



Queensland

# Australian Shipping Commission Authorization Act 1977

Reprinted as in force on 1 February 1996

Reprint No. 1\*

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

**NOTE—This is the last reprint before repeal.  
Repealed by 2012 Act No. 38 s 73**

\* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

# Information about this reprint

This Act is reprinted as at 1 February 1996.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**See endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **table of obsolete and redundant provisions**
  - **table of renumbered provisions.**

## **Spelling**

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).



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# Australian Shipping Commission Authorization Act 1977

[reprinted as in force on 1 February 1996]

**An Act to authorise the Australian Shipping Commission to establish, maintain and operate shipping services for the carriage of goods between places in Queensland and for related purposes**

## 1 Short title

This Act may be cited as the *Australian Shipping Commission Authorization Act 1977*.

## 3 Definitions

In this Act—

*the commission* means the Australian Shipping Commission constituted under the Commonwealth Act.

*the Commonwealth Act* means the *Australian Coastal Shipping Commission Act 1956* (Cwlth).

## 4 The commission

- (1) For all purposes of the law of the State, the commission—
  - (a) is deemed to be a body corporate with perpetual succession and a common seal; and
  - (b) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued.

- (2) All courts, judges and persons acting judicially shall take judicial notice of the seal of the commission affixed to a document and shall presume that it was duly affixed.

## **5 Authorisation of commission**

- (1) The commission is hereby authorised, subject to this Act, to establish, maintain and operate or to provide for the establishment, maintenance and operation of—
- (a) shipping services for the carriage of goods between places in the State; and
  - (b) services for the carriage of goods by land to the extent that such carriage is incident to the carriage of goods by sea pursuant to this section.
- (2) The authority conferred on the commission by subsection (1) shall continue until a date fixed pursuant to section 6 as the date on which this Act shall cease to be in force.

## **6 Proclamation of date**

- (1) The Governor may by proclamation fix a date, being not earlier than 12 months after the publication of the proclamation in the gazette, on which this Act shall cease to be in force and this Act shall cease to be in force on the date so fixed.
- (2) A proclamation made pursuant to this section shall be published in the gazette.

## **7 Limitation of commission's authority**

- (1) The authority conferred on the commission by section 5 does not extend to—
- (a) the establishment of any shipping service unless the Minister has approved in writing of the establishment and operation of such service and the Minister's approval is still in force; or

- (b) the continuation of the operation of any shipping service established with the approval of the Minister for more than 6 months after the Minister has notified the Minister administering the Commonwealth Act in writing that the Minister has withdrawn the Minister's approval of the operation of such service.
- (2) The authority conferred on the commission by section 5 does not extend to the establishment, maintenance or operation of any shipping service in compliance with a direction of the Minister under the Commonwealth Act unless the provisions of this Act are complied with in respect thereof.

## **8 Powers and obligations of commission**

- (1) Subject to this Act, in the exercise of authority conferred on it by section 5 the commission may exercise all or any of the powers conferred on it by section 16 (other than subsection (2A)) of the Commonwealth Act and shall be subject to all of the obligations and restrictions imposed on it by that section with respect to the performance by the commission of its functions under that Act.
- (2) In the exercise of authority conferred on it by section 5 the commission shall be subject to and comply with—
  - (a) all laws of the State whereby any tax or fee is levied or made payable; and
  - (b) such laws of the State as are prescribed by the regulations to be laws that are to apply to the commission exercising such authority;

being laws that would apply to any person other than the commission in doing the act that constitutes such exercise of authority.
- (2A) Neither this subsection nor the prescription of laws that are to apply to the commission shall be construed to prejudice the application of any other law of the State that apart from this subsection would apply to the commission exercising such authority.

[s 9]

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- (3) In the exercise of authority conferred on it by section 5 the commission shall not be subject to such laws of the State as are prescribed by the regulations to be laws that are not to apply to the commission exercising such authority.

## **9 Regulations**

The Governor in Council may by regulation prescribe which laws of the State are to apply and which laws of the State are not to apply to the commission in the exercise of authority conferred on it by section 5.



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## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Australian Shipping Commission Authorization Act 1977 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	2 January 1978	1 February 1996

### 5 List of legislation

**Australian Shipping Commission Authorization Act 1977 No. 57**

date of assent 7 October 1977

commenced 2 January 1978 (proc pubd gaz 24 December 1977 p 1702)

## 6 List of annotations

### Commencement of Act

s 2 om R1 (see RA s 37)

### Definitions

s 3 def “Minister” om R1 (see RA s 39)

## 7 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def “Minister”	Acts Interpretation Act 1954 s 36, def “local government” and Local Government Act 1993 s 796(1)(a) (see also Reprints Act 1992 s 39, example 2)
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to Minister	Acts Interpretation Act 1954 s 33(1)(a)

## 8 Table of renumbered provisions

under the Reprints Act 1992 s 43 [Reprint No. 1]

Previous	Renumbered as
6, 1st sentence . . . . .	6(1)
6, 2nd sentence . . . . .	6(2)
8(2), 2nd sentence . . . . .	8(2A)