



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 15 of 1979

An Act to provide for the establishment of a Corporation with power to trade in timber and timber products and to engage in joint ventures involving trade in timber and timber products; and for other purposes.

[Assented to 8th March, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "South Australian Timber Corporation Act, 1979". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. This Act is arranged as follows:— Arrangement of Act.

PART I—PRELIMINARY

PART II—ESTABLISHMENT OF THE CORPORATION

PART III—POWERS AND FUNCTIONS OF THE CORPORATION

PART IV—STAFF

PART V—FINANCIAL PROVISIONS

PART VI—MISCELLANEOUS

4. In this Act, unless the contrary intention appears— Interpretation.

"appointed member" means a member of the Corporation appointed by the Governor:

"the Corporation" means the South Australian Timber Corporation:

"the Director" means the person for the time being holding or acting in the office of Director of the Woods and Forests Department:

“timber products” means—

(a) wood pulp, wood chips, or any other products obtained wholly or partially from the processing of timber;

(b) commodities made from wood;

or

(c) any prescribed products or commodities:

“related commodities” includes any products or commodities that may conveniently be traded in association with timber or timber products.

PART II

PART II

ESTABLISHMENT OF THE CORPORATION

5. (1) There shall be a corporation entitled the "South Australian Timber Corporation". Establishment of Corporation.

(2) The Corporation—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and being sued;

(c) shall be capable of acquiring, holding, dealing with and disposing of any interest in real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

and

(e) shall hold all its property for and on behalf of the Crown.

(3) The Corporation shall be subject to the control and direction of the Minister.

6. (1) The Corporation shall consist of three members of whom— Constitution of Corporation.

(a) one shall be the Director;

and

(b) two shall be persons appointed by the Governor.

(2) One member of the Corporation shall be appointed by the Governor to be chairman of the Corporation.

7. (1) An appointed member of the Corporation shall be appointed for such term of office, not exceeding four years, and upon such conditions as the Governor may determine and, upon the expiration of his term of office, shall be eligible for re-appointment. Terms and conditions of office.

(2) The Governor may appoint a person to be the deputy of an appointed member of the Corporation and that person, while acting in the absence of that member, shall be deemed to be a member of the Corporation.

(3) The Governor may remove an appointed member of the Corporation from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(4) The office of an appointed member of the Corporation shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice directed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of an appointed member of the Corporation becoming vacant, a person shall be appointed in accordance with this Act to the vacant office.

Allowances
and expenses.

8. The members of the Corporation shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Quorum, etc.

9. (1) Two members of the Corporation shall constitute a quorum of the Corporation.

(2) No business shall be transacted at a meeting of the Corporation unless a quorum is present.

(3) The chairman of the Corporation shall preside at a meeting of the Corporation at which he is present and, in the absence of the chairman from a meeting, the members of the Corporation present shall decide who is to preside at that meeting.

(4) A decision in which any two members of the Corporation present at a meeting concur shall be a decision of the Corporation.

(5) The Corporation shall cause accurate minutes to be kept of the business conducted at meetings of the Corporation.

(6) Subject to this Act, the business of the Corporation shall be conducted in a manner determined by the Corporation.

Validity of
acts of the
Corporation.

10. An act or proceeding of the Corporation shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the Corporation shall be as valid and effectual as if the member had been duly appointed.

Disclosure
of interest.

11. (1) A member of the Corporation who is directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the Corporation—

(a) shall as soon as he becomes aware of the contract, or proposed contract, disclose the nature of his interest to the Corporation;

and

(b) shall not take part in any deliberations or decision of the Corporation with respect to that contract.

Penalty: Five hundred dollars.

(2) Subsection (1) of this section does not apply in respect of an interest that exists only by virtue of the fact that a member is an employee of the Corporation.

(3) Any disclosure made under this section shall be recorded in the minutes of the Corporation.

(4) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section or his interest in a contract or proposed contract is not such as need be disclosed under this section—

(a) the contract is not liable to be avoided by the Corporation on any ground arising from the fiduciary relationship between the member and the Corporation;

and

(b) the member is not liable to account to the Corporation for profits derived from the contract.

12. (1) A document is duly executed by the Corporation if it is sealed with the common seal of the Corporation and signed by two members of the Corporation.

Due execution
of documents
by the
Corporation.

(2) An apparently genuine document purporting to have been executed by the Corporation in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed by the Corporation.

PART III

PART III

POWERS AND FUNCTIONS OF THE CORPORATION

Powers and functions of the Corporation.

13. (1) The functions of the Corporation are—

- (a) to trade in wood chips, wood pulp, logs, seedlings and seeds;
 - (b) to participate outside the State in joint ventures involving trade in timber, timber products or related commodities;
 - (c) to participate in the State in joint ventures involving trade in timber or timber products;
 - (d) to hold shares in bodies corporate trading in timber, timber products or related commodities otherwise than in the State;
 - (e) to hold shares in bodies corporate trading in timber or timber products in the State;
 - (f) to establish undertakings, or acquire undertakings or interests in undertakings, carried on otherwise than in the State involving trade in timber, timber products or related commodities;
- and
- (g) otherwise to promote trade in timber, timber products and related commodities.

(2) The Corporation shall carry out its functions under this Act in a manner consistent with the aims and objectives of the Woods and Forests Department.

(3) For the purposes of carrying out its functions the Corporation may—

- (a) import, export, buy, sell or otherwise deal with timber, timber products or related commodities;
- (b) process timber, or manufacture or process timber products or related commodities, with a view to sale;
- (c) acquire any interest in land, premises, plant or equipment;
- (d) purchase or otherwise acquire shares or other interests in bodies corporate trading, or proposing to trade, in timber, timber products or related commodities;
- (e) enter into contracts and agreements;
- (f) acquire any licence, authorization or concession either in this State or elsewhere;
- (g) provide consultancy services either in this State or elsewhere in relation to the production, processing, manufacture or sale of timber, timber products or related products;

and

- (h) exercise any other power necessary or incidental to the carrying out of its functions.

Delegation by the Corporation.

14. (1) The Corporation may delegate to any member, or employee of the Corporation any of its powers or functions under this Act.

(2) Any delegation by the Corporation shall be revocable at will and shall not derogate from the power of the Corporation to act itself in any matter.

PART IV**PART IV**

STAFF

15. (1) The Corporation may, with the approval of the Minister, appoint such employees as are required for the administration of this Act. Employees.

(2) The terms and conditions of employment of any employee appointed in pursuance of subsection (1) of this section shall be determined by the Corporation with the approval of the Public Service Board.

(3) The provisions of the Public Service Act, 1967-1978, shall not apply to or in relation to any employee of the Corporation.

16. The Corporation may enter into arrangements with the South Australian Superannuation Board with respect to superannuation of any employee or class of employees of the Corporation. Superannuation.

17. (1) The Corporation may, with the approval of a Minister controlling a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose related to the performance of the functions of the Corporation under this Act. Corporation may make use of services of certain officers.

(2) The Corporation may, with the approval of an agency or instrumentality of the Crown, upon terms mutually arranged, make use of the services of an officer or employee of the agency or instrumentality.

PART V**PART V****FINANCIAL PROVISIONS****Annual estimates.**

18. (1) The Corporation shall in respect of each financial year prepare estimates of its income and expenditure for that financial year.

(2) The Corporation may during any financial year prepare supplementary estimates for that financial year.

(3) The Corporation shall not expend any moneys otherwise than in accordance with estimates of expenditure approved by the Minister.

(4) The income of the Corporation may be used to meet any capital or recurrent expenses that the Corporation may incur in the course of its operations.

(5) The profits of the Corporation shall, subject to subsection (4) of this section, be paid into the General Revenue of the State or dealt with in a manner approved by the Treasurer.

Borrowing by Corporation.

19. (1) The Corporation may, for the purposes of this Act, borrow money from the Treasurer, or with the consent of the Treasurer, from any other person.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is, to the necessary extent, appropriated accordingly.

Banking accounts.

20. (1) The Corporation may establish accounts at any bank for the purpose of performing its functions under this Act.

(2) An account established under this section shall be operated by cheque signed and countersigned by such persons as the Corporation may appoint for that purpose.

Investment by Corporation.

21. The Corporation may invest any of its moneys that are not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

Accounts and audit.

22. (1) The Corporation shall cause proper accounts to be kept of its financial affairs and shall in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

(2) The accounts and statement of accounts of the Corporation shall in respect of each financial year be audited by auditors appointed annually by the Corporation.

(3) The Auditor-General may at any time audit the accounts of the Corporation and shall have and may exercise in respect of the accounts and employees of the Corporation the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

PART VI

PART VI

MISCELLANEOUS

23. (1) The Corporation shall, as soon as practicable after the end of each financial year, submit to the Minister, a report upon the conduct of the business of the Corporation during that financial year, together with the audited statement of accounts of the Corporation for that financial year. Annual report.

(2) The Minister shall cause the report and audited statement of accounts of the Corporation to be laid before each House of Parliament as soon as practicable after his receipt thereof.

24. Proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings.

25. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act. Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor