



ELIZABETHÆ SECUNDÆ REGINÆ

No. 57 of 1977

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

[ASSENTED TO 7TH OCTOBER, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

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

2. **Commencement of Act.** (1) This Act shall not come into operation until Her Majesty's pleasure hereon has been publicly signified in the State.

(2) Subject to subsection (1), this Act shall come into operation on a date to be appointed by Proclamation.

3. Definitions. In this Act—

“ the Commission ” means the Australian Shipping Commission constituted under the Commonwealth Act;

“ the Commonwealth Act ” means the Act of the Commonwealth entitled the *Australian Coastal Shipping Commission Act 1956* as subsequently amended to the date of passing of this Act and if that Act is further amended after the date of passing of this Act means that Act as in force as amended at the material time;

“ the Minister ” means the Minister for Transport and includes any person for the time being performing the duties of the Minister.

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. Authorization of Commission. (1) The Commission is hereby authorized, 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. 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.

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 his 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 six months after the Minister has notified the Minister of State of the Commonwealth administering the Commonwealth Act in writing that he has withdrawn his 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 of State of the Commonwealth 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) thereof) 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.

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.

(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.