



Australian Institute of Marine Science Act 1972

No. 55, 1972 as amended

Compilation start date: 1 July 2014

Includes amendments up to: Act No. 62, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Australian Institute of Marine Science Act 1972* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 11 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

Contents

Part I—Preliminary	1
1 Short title	1
2 Commencement	1
4 Repeal	1
5 Interpretation	1
6 Application of Act outside Australia	2
Part II—Australian Institute of Marine Science	3
7 The Institute	3
9 Functions of Institute	3
10 Powers of Institute	5
Part III—Council of the Institute	8
10A Interpretation	8
11 Institute to be governed by Council	8
12 Constitution of Council	8
13 Leave of absence	8
14 Resignation of members	9
15 Termination of appointment	9
16 Vacation of office	9
17 Acting members	9
19 Fees and allowances	10
20 Meetings of Council	10
20A Chief Executive Officer not to take part in certain deliberations of Council	11
Part IV—Chief Executive Officer of the Institute	12
21 Chief Executive Officer of Institute	12
22 Tenure of office	12
23 Functions of Chief Executive Officer	12
24 Remuneration and allowances of Chief Executive Officer	12
25 Leave of absence	12
26 Resignation	13
27 Termination of appointment	13
29 Chief Executive Officer not to undertake any other work	13
30 Acting Chief Executive Officer	14
Part V—Staff	15
33 Appointment of officers	15
34 Terms and conditions of appointment of officers	15

35	Temporary and casual employees.....	15
Part VI—Finance		16
36	Moneys payable to Institute.....	16
38	Application of moneys.....	16
42A	Borrowing from Commonwealth.....	16
42B	Borrowing from persons other than the Commonwealth.....	17
42C	Guarantee of borrowings by Institute.....	17
42D	Borrowing not otherwise permitted.....	17
42E	Institute may give security.....	17
43	Exemption from taxation.....	18
Part VII—Miscellaneous		19
45	Committees.....	19
46	Application of the <i>Air Accidents (Commonwealth Government Liability) Act 1963</i>	19
48	Inventions etc. of officers and employees.....	19
49	Bonuses for discoveries by officers and employees.....	20
50	Fees and agreements for investigations.....	20
50A	Delegation of powers by Finance Minister.....	20
50B	Delegation by the Institute.....	21
50C	Delegation by the Council.....	21
50D	Delegation and subdelegation by the Chief Executive Officer.....	21
50E	Corporate plans.....	22
51	Regulations.....	22
Endnotes		23
Endnote 1—About the endnotes		23
Endnote 2—Abbreviation key		25
Endnote 3—Legislation history		26
Endnote 4—Amendment history		31
Endnote 5—Uncommenced amendments [none]		35
Endnote 6—Modifications [none]		35
Endnote 7—Misdescribed amendments [none]		35
Endnote 8—Miscellaneous [none]		35

An Act relating to the Australian Institute of Marine Science

Part I—Preliminary

1 Short title

This Act may be cited as the *Australian Institute of Marine Science Act 1972*.

2 Commencement

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

4 Repeal

The *Australian Institute of Marine Science Act 1970* is repealed.

5 Interpretation

- (1) In this Act, unless the contrary intention appears:

Acting Chief Executive Officer means an acting Chief Executive Officer of the Institute appointed under section 30.

acting member means an acting Chairperson, Acting Chief Executive Officer or other acting member appointed under section 17.

application and use means:

- (a) marine application and use; or
- (b) non-marine application and use.

appointed includes re-appointed, and re-appointment has a corresponding meaning.

associated company, in relation to the Institute, means a company where the Institute is in a position to cast, or control the casting of,

Section 6

15% or more of the maximum number of votes that might be cast at a general meeting of the company.

borrowing includes raising money or obtaining credit, whether by dealing in securities or otherwise, but does not include obtaining credit in a transaction forming part of the day-to-day operations of the Institute.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

hire includes charter.

institution includes any university or other body, whether corporate or unincorporate.

member means a member of the Council, and includes the Chairperson and the Chief Executive Officer.

the Chairperson means the Chairperson of the Council.

the Chief Executive Officer means the Chief Executive Officer of the Institute appointed under section 21.

the Council means the Council of the Institute.

the Institute means the Australian Institute of Marine Science referred to in section 7.

vessel includes ship, boat or other craft.

6 Application of Act outside Australia

The Institute is not limited, in the performance of its functions and the exercise of its powers, to Australia and the territorial waters of Australia and this Act applies both within and outside Australia and extends to all the external Territories.

Part II—Australian Institute of Marine Science

7 The Institute

- (1) Notwithstanding the repeal effected by section 4, the institute established by the *Australian Institute of Marine Science Act 1970* under the name of the Australian Institute of Marine Science is continued in existence by this Act under that name.
 - (2) The Institute:
 - (a) is a body corporate;
 - (b) shall have a seal;
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued.
- Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Institute. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.
- (3) The seal of the Institute 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 imprint of the seal of the Institute appearing on a document and shall presume that the document was duly sealed.

9 Functions of Institute

- (1) The functions of the Institute are:
 - (a) to carry out research and development in relation to:
 - (i) marine science and marine technology; and
 - (ii) the application and use of marine science and marine technology; and
 - (b) to encourage and facilitate the application and use of the results of research and development of that kind; and
-

Section 9

- (c) to arrange for carrying out research and development of that kind; and
 - (d) to co-operate with other institutions and persons in carrying out research and development of that kind; and
 - (e) to provide any other institution or person with facilities for carrying out research and development of that kind; and
 - (f) to collect and disseminate information relating to:
 - (i) marine science and marine technology; and
 - (ii) the application and use of marine science and marine technology;and, in particular, to publish reports and other papers; and
 - (g) to produce, acquire, provide and sell goods, and to provide services, in connection with:
 - (i) marine science and marine technology; and
 - (ii) the application and use of marine science and marine technology; and
 - (h) to make available to other persons, on a commercial basis, the knowledge, expertise, equipment, facilities, resources and property of the Institute; and
 - (i) to do anything incidental or conducive to the performance of any of the functions in paragraphs (a) to (h).
- (2) The Institute may perform its functions to the extent only that they are not in excess of the functions that may be conferred on it by virtue of any of the legislative powers of the Parliament and, in particular, may perform its functions:
- (a) in so far as it is appropriate for its functions to be performed by the Institute on behalf of the Government of the Commonwealth as the national Government; or
 - (b) for the purposes for which it is appropriate for the Parliament as the national Parliament of Australia to authorise the Institute to perform functions; or
 - (c) by way of expenditure or money that is available for the purposes of the Institute in accordance with an appropriation made by the Parliament; or

- (d) in the course of, and in relation to, trade and commerce with other countries, among the States, between Territories or between a Territory and a State; or
 - (e) for purposes related to external affairs; or
 - (f) for purposes in relation to a Territory; or
 - (g) for purposes in relation to quarantine; or
 - (h) for purposes in relation to fisheries in Australian waters beyond territorial limits; or
 - (i) for purposes in relation to telecommunications.
- (3) In this section:

communications includes any communication whether:

- (a) between persons and persons, things and things or persons and things; and
- (b) in the form of speech, music or other sounds; and
- (c) in the form of data; and
- (d) in the form of text; and
- (e) in the form of visual images (animated or otherwise); and
- (f) in the form of signals; and
- (g) in any other form; and
- (h) in any combination of forms.

telecommunications means the carriage of communications by means of guided and/or unguided electromagnetic energy.

10 Powers of Institute

- (1) Subject to any directions of the Minister, whether general or with respect to a particular matter, the Institute has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting the generality of subsection (1), the powers of the Institute referred in that subsection include power:
 - (a) to enter into contracts;
 - (b) to acquire, hold and dispose of personal property;

Section 10

- (ba) to take on hire, or to accept on loan, equipment (including vessels) or other goods needed for the purposes of the Institute;
 - (bb) to lend or to hire out equipment (including vessels) or other goods that are the property of the Institute;
 - (c) to purchase or take on lease land or buildings, and to erect buildings, necessary for the purposes of the Institute;
 - (d) to dispose of, or grant leases of, land or buildings vested in the Institute;
 - (e) 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 Institute;
 - (f) to participate in partnerships, trusts, unincorporated joint ventures and other arrangements for sharing profits;
 - (g) to subscribe for and to purchase shares in, and debentures and other securities of, companies;
 - (h) to form, and to participate in the formation of, companies;
 - (ha) to lend money to associated companies of the Institute;
 - (hb) with the written approval of the Finance Minister, to provide guarantees for the benefit of associated companies of the Institute;
 - (i) to appoint agents and attorneys, and to act as agents for other persons;
 - (j) to accept anything given or transmitted to the Institute whether on trust or otherwise, and to act as trustee of money or other property vested in the Institute on trust;
 - (k) to arrange for displaying material and giving lectures, to the public or otherwise, about:
 - (i) marine science and marine technology; and
 - (ii) the application and use of marine science and marine technology.
- (3) Notwithstanding anything contained in this Act, any money or property held by the Institute upon trust shall be dealt with in accordance with the powers and duties of the Institute as trustee.

- (4) The Governor-General may make available, for the purposes of the Institute, any land or buildings owned or held under lease by the Commonwealth.

Part III—Council of the Institute

10A Interpretation

In this Part, a reference to a member or an acting member does not, except in subsections 20(5) and (6), include a reference to the Chief Executive Officer or an Acting Chief Executive Officer.

11 Institute to be governed by Council

The Institute shall be governed by a council to be known as the Council of the Institute of Marine Science.

12 Constitution of Council

- (1) The Council shall consist of:
 - (a) a Chairperson; and
 - (b) the Chief Executive Officer; and
 - (ba) a member nominated by James Cook University; and
 - (c) 4 other members.
- (2) The members shall be appointed by the Governor-General.
- (3) At least 3 members shall be persons possessing scientific qualifications.
- (4) Subject to this Act, each member holds office for such period, not exceeding 5 years, as is specified in the instrument of the member's appointment and on such terms and conditions as the Governor-General determines, but is eligible for re-appointment.
- (5) An act or decision of the Council is not invalid by reason only of a vacancy or vacancies in the membership of the Council.

13 Leave of absence

The Minister may grant leave of absence to a member upon such terms and conditions as the Minister determines.

14 Resignation of members

A member may resign from office by writing signed by the member and delivered to the Governor-General.

15 Termination of appointment

The Governor-General may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

16 Vacation of office

(1) If a member:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
- (b) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Council; or
- (d) is covered by subsection (2);

the Governor-General shall, by notice published in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

Note: The appointment of a member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

(2) A member is covered by this subsection if:

- (a) the member is appointed under paragraph 12(1)(ba) on the basis of a nomination by James Cook University; and
- (b) the University notifies the Minister in writing that the nomination is withdrawn.

17 Acting members

(1) In the event of an inability, whether on account of illness or otherwise, of the Chairperson to attend meetings of the Council, the Minister may appoint a person to be the acting Chairperson of

Section 19

the Council during that inability and, while so acting, the person has all the powers and functions of the Chairperson and, when attending a meeting of the Council, shall be deemed to be the Chairperson.

- (2) In the event of the inability, whether on account of illness or otherwise, of a member, other than the Chairperson, to attend meetings of the Council, the Minister may appoint a person to be an acting member of the Council during that inability, and while so acting, the person has all the powers and functions of a member, other than the Chairperson, of the Council and, when attending a meeting of the Council, shall be deemed to be a member, other than the Chairperson, of the Council.
- (3) An appointment under this section may be terminated at any time by the Minister.

19 Fees and allowances

- (1) A member or acting member shall be paid such fees as are determined by the Remuneration Tribunal.
- (2) A member or acting member shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

20 Meetings of Council

- (1) The Council shall hold such meetings as are necessary for the performance of its functions.
 - (2) The Chairperson may, at any time, convene a meeting of the Council and shall, if so directed by the Minister, 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) In the absence of both the Chairperson and the acting Chairperson from a meeting of the Council, the members present shall appoint one of their number to preside at the meeting.
-

- (5) At a meeting of the Council, a quorum is constituted by not less than 4 members.
- (6) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present.
- (7) The member presiding at a meeting of the Council has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

20A Chief Executive Officer not to take part in certain deliberations of Council

The Chief Executive Officer:

- (a) shall not take part in any deliberation or decision of the Council with respect to him or her; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

Part IV—Chief Executive Officer of the Institute

21 Chief Executive Officer of Institute

There shall be a Chief Executive Officer of the Institute, who shall be appointed by the Council.

22 Tenure of office

Subject to this Act, the Chief Executive Officer holds office for such period, not exceeding 5 years, as is specified in the instrument of his or her appointment and on such terms and conditions as the Council determines, but is eligible for re-appointment.

23 Functions of Chief Executive Officer

Subject to the general direction of the Council, the Chief Executive Officer shall manage the affairs of the Institute.

24 Remuneration and allowances of Chief Executive Officer

- (1) The Chief Executive Officer shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (2) The Chief Executive Officer shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

25 Leave of absence

- (1) The Chief Executive Officer has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Council may grant the Chief Executive Officer leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Council determines.

26 Resignation

The Chief Executive Officer may resign from office by writing signed by the Chief Executive Officer and delivered to the Council.

27 Termination of appointment

- (1) The Council may terminate the appointment of the Chief Executive Officer for misbehaviour or physical or mental incapacity.
- (2) The Council may terminate the appointment of the Chief Executive Officer if:
 - (a) the Chief Executive Officer becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (b) the Chief Executive Officer is absent, except on leave of absence granted by the Council, from 3 consecutive meetings of the Council; or
 - (c) the Chief Executive Officer is absent from duty, except on leave of absence granted by the Council, for 14 consecutive days or for 28 days in any 12 months; or
 - (e) the Council is satisfied that the performance of the Chief Executive Officer has been unsatisfactory for a significant period.

Note: The appointment of the Chief Executive Officer may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

29 Chief Executive Officer not to undertake any other work

- (1) The Chief Executive Officer shall not engage in paid employment outside the duties of his or her office except with the approval of the Council.
- (2) The Council shall not give an approval for the purposes of subsection (1) unless satisfied that the paid employment will not

Section 30

interfere with the performance of the duties of the Chief Executive Officer under this Act.

30 Acting Chief Executive Officer

The Council may appoint a person to act in the office of Chief Executive Officer:

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the person holding the office is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

Part V—Staff

33 Appointment of officers

- (1) The Council may appoint such officers of the Institute as it thinks necessary for the purposes of this Act.

34 Terms and conditions of appointment of officers

Officers are not subject to the *Public Service Act 1999* but hold office on such terms and conditions as are determined by the Council.

35 Temporary and casual employees

- (1) The Council may employ such temporary or casual employees of the Institute as the Council thinks necessary for the purposes of this Act.
- (4) The terms and conditions of employment of employees shall be such as are determined by the Council.

Part VI—Finance

36 Moneys payable to Institute

- (1) There are payable to the Institute such moneys as are appropriated by the Parliament for the purposes of the Institute.
- (2) The Finance Minister may give directions as to the amounts in which and the times at which, moneys referred to in subsection (1) are to be paid to the Institute.

38 Application of moneys

- (1) The moneys of the Institute shall be applied only:
 - (a) in payment or discharge of the costs, expenses and other obligations incurred by the Institute in the performance of its functions or the exercise of its powers; and
 - (b) in payment of any remuneration (including fees) and allowances payable under this Act; and
 - (c) in making any other payments which the Institute is authorised or required to make under this Act or any other law.
- (2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Institute.

42A Borrowing from Commonwealth

The Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Institute on such terms and conditions as he or she determines in writing.

42B Borrowing from persons other than the Commonwealth

- (1) The Institute may, with the Finance Minister's written approval, borrow money from persons other than the Commonwealth on terms and conditions specified in, or consistent with, the approval.
- (2) Money may be borrowed wholly or partly in foreign currency.

42C Guarantee of borrowings by Institute

- (1) The Finance Minister may, on behalf of the Commonwealth, enter into a contract guaranteeing the performance by the Institute of obligations incurred by it under section 42B.
- (2) If the Finance Minister determines in writing that obligations incurred by the Institute under section 42B are guaranteed by the Commonwealth, the obligations become so guaranteed.
- (3) A contract under subsection (1) may include:
 - (a) a provision agreeing that proceedings under the contract may be taken in courts of a foreign country; or
 - (b) a provision waiving the immunity of the Commonwealth from suit in courts of a foreign country.

42D Borrowing not otherwise permitted

The Institute must not borrow money except under section 42A or 42B.

42E Institute may give security

The Institute may give security over the whole or part of its assets for:

- (a) the performance by the Institute of any obligation incurred under section 42A or 42B; or
- (b) the payment to the Commonwealth of amounts equal to amounts paid by the Commonwealth under a guarantee under section 42C.

Section 43

43 Exemption from taxation

- (1) The Institute is not subject to taxation under any law of the Commonwealth or of a State or Territory.
- (2) Stamp duty or a similar tax under a law of the Commonwealth or of a State or Territory is not payable by the Institute or any other person in respect of:
 - (a) a transaction done for the purposes of a borrowing by the Institute; or
 - (b) a document executed by or on behalf of the Institute for the purposes of a borrowing by the Institute.

Part VII—Miscellaneous**45 Committees**

- (1) The Minister may, at the request of the Council, appoint a Committee to assist the Council in relation to a matter specified in the request.
- (2) A Committee appointed under this section shall consist of such persons, whether members of the Council or not, as the Council with the approval of the Minister thinks fit.
- (2A) A member of a Committee shall be paid such remuneration by way of fees as is determined by the Remuneration Tribunal and such allowances as are prescribed.
- (2B) Subsection (2A) has effect subject to the *Remuneration Tribunal Act 1973*.
- (3) A member of a Committee shall hold office on such terms and conditions as the Council with the approval of the Minister determines.
- (4) A Committee shall make such enquiries, and furnish to the Council such reports, in connexion with the matter in relation to which it has been appointed as the Council directs.

46 Application of the *Air Accidents (Commonwealth Government Liability) Act 1963*

The Institute is a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Government Liability) Act 1963*.

48 Inventions etc. of officers and employees

- (1) Any discovery, invention or improvement of or in any process, apparatus or machine made by an officer or employee of the Institute in the course of his or her official duties is the property of the Institute and may be made available by the Institute on such

Section 49

conditions and on payment of such fees or royalties, or otherwise, as the Institute, determines.

- (2) An officer or employee of the Institute shall not, except with the consent in writing of the Council, make application for a patent for an invention that is made by him or her in the course of his or her official duties or that relates to any matter or work connected with his or her official duties.

49 Bonuses for discoveries by officers and employees

The Council may pay to officers and employees, or to persons working on behalf of the Institute, such bonuses as the Council, determines in respect of useful discoveries or inventions made by those officers, employees or persons.

50 Fees and agreements for investigations

The Council may charge such fees, and may agree to such conditions, as it thinks fit for investigations carried out by the Institute at the request of any person.

50A Delegation of powers by Finance Minister

- (1) The Finance Minister may, by written instrument, delegate to an official (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) of a non-corporate Commonwealth entity (within the meaning of that Act) the power:
 - (a) to approve the provision of guarantees as mentioned in paragraph 10(2)(hb); or
 - (b) to approve the borrowing of money on terms and conditions specified in, or consistent with, the approval as mentioned in subsection 42B(1); or
 - (c) to enter into contracts as mentioned in subsection 42C(1); or
 - (d) to make determinations as mentioned in subsection 42C(2).
- (2) In exercising power under a delegation, the official must comply with any directions of the Finance Minister.

50B Delegation by the Institute

- (1) The Institute may, in writing under its seal, delegate all or any of its powers or functions under this Act to:
 - (a) a Council member; or
 - (b) the Chief Executive Officer.
- (2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the Institute.

50C Delegation by the Council

- (1) The Council may, in writing, delegate all or any of its powers or functions under this Act to:
 - (a) a Council member; or
 - (b) the Chief Executive Officer.
- (2) In exercising any powers or performing any functions under the delegation, the delegate must comply with any directions of the Council.

50D Delegation and subdelegation by the Chief Executive Officer

- (1) The Chief Executive Officer may, in writing, delegate to an officer or employee of the Institute any of the Chief Executive Officer's powers or functions under this Act.
- (2) If the Institute or the Council delegates a power or function under subsection 50B(1) or 50C(1) to the Chief Executive Officer, the Chief Executive Officer may, in writing, subdelegate the power or function to an officer or employee of the Institute.
- (3) In exercising any powers or performing any functions under the delegation or subdelegation, the delegate or subdelegate must comply with any directions of the Chief Executive Officer.
- (4) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* apply in relation to a subdelegation in a corresponding way to the way in which they apply in relation to a delegation.

Section 50E

50E Corporate plans

Subsection 35(3) of the *Public Governance, Performance and Accountability Act 2013* (which deals with the Australian Government's key priorities and objectives) does not apply to a corporate plan prepared by the Council.

51 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 or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, providing for penalties not exceeding a fine of \$100 for offences against the regulations.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnotes

Endnote 1—About the endnotes

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Institute of Marine Science Act 1972	55, 1972	9 June 1972	1 July 1972 (<i>see Gazette</i> 1972, No. 53, p. 5)	
Australian Institute of Marine Science Act 1973	61, 1973	18 June 1973	18 June 1973	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	ss. 9(1) and 10
Administrative Changes (Consequential Provisions) Act 1978	36, 1978	12 June 1978	12 June 1978	s. 8
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985 (<i>a</i>)	s. 6
Statute Law (Miscellaneous Provisions) Act (No. 1) 1986	76, 1986	24 June 1986	s. 3: Royal Assent (<i>b</i>)	s. 9
Statute Law (Miscellaneous Provisions) Act (No. 2) 1986	168, 1986	18 Dec 1986	s. 3: Royal Assent (<i>c</i>)	s. 5(1)
as amended by				
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: Royal Assent (<i>d</i>)	s. 5(1)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	ss. 4(1), 10(b) and 15–20: 1 Dec 1988 ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (<i>see Gazette</i> 1991, No. S332) Remainder: Royal Assent	s. 31(2)
Prime Minister and Cabinet Legislation Amendment Act 1991	199, 1991	18 Dec 1991	18 Dec 1991	—
Industry, Technology and Commerce Legislation Amendment Act 1992	168, 1992	11 Dec 1992	Part 5 (ss. 14, 15): 30 July 1975 Remainder: Royal Assent	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 4 (items 28–30): Royal Assent (<i>e</i>)	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 338–346): 1 Jan 1998 (<i>see Gazette</i> 1997, No. GN49) (<i>f</i>)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 198, 199): 5 Dec 1999 (<i>see Gazette</i> 1999, No. S584) (<i>g</i>)	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Schedule 10 (items 38, 39): 13 Mar 2000 (<i>see Gazette</i> 2000, No. S114) (<i>h</i>)	—
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Research Agencies Legislation Amendment Act 2002	98, 2002	10 Nov 2002	10 Nov 2002	Sch. 1 (item 11)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Institute of Marine Science Amendment Act 2005	54, 2005	25 May 2005	25 May 2005	—
Financial Framework Legislation Amendment Act (No. 1) 2006	30, 2006	6 Apr 2006	Schedule 3 (item 2): 7 Apr 2006	—
Governance Review Implementation (Science Research Agencies) Act 2007	84, 2007	21 June 2007	Schedules 1–3: 10 Sept 2007 (<i>see</i> F2007L03555) Remainder: Royal Assent	Sch. 1 (item 12)
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 179–183) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Statute Law Revision Act 2013	103, 2013	29 June 2013	Schedule 1 (items 18, 19): Royal Assent	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 7 (items 284–292): (i)	—

- (a) The *Australian Institute of Marine Science Act 1972* 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.
- (b) The *Australian Institute of Marine Science Act 1972* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
-

Endnote 3—Legislation history

-
- (c) The *Australian Institute of Marine Science Act 1972* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (d) The *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(29) of which provides as follows:
- (29) The amendment of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986* made by this Act shall be deemed to have come into operation on the day on which the first-mentioned Act received the Royal Assent.
- (e) The *Australian Institute of Marine Science Act 1972* was amended by Schedule 4 (items 28–30) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (f) The *Australian Institute of Marine Science Act 1972* was amended by Schedule 2 (items 338–346) 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*,
- (g) The *Australian Institute of Marine Science Act 1972* was amended by Schedule 1 (items 198 and 199) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (h) The *Australian Institute of Marine Science Act 1972* was amended by Schedule 10 (items 38 and 39) 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.
- (i) Subsection 2(1) (item 6) of the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014* provides as follows:
-

Endnotes

Endnote 3—Legislation history

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
Column 3	Immediately after the commencement of section 6 of the <i>Public Governance, Performance and Accountability Act 2013</i> .	1 July 2014

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s. 3	rep. No. 216, 1973
s. 5	am. Nos. 76 and 168, 1986; No. 168, 1992; No. 152, 1997; No. 98, 2002; No. 54, 2005; No 62, 2014
s. 6	am. No. 216, 1973
Part II	
s. 7	am. No. 76, 1986; No 62, 2014
Note to s. 7(2)	ad. No. 152, 1997 rs No 62, 2014
s. 8	rep. No. 61, 1973
s. 9	rs. No. 168, 1992 am. No. 98, 2002
s. 10	am. No. 76, 1986; No. 168, 1992; No. 98, 2002
s. 10AA	ad. No. 168, 1992 rep. No. 152, 1997
Part III	
s. 10A	ad. No. 168, 1986 am. No. 98, 2002; No. 54, 2005
s. 12	am. Nos. 76 and 168, 1986; No. 54, 2005
s. 14	rs. No. 76, 1986
s. 16	am. Nos. 76 and 168, 1986; No. 152, 1997; No. 156, 1999; No. 54, 2005; No 62, 2014
Note to s 16(1)	ad No 62, 2014
s. 17	am. No. 168, 1986
s. 18	rs. Nos. 76 and 168, 1986 rep. No. 152, 1997
s. 19	rs. No. 76, 1986 am. No. 43, 1996
s. 20	am. No. 76, 1986; No. 168, 1986 (as am. by No. 141, 1987)
Heading to s. 20A	am. No. 54, 2005

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 20A.....	ad. No. 168, 1986 am. No. 54, 2005; No. 84, 2007
Part IV	
Heading to Part IV	rs. No. 54, 2005
Heading to s. 21	am. No. 54, 2005
s. 21	am. No. 54, 2005; No. 84, 2007
s. 22	am. No. 76, 1986; No. 159, 2001; No. 54, 2005; No. 84, 2007
Heading to s. 23	am. No. 54, 2005
s. 23	am. No. 54, 2005
Heading to s. 24	am. No. 54, 2005
s. 24	rs. No. 76, 1986 am. No. 43, 1996; No. 54, 2005
s. 25	rs. No. 122, 1991 am. No. 146, 1999; No. 54, 2005; No. 84, 2007
s. 26	rs. No. 76, 1986 am. No. 54, 2005; No. 84, 2007
s. 27	am. No. 54, 2005 rs. No. 84, 2007 am No 62, 2014
Note to s 27(2)	ad No 62, 2014
Heading to s. 28	am. No. 54, 2005 rep. No. 84, 2007
s. 28	am. Nos. 76 and 168, 1986; No. 122, 1991; No. 152, 1997; No. 156, 1999; No. 54, 2005 rep. No. 84, 2007
Heading to s. 29	am. No. 54, 2005
s. 29	am. No. 76, 1986; No. 54, 2005; No. 84, 2007
Heading to s. 30	am. No. 54, 2005
s. 30	rs. No. 65, 1985 am. No. 159, 2001; No. 54, 2005; No. 84, 2007; No. 46, 2011
Note to s. 30.....	ad. No. 46, 2011
s. 31	am. No. 76, 1986

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 98, 2002
s. 32	rep. No. 76, 1986
Part V	
s. 33	am. No. 65, 1985; No. 76, 1986; No. 98, 2002
s. 34	am. No. 76, 1986; No. 199, 1991; No. 146, 1999
s. 35	am. No. 76, 1986; No. 199, 1991; No. 98, 2002
Part VI	
s. 36	am. No. 36, 1978; No. 76, 1986; No. 98, 2002
s. 37	rs. No. 76, 1986 rep. No. 152, 1997
s. 38	am. No. 36, 1978; No. 76, 1986; No. 152, 1997; No. 98, 2002; No. 62, 2014
s. 39	rep. No. 76, 1986
s. 40	rs. No. 76, 1986 rep. No. 152, 1997
s. 41	rep. No. 76, 1986
s. 42	am. No. 76, 1986; No. 98, 2002 rep. No. 84, 2007
ss. 42A–42E.....	ad. No. 98, 2002
s. 43	am. No. 216, 1973; No. 98, 2002
s. 44	am. No. 36, 1978 rep. No. 76, 1986
Part VII	
s. 45	am. No. 76, 1986; No. 43, 1996
Heading to s. 46.....	rs. No. 103, 2013
s. 46	rs. No. 76, 1986 am. No. 103, 2013
s. 47	am. No. 216, 1973 rep. No. 65, 1985
s. 48	am. No. 76, 1986; No. 98, 2002
s. 49	am. No. 98, 2002
s. 50A.....	ad. No. 30, 2006

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am No 62, 2014
s 50B.....	ad No 62, 2014
s 50C.....	ad No 62, 2014
s 50D.....	ad No 62, 2014
s 50E.....	ad No 62, 2014
s. 51	am. No. 76, 1986
The Schedule	rep. No. 98, 2002

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]