

Chapter 355.
Maritime College Act 1976.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 355.

Maritime College Act 1976.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Maritime College Act 1976,

Being an Act to provide for the establishment of a College to be known as the Papua New Guinea Maritime College, and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the Board**” means the Papua New Guinea Maritime College Board established by Section 4;

“**the Chairman**” means the Chairman of the Board;

“**the College**” means the Papua New Guinea Maritime College established by Section 2;

“**the levy**” means the levy fixed under Section 22;

“**member**” means a member of the Board, and includes the Chairman and Deputy Chairman;

“**the Principal**” means the Principal of the College;

“**the staff**” means the staff of the College;

“**this Act**” includes any regulations made under this Act.

PART II. – PAPUA NEW GUINEA MARITIME COLLEGE.

Division 1.

Establishment of the College.

2. ESTABLISHMENT OF THE COLLEGE.

(1) The Nautical Training Institute is hereby established.

(2)^{1 2}From 25th July, 1985, the date on which the *Nautical Training Institute (Change Name) Act 1985* came into force the name of the Nautical Training Institute shall be changed to the Papua New Guinea Maritime College.

3. OBJECTS OF THE COLLEGE.

The objects of the College are–

- (a) to provide courses of training and other instructional facilities for the theoretical and practical training of persons in maritime skills; and
- (b) any other objects incidental or ancillary to the objects specified in Paragraph (a).

Division 2.

The Board.

4. THE BOARD.

(1) A board of management for the College to be known as the Papua New Guinea Maritime College Board is hereby established.

(2) The Board–

- (a) is a corporation with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

(3) All courts and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

5. CONSTITUTION OF BOARD.

(1) The Board shall consist of–

- (a) a representative from–
 - (i) the Department responsible for transport matters; and

¹ Section 2(2) added by No. 1 of 1985.

² Section 2(2) added by No. 1 of 1985.

- (ii) the Department responsible for education matters; and
- (iii) the Department responsible for labour matters; and
- (b) two representatives selected from a panel of names submitted by shipowners and operators of ships in Papua New Guinea,

appointed by the Minister by notice in the National Gazette.

(2) The Minister may, where he considers that it is in the best interests of the College to do so, by notice in the National Gazette, appoint persons to be ad hoc members of the Board who shall be entitled to attend meetings of the Board and to take part in debate but who shall have no voting rights.

(3) A member (other than an ad hoc member) may, by written notice, appoint an alternate.

(4) An alternate shall, in the absence from a meeting of the Board of the member for whom he is the alternate, stand in the place of that member for all purposes of the meeting.

(5) A member—

- (a) shall be appointed for a period of two years; and
- (b) is eligible for re-appointment; and
- (c) shall not hold office for more than three consecutive terms.

(6) Where a person has served three consecutive terms he becomes eligible to be appointed a member two years after the date of expiry of his last term of office.

6. CASUAL VACANCIES.

(1) Where a casual vacancy in the office of a member of the Board occurs, a member shall be appointed in accordance with Section 5(1), and the person so appointed holds office, subject to this Act, for the remainder of the term of the vacant office.

(2) Where a casual vacancy occurs within three months of the end of the term of office of a member, the vacancy shall not be filled for the remainder of the term.

7. VACATION OF OFFICE.

A member shall be deemed to have vacated his office if he—

- (a) dies; or
- (b) declines to act; or
- (c) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his property for their benefit; or
- (d) is absent, except on leave granted by the Minister, from three consecutive meetings of the Board; or

- (e) ceases to be resident in the country.

8. DISQUALIFICATION.

A person who—

- (a) is not of the full age of 18 years; or
- (b) is an undischarged bankrupt, or has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, or has compounded with his creditors or has made an assignment of his remuneration for their benefit; or
- (c) has been convicted of an indictable offence and is undergoing a sentence of imprisonment; or
- (d) is an insane person or a person of unsound mind within the meaning of any law in force for the time being relating to insanity or unsoundness of mind,

is not capable of being or continuing to be a member of the Board.

9. RESIGNATION.

(1) A member appointed under Section 5(1) or 6(1) may resign by written notice addressed to the Board.

(2) The resignation of a member takes effect on the date it is received by the Board.

10. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The Minister shall appoint a member to be Chairman, and another member to be Deputy Chairman.

(2) In the event of the absence or the inability for any reason to act of the Chairman, the Deputy Chairman has all the powers and functions of the Chairman.

11. MEETINGS OF THE BOARD.

(1) Subject to Subsection (2), the Board shall meet at the times and places the Chairman from time to time appoints, but in any case not less frequently than once in every three months.

(2) A meeting of the Board shall be called by the Chairman if he is requested by two members to do so.

(3) At a meeting of the Board—

- (a) three members are a quorum; and
- (b) the Chairman shall preside at all meetings at which he is present; and
- (c) in the absence of the Chairman, the Deputy Chairman shall preside; and

- (d) in the absence of both the Chairman and the Deputy Chairman a member elected by the members present from among their own number shall preside; and
 - (e) each member present has one vote; and
 - (f) the member presiding has a deliberative, and in the event of an equality of votes on a matter, also a casting vote.
- (4) The Board shall cause minutes of its meetings to be kept.
- (5) Subject to this Act, the Board may regulate its own proceedings.

12. VALIDITY OF PROCEEDINGS.

No act or proceeding of the Board, and no act done by any person acting as Chairman or Deputy Chairman, shall be invalidated by reason of—

- (a) a disqualification of a member; or
- (b) a defect in the convening of a meeting; or
- (c) a vacancy or vacancies in the number of members of the Board.

13. INDEMNITY OF MEMBERS.

A member is not personally liable for any act of the Board or of a member acting as such, done in good faith.

14. DELEGATION.

The Board may, by instrument, delegate to any person all or any of its powers or functions under this Act (except this power of delegation).

15. DIRECTIONS BY MINISTER.

The Board shall give effect to any directions given to it by the Minister on any matter of policy relating to the exercise or performance of its powers, functions, duties or responsibilities.

16. FUNCTIONS OF THE BOARD.

The functions of the Board in giving effect to the objects of the College are—

- (a) to provide general or special courses of training in nautical studies; and
- (b) to provide, or co-operate in the provision of, classes, lectures and study groups; and
- (c) to arrange conferences and seminars; and
- (d) to provide facilities for training and study; and
- (e) to provide residential and other accommodation facilities for students and other participants in the activities of the College.

17. POWERS OF THE BOARD.

(1) Subject to this Act, the Board has such powers as are necessary or convenient for, or incidental to, the performance of its functions.

(2) Without limiting the generality of the powers of the Board under Subsection (1), the Board shall, in the performance of its functions, be responsible for—

- (a) recommending to the Minister the appointment or dismissal of members of the staff; and
- (b) the supervision of the College and the principles governing the conduct and discipline of students; and
- (c) subject to Subsection (3), the conferring after examination, of diplomas and certificates in respect of a course of study at the College; and
- (d) determining the purposes and objectives of (including the type and courses of study offered at) the College, and any other matters that are necessary or desirable for enhancing the standing and efficiency of the College; and
- (e) the control and accounting for funds of the Board; and
- (f) the forward planning of the College, and for making recommendation to the Minister for capital expenditure on, and maintenance of, the College and its facilities; and
- (g) the preparation of annual financial estimates; and
- (h) the raising of revenue by—
 - (i) a levy for the support of the College; and
 - (ii) fees for tuition, sustenance and accommodation of students; and
- (i) the control and management of the assets of the College vested in the Board.

(3) Notwithstanding anything in this or any other Act, the Board does not have any power to issue any certificate that is a qualification required by the *Merchant Shipping Act 1975* to be obtained or held by any person.

PART III. – STAFF.

18. EXECUTIVE OFFICER.

There shall be an Executive Officer of the Board who shall be–

- (a) an officer of the section or division of the Department responsible for marine matters; and
- (b) appointed by the Minister by notice in the National Gazette.

19. PRINCIPAL.

(1) The Board shall appoint a member of the staff of the College to be the Principal of the College.

(2) The Principal is the head of the College and, subject to this Act, is responsible to the Board for the proper conduct and administration of the College.

(3) The Principal–

- (a) shall, when required by the Board, present a report to the Board on the operation of the College since the last report; and
- (b) may report to the Board on any other matters related to the College that he considers desirable.

20. STAFF OF THE COLLEGE.

The staff of the College shall be officers or employees of the Public Service.

PART IV. – FINANCE.**21. APPLICATION OF *PUBLIC FINANCES (MANAGEMENT) ACT 1995*.**

The *Public Finances (Management) Act 1995* applies to and in relation to the College subject to the exceptions and modifications specified in Schedule 1.

22. LEVY.

(1) After a date to be fixed for the purposes of this section by the Minister for Finance by notice in the National Gazette, all shipowners shall pay to the Board a levy at the rate or in accordance with the scale of rates fixed by the Minister for Finance, on the recommendation of the Board, by notice in the National Gazette.

(2) The regulations may prescribe the persons or classes of persons who, for the purposes of this section–

- (a) are shipowners; or
- (b) are exempt from payment of the levy.

(3) The levy fixed under Subsection (1)–

- (a) shall be fixed on a per metre of registered length scale; and
- (b) may, on the recommendation of the Board, be a minimum amount to be paid where the levy fixed under Paragraph (a) is not paid within the period specified by the Minister for Finance in the notice under Subsection (1).

(4)³ ⁴The levy payable under Subsection (1) is payable annually commencing on the date of commencement of a notice fixing the rates of levy under that subsection and shall be collected and paid as prescribed.

23. MONEY COLLECTED FROM LEVY TO BE USED TO PROMOTE THE OBJECTS OF THE COLLEGE.

Money received from the collection of the levy shall be paid into a bank account of the Board and may be used by the Board in accordance with this Act to promote the objects of the College.

24. FEES.

The Board may impose such tuition, attendance, boarding, book and other fees as, in its opinion, are necessary to ensure the efficient operation of the College.

25. CONTRACTS.

Contracts for the execution of works and services in relation to the College shall be entered into by the Board and may be executed–

³ Section 22(4) repealed and replaced by *Maritime College (Levy) (Amendment) Act 1990* (No. 18 of 1990).

⁴ Section 22(4) repealed and replaced by *Maritime College (Levy) (Amendment) Act 1990* (No. 18 of 1990).

- (a) where the consideration does not exceed K2,000.00—by the Principal;
and
- (b) where the consideration does not exceed K10,000.00—by the Board; and
- (c) in any case—by the State,

for and on behalf of the Board.

PART V. – MISCELLANEOUS.

26. PURPOSES OF COLLEGE TO BE A PUBLIC PURPOSE.

The purposes of the College shall be deemed to be a public purpose within the meaning of any law.

27. VESTING OF ASSETS.

All the assets vested in the State that, immediately before 4 November 1976 were used for or in connection with the College shall be transferred from the State and vested in the Board as trustees on trust for and on behalf of the State to be used for carrying out the objects of the College.

28. REPORT BY BOARD.

(1) The Board shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of the operations and activities of the Board during the year ending on that date.

(2) The report referred to in Subsection (1) shall contain any comments and recommendations that the Board considers desirable to make concerning the operation of the College.

29. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, and, in particular for prescribing—

- (a) the maximum amount of fees to be charged for tuition, accommodation and sustenance of students; and
- (b) matters related to the conduct and discipline of students; and
- (c) penalties of fines not exceeding K100.00 for offences against the regulations.

SCHEDULE 1 – EXCEPTIONS AND MODIFICATIONS TO THE PUBLIC FINANCES (MANAGEMENT) ACT 1995.

Sec. 21.

Former Provision	Current Provision	Modification, etc.
13	59	Does not apply.
14	61	Does not apply.
Former Provision	Current Provision	Modification, etc.
13	59	Does not apply.
14	61	Does not apply.