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ELIZABETHAE II REGINAE

A.D. 1959

No. 20 of 1959

An Act to establish a body to be known as The Australian Mineral Development Laboratories, to define the powers and functions thereof, and for purposes incidental thereto.

[Assented to 26th November, 1959.]

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 Australian Mineral Development Laboratories Act, 1959". Short title.

2. (1) This Act shall come into operation on a date to be fixed by proclamation. Commencement.

(2) A proclamation bringing this Act into operation shall not be made until the Governor is satisfied that appropriate arrangements have been made with the Commonwealth and with Australian Mineral Industries Research Association Limited in connection with the provision of funds for The Australian Mineral Development Laboratories.

3. In this Act, unless the context otherwise requires—

Interpretation.

“the Council” means the Council of the Organization :

“chairman” means chairman of the Council :

PART I.

“the laboratories” means the existing laboratories known as the Research and Development Branch of the South Australian Department of Mines :

“laboratories staff” means persons, including officers of the Public Service, employed in the laboratories as at the date of commencement of this Act :

“member” means member of the Council and includes the chairman :

“mine” as a noun includes all lands and works in or by which mining or quarrying is carried on :

“minerals” includes all metals and minerals and the ore of any metal and also sand, gravel, stone and shell, together with all rocks and earthy substances and includes precious stones, salt, gypsum, coal, shale, petroleum, guano and waters :

“mining” or “to mine” includes quarrying and all modes of obtaining or collecting any minerals :

“the Minister” means the Minister of Mines under the Mining Act, 1930-1958 :

“the Organization” means The Australian Mineral Development Laboratories established under this Act.

Arrangement of Act.

4. This Act is divided into parts as follows :—

PART I.—Preliminary.

PART II.—The Australian Mineral Development Laboratories.

PART III.—The Council of the Organization.

PART IV.—Director and Staff of the Organization.

PART V.—Finance.

PART VI.—Supplementary Provisions.

PART II.

PART II.

THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES.

Constitution of Organisation.

5. (1) There is established an Organization to be known as The Australian Mineral Development Laboratories.

(2) The Organization shall consist of the members of the Council and of the officers of the Organization.

(3) The Organization shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall have power in its corporate name to take, hold and dispose of property of every kind and be a party to any legal proceedings.

(4) Every court and every person acting judicially shall take judicial notice of the seal of the Organization and when the seal appears on any document shall presume that it was properly affixed thereto.

6. The powers and functions of the Organization shall be—

Powers and functions of the Organization.

- (a) to initiate and carry out scientific researches and investigations in connection with the treatment or utilization of minerals or other substances obtained from mines or used in the mineral industry or industries associated therewith and generally to conduct researches and investigations into problems relating to mining ;
- (b) at the request of the Commonwealth or of the State or of Australian Mineral Industries Research Association Limited or of any person within or outside the State, to conduct researches and investigations into problems relating to mining or minerals or other substances obtained from mines or used in the mineral industry or industries associated therewith, to provide analytical and scientific services and generally to conduct researches and investigations into problems relating to mining ;
- (c) to collect and disseminate information concerning problems relating to mining or minerals or other substances obtained from mines or used in the mineral industry or industries associated therewith ;
- (d) to stipulate for and recover charges for any such researches or investigations ;
- (e) to pay the cost of any such researches or investigations ;
- (f) to do or perform any matter or thing incidental or conducive to any of the matters mentioned in the preceding paragraphs.

7. (1) The Minister may make arrangements with the Organization to enable the Organization to conduct researches and investigations and to carry out its powers and functions during a period of five years from the date of the commencement of this Act.

Research and investigation.

PART II.

(2) For the purposes aforesaid the Minister may make available to the Organization the laboratories and the possession, occupation, and use of the buildings, furniture, and equipment thereof, free of any cost or charges to the Organization, save and except the costs of maintenance, repairs, and insurance of such furniture and equipment.

(3) At the conclusion of the period of five years mentioned in subsection (1) of this section the Minister may on the request of the Commonwealth or Australian Mineral Industries Research Association Limited or both of them enter into negotiations with the Commonwealth and Australian Mineral Industries Research Association Limited with a view to the determination of appropriate arrangements for the continuation of the Organization.

PART III.

PART III.

THE COUNCIL OF THE ORGANIZATION.

**Members of
Council.**

8. (1) There shall be a Council of the Organization.

(2) The Council shall be the governing body of the Organization.

(3) The Council shall consist of seven members appointed by the Governor as follows:—

(a) two persons to be appointed on the nomination of the Prime Minister of the Commonwealth:

(b) two persons to be appointed on the nomination of the Minister:

(c) three persons to be appointed on the nomination of Australian Mineral Industries Research Association Limited:

Provided that not more than three additional persons may be appointed to the Council by the Governor on the nomination of the seven members of the Council appointed pursuant to paragraphs (a), (b), and (c) of this subsection.

(4) Each member of the Council may, with the approval of the Council, nominate an alternate member who may attend any meetings of the Council on his behalf. An alternate member shall while acting as such have all the powers of the

member of the Council whom he represents, provided that an alternate member shall not act as chairman or deputy chairman of the Council.

(5) A person shall not be appointed as a member or nominated as an alternate member of the Council if he is—

- (a) an undischarged bankrupt ;
- (b) a member of a House of Parliament of the State or the Commonwealth ;
- (c) an employee of the Organization.

9. (1) The members of the Council shall appoint one of their number to be the chairman of the Council and one to be the deputy chairman thereof. A chairman or deputy chairman shall hold office for a period of two years after his appointment and shall be eligible for re-appointment.

Chairman and
deputy
chairman.

(2) If for any reason the chairman is unable to act in his office the deputy chairman shall act in his place and while so acting shall have all the powers of the chairman.

(3) If for any reason both the chairman and the deputy chairman are unable to act the members of the Council present at any meeting of the Council shall elect one of their number to preside at that meeting.

10. Subject to this Act—

Term of
office

- (a) each of the seven members of the Council appointed pursuant to paragraphs (a), (b) and (c) of subsection (3) of section 8 of this Act shall hold office until a successor is appointed on the nomination of the person or body which nominated him ;
- (b) every additional person appointed to the Council on the nomination of the seven members of the Council appointed pursuant to paragraphs (a), (b) and (c) of subsection (3) of section 8 of this Act shall hold office for a period not exceeding two years but shall be eligible for reappointment on the like nomination.

11. (1) The office of a member shall become vacant—

Vacancies.

- (a) upon his death ;
- (b) if he resigns by notice in writing posted or delivered to the Council ;

PART III.

- (c) if he is absent from six consecutive meetings of the Council without leave granted by the Council ;
- (d) if he becomes bankrupt or executes an assignment of his property or a deed of arrangement for the benefit of his creditors or compounds with his creditors for less than twenty shillings in the pound ;
- (e) if he becomes an employee of the Organization or a member of a House of Parliament of the State or the Commonwealth ;
- (f) if his appointment is terminated on the advice of the person or body which nominated him.

(2) An alternate member shall cease to hold office if the member by whom he was nominated ceases to hold office.

Appointment to casual vacancies.

12. Vacancies on the Council shall be filled by appointment by the Governor on the nomination of the respective person or body who or which nominated the member in respect of whom the vacancy occurs.

Payment of members of Council.

13. Each member of the Council shall be paid out of the funds of the Organization such amount or amounts in respect of his services as shall be recommended by the Council and concurred in by the Prime Minister of the Commonwealth, the Minister and Australian Mineral Industries Research Association Limited.

Validity of acts of Council.

14. (1) An act or proceeding of the Council shall not be invalid or illegal by reason only of the fact that at the time of the act or proceeding there was a vacancy in the office of any member.

(2) All acts and proceedings of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed and was qualified and entitled to act and had acted as a member of the Council and as if the Council had been properly and fully constituted.

Relation of Organization to Crown.

15. (1) The Council shall hold all the assets of the Organization for and on account of the Crown.

(2) The Council shall administer this Act in such manner as in its discretion it deems to be in the best interests of the Commonwealth, the State, the mining industry and the general public.

PART IV.

PART IV.

DIRECTOR AND STAFF OF THE ORGANIZATION.

16. (1) There shall be a director of the Organization.

Director of
Organization.

(2) The director shall be appointed by the Council on such terms and conditions and at such remuneration as are fixed by the Council.

(3) The director shall be the principal executive officer of the Organization and, subject to the directions of the Council, shall be responsible for the control and management of the Organization.

(4) If for any reason the director is unable to carry out his duties as director such duties shall be carried out by a person to be appointed by the Council and such person shall have all the powers and authorities of the director during the period of such inability.

17. (1) The Council may appoint such officers and employees as are required to carry out the work of the Organization.

Staff of the
Organization.

(2) Such officers shall not be subject to the Public Service Act, 1936-1958, but shall, subject to subsection (3) of this section, hold office on such terms and conditions as are determined by the Council.

(3) If any officer so appointed was, immediately prior to his appointment, an officer of the Public Service of the State, such officer may be granted leave of absence by the Minister for the duration of his service as an officer of the Organization on such terms and conditions as the Minister may approve. Such officer shall retain during the period of his service as an officer of the Organization the rights in respect of leave on the ground of illness, long service leave or pay in lieu thereof (including pay to dependants on the death of the officer) and superannuation to which from time to time he would have been entitled if he had not been employed by the Council and his service as an officer of the Organization shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the State.

(4) Where an officer so appointed was, immediately prior to his appointment, a member of the laboratories staff, the Minister shall pay to the organization for payment to that officer from time to time during a period not exceeding five years from

PART IV.

the date of commencement of this Act an amount equal to the amount (if any) by which the salary received by that officer prior to such appointment exceeds the amount of his salary as an officer of the Organization.

(5) The Minister shall, out of moneys to be provided by Parliament for the purpose, meet any costs incurred in giving effect to the provisions of this section.

PART V.**PART V.****FINANCE.****Banking.**

18. (1) For the purposes of this Act the Council shall open and maintain an account or accounts at a bank trading in Adelaide and may arrange with that bank for overdrafts or advances.

(2) The Minister shall in each of the five financial years commencing with the financial year 1959-1960 pay to the Organization an amount at the rate of one hundred and thirty-five thousand pounds per annum in quarterly instalments in advance and this Act, without any further or other appropriation, shall be sufficient authority for making such payments.

(3) There shall also be paid into the bank account of the Organization all fees and revenue earned by the Organization, and all other money received by the Organization from any source for purposes of the Organization.

Expenditure.

19. (1) The following expenditure in connection with the Organization shall be defrayed by the Government of the State out of moneys to be provided by Parliament for the purpose :—

- (a) the cost of maintaining, repairing, and insuring the existing buildings, fences, roadways and gardens of the Organization ;
- (b) water and sewerage rates ;
- (c) payments to the South Australian Superannuation Fund on account of pensions payable to officers of the laboratories staff.

(2) All other expenditure incurred in connection with the management and work of the Organization shall be paid out of funds of the Organization.

PART V.

20. The Auditor-General shall without fee audit the accounts of the Organization annually. For the purpose of the conduct of any such audit the Audit Act, 1921-1957, shall apply as if the Organization were a department of the Public Service.

Audit.

21. The Public Supply and Tender Act, 1914-1940, shall not apply to the purchase of stores, materials, and other requisites required by the Organization.

Application of
Public Supply
and Tender
Act, 1914-1940.

PART VI.

PART VI.

SUPPLEMENTARY PROVISIONS.

22. (1) The Council shall as early as convenient after the end of each financial year prepare a report on the work of the Organization during that year: Provided however that it shall not include in any such report any information of a confidential character without the consent in writing of the person or body concerned first had and obtained.

Annual report.

(2) Copies of the report shall be furnished to the Minister of State for National Development of the Commonwealth, the Minister of Mines and Australian Mineral Industries Research Association Limited.

23. The Council may from time to time make rules not inconsistent with this Act concerning such matters or things as may be necessary for the purpose of enabling the Organization to function pursuant to this Act or which the Council deems necessary or convenient for the due administration of this Act and without limiting the generality of the foregoing may make rules—

Rules.

- (a) for prescribing the procedure of the Council ;
- (b) for the proper management of the Organization and for facilitating its work ; and
- (c) for prescribing the fees to be charged by the Organization for work done.

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

J. M. NAPIER, Governor's Deputy.