>	72, 1984	25 June 1984	S. 3: 23 July 1984 (b)	S. 5(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (c)	—
<i>Maritime College Amendment Act 1986</i>	137, 1986	9 Dec 1986	6 Jan 1987	—
<i>Maritime College Amendment Act 1987</i>	126, 1987	16 Dec 1987	Ss. 1 and 2: Royal Assent Remainder: 16 Dec 1987 (see s. 2(2))	—
<i>Statute Law (Miscellaneous Provisions) Act 1988</i>	38, 1988	3 June 1988	S. 3: (d)	S. 5(1)
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	87, 1988	8 Nov 1988	Ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
<i>Higher Education Funding Act 1988</i>	2, 1989	6 Jan 1989	Ss. 94, 95 and 124: Royal Assent (e)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Higher Education Funding Amendment Act (No. 2) 1992</i>	158, 1992	11 Dec 1992	Part 1 (ss. 1, 2): Royal Assent Part 4 (ss. 47-59): 1 Jan 1994 Remainder: 1 Jan 1993	—
<b>as amended by</b>				
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 3 (item 29): 11 Dec 1992 (f)	—
<i>Employment, Education and Training Legislation Amendment Act 1994</i>	79, 1994	23 June 1994	23 June 1994	S. 8(2) and (3)
<i>Higher Education Legislation Amendment Act 1996</i>	74, 1996	12 Dec 1996	Schedule 1 (items 34, 35): 1 Jan 1998 (g)	—
<i>Education Legislation Amendment Act 1997</i>	66, 1997	30 May 1997	Schedule 2: Royal Assent (h)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 903-910): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (i)	—
<i>Corporate Law Economic Reform Program Act 1999</i>	156, 1999	24 Nov 1999	Schedule 10 (item 93): 13 Mar 2000 (see <i>Gazette</i> 2000, No. S114) (j)	—
<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i>	143, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]
<i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i>	159, 2001	1 Oct 2001	29 Oct 2001	Sch 1 (item 97) [see Table A]

**Act Notes**

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- (a) The *Maritime College Act 1978* was amended by Part LXXVII (section 280) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(1) of which provides as follows:
- (1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.
- (b) The *Maritime College Act 1978* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (c) The *Maritime College Act 1978* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (d) The *Maritime College Act 1978* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1988*, subsections 2(1) and (5) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
  - (5) Paragraph 11(1)(ca) of the *Maritime College Act 1978* as amended by this Act commences on a day to be fixed by Proclamation for the purposes of this subsection.
- In pursuance of subsection 2(5) the date of commencement was 15 September 1988 (see *Gazette* 1988, No. S278).
- (e) The *Maritime College Act 1978* was amended by sections 94, 95 and 124 only of the *Higher Education Funding Act 1988*, subsection 2(1) of which provides as follows:
- (1) Chapters 1, 2, 3, 4, 6 and 7 commence on the day on which this Act receives the Royal Assent.
- (f) The *Higher Education Funding Amendment Act (No. 2) 1992* was amended by Schedule 3 (item 29) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:
- (3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.
- (g) The *Maritime College Act 1978* was amended by Schedule 1 (items 34, 35) only of the *Higher Education Legislation Amendment Act 1996*, subsection 2(3) of which provides as follows:
- (3) Items 1, 2, 3, 12, 34 and 35 of Schedule 1 commence on 1 January 1998.
- (h) The *Maritime College Act 1978* was amended by Schedule 2 only of the *Education Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (i) The *Maritime College Act 1978* was amended by Schedule 2 (items 903-910) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (j) The *Maritime College Act 1978* was amended by Schedule 10 (item 93) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(2)(c) of which provides as follows:
- (2) The following provisions commence on a day or days to be fixed by Proclamation:
    - (c) the items in Schedules 10, 11 and 12.
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## Table of Amendments

### Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 4.....	am. No. 38, 1988; No. 79, 1994
S. 4A .....	ad. No. 143, 2001
Note to s. 5(2).....	ad. No. 152, 1997
S. 8.....	am. No. 38, 1988
S. 9.....	am. No. 80, 1982; No. 38, 1988
S. 11.....	am. No. 38, 1988; No. 79, 1994
S. 12.....	am. No. 38, 1988 rep. No. 79, 1994
S. 13.....	am. No. 38, 1988; No. 79, 1994
Ss. 14, 15.....	am. No. 79, 1994
S. 16.....	rep. No. 72, 1984
S. 17.....	am. No. 79, 1994; No. 152, 1997; No. 156, 1999
S. 18.....	am. No. 38, 1988; No. 79, 1994 rep. No. 152, 1997
Ss. 19, 20.....	am. No. 38, 1988; No. 79, 1994
Ss. 21, 22.....	am. No. 79, 1994
S. 24.....	am. No. 38, 1988; No. 79, 1994
S. 24A .....	ad. No. 66, 1997
S. 26.....	am. No. 79, 1994; No. 159, 2001
S. 27.....	am. No. 79, 1994
S. 29.....	rep. No. 87, 1988
S. 30.....	rep. No. 65, 1985
S. 32.....	am. No. 126, 1987; No. 2, 1989; No. 158, 1992 (as am. by No. 43, 1996); No. 74, 1996
S. 32A .....	ad. No. 137, 1986 am. No. 126, 1987 rep. No. 2, 1989
S. 33.....	rep. No. 158, 1992 ad. No. 152, 1997
S. 34.....	am. No. 38, 1988; No. 152, 1997
Ss. 35.....	rs. No. 38, 1988 rep. No. 152, 1997
Ss. 36, 37.....	rs. No. 38, 1988
Ss. 37A, 37B .....	ad. No. 38, 1988
S. 37C .....	ad. No. 38, 1988 am. No. 152, 1997
S. 37D .....	ad. No. 38, 1988
S. 37E .....	ad. No. 38, 1988 rep. No. 152, 1997
S. 39.....	rep. No. 38, 1988

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**Table A**

**Table A**

**Application, saving or transitional provisions**

*Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001* (No. 143, 2001)

**4 Application of Amendments**

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

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*Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001* (No. 159, 2001)

**Schedule 1**

**97 Application of amendments**

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.