

## **ORDINANCE NO. 15**

### **AUSTRALIAN MARITIME COLLEGE (AMC)**

**The Council of the University of Tasmania makes this Ordinance  
under the University of Tasmania Act 1992.**

#### **1 Commencement and amendment**

- 1.1 This Ordinance takes effect on 1 January 2008, or any other date set for the commencement of the Commonwealth Maritime Legislation Amendment Act 2007, which makes the University the successor in law of the Australian Maritime College.
- 1.2 The Council recognises the Heads of Agreement dated 20 October 2006 in respect of the integration of the AMC and UTAS and will follow the principles set out in that document.

#### **2 Establishment of AMC as an institute of UTAS**

- 2.1 AMC (previously the Australian Maritime College established under the Maritime College Act 1978 of the Commonwealth) is the primary national institute for Australia focussing on the maritime sector and has national and international roles in training, education and research.
- 2.2 AMC is established as an institute of the University and will operate in a manner that is consistent with the mission of the University.
- 2.3 AMC is bound by all University policies and procedures, except to the extent that they are inconsistent with this ordinance or as agreed in advance by the Vice-Chancellor.
- 2.4 AMC has a board (the Board) appointed by the Council and a Chief Executive (the Principal) appointed by the University in consultation with the AMC Board. The Chair of the Board is appointed by Council.
- 2.5 The Principal reports to the Board. The Board is accountable to the Council through the Vice-Chancellor.

### **3 Objectives of AMC**

- 3.1 The objectives of AMC are –
- providing maritime and related education and training suitable for seafarers and other participants in the maritime industry; and
  - conducting examinations and assessments for marine competency under the Navigation Act 1912; and
  - conducting research activities and programs relating to maritime and related education and training, including pure and applied research, consultancies for government and industry and research training.
- 3.2 Council will delegate to the AMC Board sufficient authority and autonomy to enable the Board to set the priorities, and determine the strategies, for achieving the objectives set out in clause 3.1.

### **4 Board membership**

- 4.1 The Board comprises the Principal ex officio, plus not more than 7 members (including the Chair) appointed by the Council who include –
- 1 member with expertise in the shipping industry and knowledge of issues affecting seafarers
  - 1 member with expertise in national and international shipping safety and the certification of seafarer training
  - Up to 5 other members.
- 4.2 The Board includes members with skills in all of the following areas –
- Governance
  - Business or finance
  - Law
  - Higher and further education
- 4.3 A Board member holds office subject to this Ordinance for a term not exceeding 4 years and is eligible for reappointment, with a maximum total term of 8 years unless Council determines otherwise in a particular case. Terms of office of members should be staggered to provide continuity, with up to 2 members retiring each year.
- 4.4 A member of the Board vacates office if –
- (a) The member fails to attend 3 consecutive Board meetings without the leave of the Board
  - (b) The member, in the opinion of Council, becomes incapable of carrying out the functions of a member
  - (c) The member is or becomes disqualified from acting as a director of a company or managing corporations under Part 2D.6 of the Corporations Act.
- 4.5 A vacancy in the office of a member of the Board does not affect the validity of any action of the Board.
- 4.6 The quorum for a meeting of the Board is a majority of current members.

## **5 Responsibilities of the Board**

- 5.1 The Board is responsible for implementing the annual statement of intent, and reporting to the Council through the Vice-Chancellor against it, once the Vice-Chancellor has approved it.
- 5.2 The Board, reporting through the Academic Senate or the Vice-Chancellor as appropriate, has the right to advise the Council on matters relating to the AMC institute, including the governance, administration and programs of education training and research of the AMC.
- 5.3 The Board is responsible for maintaining AMC's brand and its relationships with international, national and state maritime regulatory agencies and industry.
- 5.4 The Board is responsible for overseeing the delegations of responsibility, including financial delegations made to AMC under the University's delegations framework.
- 5.5 The Board is responsible for preparing and giving reports to the Minister as required under the Maritime Legislation Amendment Act 2007.
- 5.6 The Board is responsible for the appointment of directors of any controlled entities of AMC and oversight of those controlled entities as delegated by Council.

## **6 AMC Board of Studies**

- 6.1 AMC Board will establish a Board of Studies for the AMC, the terms of reference and composition of which will be recommended to Council by the AMC Board.
- 6.2 Acting on behalf of the AMC Board, the Board of Studies will advise the Academic Senate (and Council as appropriate) on academic issues.
- 6.3 The Chair of Academic Senate will nominate a member of Academic Senate as a member of the Board of Studies.

## **7 Delegation to the Board of Studies through the AMC Board**

- 7.1 The Academic Senate is ultimately responsible to Council for academic matters, but Council will delegate through the AMC Board appropriate functions, including those listed in this clause, to the AMC Board of Studies, which will report regularly to Academic Senate (and Council as appropriate) on the exercise of these delegations.

- 7.2 Council delegates to the Board of Studies authority to approve, in accordance with UTAS academic principles, quality assurance policies and protocols, changes in courses, units and higher education awards offered principally through AMC.
- 7.3 Council delegates to the Board of Studies, in the context of national accreditation processes for vocational education and training, the development, approval and quality assurance of AMC vocational education and training courses and awards and marine competency programs, including the conducting of examinations and assessments for marine competency.
- 7.4 Council delegates to the Board of Studies the authority to make rules, in accordance with UTAS policies, relating to any academic prizes, scholarships and bursaries that are specific to AMC.
- 7.5 The Board of Studies will, in accordance with UTAS academic principles, quality assurance policies and protocols, recommend to Academic Senate for approval any proposals for significant changes to courses, units and higher education awards which affect other UTAS courses, or for new courses, units and higher education awards to be offered principally through AMC.
- 7.6 Research and research training through the AMC will be conducted in accordance with UTAS policies and protocols, established by the Academic Senate.

## **8 Annual statement of intent – content**

- 8.1 The Board is to prepare an annual statement of intent that includes, for the year to which it relates –
- The objectives of AMC
  - The main undertakings of AMC
  - Educational and training programs of AMC
  - The research program of AMC
  - The relationship of AMC with the rest of the University, the maritime industry and the wider community
  - The performance targets and other measures by which the performance of AMC may be judged in relation to its stated objectives
  - The nature and type of information to be provided to the Council by AMC during that year, including the information to be included in each quarterly and half-yearly report
  - Any other matters that are agreed on by the Vice-Chancellor and the Board from time to time.

## **9 Annual statement of intent – timetable and procedure**

- 9.1 The Board must submit a draft annual statement of intent to the Vice-Chancellor not later than 15 July each year.
- 9.2 The Board must consider any comments on the draft that the Vice-Chancellor, before 15 August, makes to it.
- 9.3 The Board must consult in good faith with the Vice-Chancellor about those comments, make any changes to the draft that are agreed between the Vice-Chancellor and the Board, and deliver the completed statement to the Vice-Chancellor by 15 September.
- 9.4 The statement may be modified at any time by the Board with the prior approval of the Vice-Chancellor.
- 9.5 If the Board, by written notice to the Vice-Chancellor, proposes a modification of the statement, the Board may make the modification if the Vice-Chancellor has not, within 14 days after receiving the notice, directed the Board not to make the modification.
- 9.6 The Vice-Chancellor may from time to time by written notice to the Board direct the Board to include in or omit from the statement of intent any specified matters.
- 9.7 Before giving a direction, the Vice-Chancellor must consult with the Board as to the matters to be referred to in the notice.
- 9.8 The Board must comply with any such direction.
- 9.9 The statement of intent for AMC is the completed statement as modified according to this ordinance.

## **10 Supplementary information**

### **10.1 Requested information**

If requested in writing by the Vice-Chancellor the Board must provide to the Vice-Chancellor –

- (a) The financial information of AMC specified in the request
- (b) A report on the matters specified in the request with any related information.

## 10.2 Significant events

If the Board forms the opinion that matters have arisen that may –

- (a) Prevent, or significantly affect, achievement of the objectives of AMC;  
or
- (b) Significantly affect the strategies and policy AMC is following to achieve those objectives; or
- (c) Significantly affect the financial performance of AMC – the Board must as soon as practicable notify the Vice-Chancellor of its opinion and the reasons for it.

## 11 Indemnities and insurance

### 11.1 Indemnity

Each member of the Board is indemnified as set out in section 22 of the University of Tasmania Act 1992 for acts or things done or omitted in good faith in their capacity as Board member.

### 11.2 Insurance

The University will insure each member of the Board against liability for acts and omissions in good faith and for a proper purpose in their capacity as Board member.

## 12 Transitional provisions

12.1 The members of the Council of the Australian Maritime College holding office under the Maritime College Act 1978 at the time that Act is repealed are appointed as members of the Board of AMC as set out in the following table.

| <b>Name of Board member</b> | <b>Expertise referred to in clause 4.1 or 4.2</b>  | <b>Term of office</b> |
|-----------------------------|--|-----------------------|
| David Sterrett              | Expertise in shipping and seafaring industry / governance / business   | 2 years               |
| Clive Davidson              | Expertise in national and international shipping safety and certification of seafarer training / governance / business | 2 years               |
| Darcy Tronson               | Law / governance / business  | 2 years               |
| Geoffrey Wilson             | Higher and further education   | 2 years               |
| Anthony Blake               | Higher and further education   | 2 years               |

**Made by Council on 12 October 2007.**

**Sealed with the seal of the University of Tasmania on 12 October 2007.**

Professor Daryl Le Grew  
**Vice-Chancellor**

Ms Belinda Webster  
**Director, Governance & Legal**