

# ALUMINIUM INDUSTRY.

No. 16 of 1952.

## An Act to amend the *Aluminium Industry Act 1944*.

[Assented to 30th May, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Aluminium Industry Act 1952*. Short title and citation.

(2.) The *Aluminium Industry Act 1944*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Aluminium Industry Act 1944–1952*.

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

3. Section three of the Principal Act is amended— Definitions.

(a) by inserting in the definition of “the Agreement”, before the word “Schedule”, the word “First”; and

(b) by inserting after the definition of “the Commission” the following definition:—

“ ‘the Supplementary Agreement’ means the Agreement a copy of which is set out in the Second Schedule to this Act;”.

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\* Act No. 44, 1944.

Approval of  
agreements.

4. Section four of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) The Supplementary Agreement is hereby approved.”.

5.—(1.) Section six of the Principal Act is repealed and the following section inserted in its stead :—

Constitution of  
Commission.

“6.—(1.) The Commission shall consist of five members appointed by the Governor-General, of whom four shall represent the Commonwealth and one shall represent the State of Tasmania.

“(2.) The member representing the State of Tasmania shall be appointed on the nomination of the Governor-in-Council of the State.

“(3.) The Governor-General shall appoint one of the members representing the Commonwealth to be the Chairman of the Commission and one of the members of the Commission to be the Vice-Chairman of the Commission.

“(4.) The members of the Commission shall hold office on such terms and conditions as the Governor-General determines, subject, in the case of the member representing the State of Tasmania, to the concurrence of the Governor-in-Council of the State.

“(5.) The Commission shall meet at such times and places as are directed—

(a) by the Chairman ; or

(b) by the Vice-Chairman, with the approval of two other members.

“(6.) The Chairman shall preside at all meetings of the Commission at which he is present, and in the absence of the Chairman the Vice-Chairman shall preside.

“(7.) In the absence of the Chairman and the Vice-Chairman from a meeting of the Commission, the members present shall elect one of their number to preside.

“(8.) All questions arising at a meeting of the Commission shall be decided by a majority of the votes of the members present.

“(9.) The Chairman or other member presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(10.) At a meeting of the Commission, three members from a quorum.

“(11.) A vacancy in the membership of the Commission does not invalidate the proceedings of the Commission.”.

(2.) Until the first appointment of the members of the Commission as constituted under the Principal Act as amended by this Act, the Commission shall continue to be constituted and to function as if this section had not been enacted.

Duty, powers  
and functions  
of the  
Commission.

6. Section seven of the Principal Act is amended—

(a) by inserting after the word “Agreement” (wherever occurring) the words “, as amended by the Supplementary Agreement” ; and

(b) by omitting the words "ingot aluminium" and inserting in their stead the words "aluminium in primary form, including aluminium in the form of ingots, rolling and extrusion billets and wire bar".

7. Section nine of the Principal Act is repealed and the following section inserted in its stead :—

"9. A sale or disposal of the undertaking of the Commission, or of an interest in that undertaking, shall not be effected except with the approval of the Parliament."

Sale or disposal of undertaking or interest therein.

8. Section ten of the Principal Act is amended by adding at the end thereof the following sub-section :—

Appropriation.

"(2.) The further sum of Four million two hundred and fifty thousand pounds shall be payable as provided in the last preceding sub-section, and the appropriation made by that sub-section extends to that further sum."

9.—(1.) Sections twelve, thirteen and fourteen of the Principal Act are repealed and the following sections inserted in their stead :—

"12.—(1.) The Commission has power to borrow money on overdraft from the Commonwealth Bank of Australia upon the guarantee of the Treasurer.

Borrowing.

"(2.) Except with the consent of the Treasurer, the Commission has no power to borrow otherwise than in accordance with this section.

"13.—(1.) The Commission shall open and maintain an account or accounts with the Commonwealth Bank of Australia or such other bank or banks as the Treasurer approves.

Bank accounts.

"(2.) All moneys received by the Commission shall be paid into an account referred to in the last preceding sub-section.

"14.—(1.) The moneys of the Commission shall be applied for the purposes of, and in accordance with, the Agreement and the Supplementary Agreement.

Application of moneys.

"(2.) Moneys of the Commission not immediately required for the purposes of the Commission may be invested on fixed deposit with the Commonwealth Bank of Australia or in securities of, or guaranteed by, the Government of the Commonwealth.

"14A.—(1.) The Commission shall keep accounts in a form approved by the Treasurer.

Accounts and audit.

"(2.) The accounts of the Commission are subject to inspection and audit by the Auditor-General for the Commonwealth.

"(3.) The Auditor-General shall report to the Minister the result of each inspection and audit, and shall, so long as the State of Tasmania retains a financial interest in the affairs of the Commission, supply to the Premier of that State such information in his possession by reason of the inspection and audit as the Premier requires.

"14B. The income, property and operations of the Commission are subject to taxation (other than income tax) under the laws of the Commonwealth but are not subject to taxation under any law of a State to which the Commonwealth is not subject.

Taxation.

Reports.

“ 14c.—(1.) The Commission shall keep the Minister continually informed of its operations and shall, after the thirtieth day of June and not later than the thirtieth day of September in each year, prepare and furnish to the Minister a report on the operations of the Commission during the financial year ended on that thirtieth day of June, together with a statement of its accounts for that financial year.

“ (2.) Before furnishing the statement of its accounts to the Minister, the Commission shall submit them to the Auditor-General for the Commonwealth for report as to their correctness or otherwise, and the Commission shall furnish to the Minister, with the statement, the report of the Auditor-General.

“ (3.) A copy of the report and statement of accounts of the Commission, together with the report of the Auditor-General as to those accounts, shall be laid before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

“ (4.) The Minister shall, forthwith after he receives a statement and reports under this section, furnish a copy of the statement and reports to the Premier of the State of Tasmania.

Certain  
contracts to be  
approved by  
Minister.

“ 14D. The Commission shall not, except with the approval of the Minister, enter into a contract involving the payment by the Commission of an amount exceeding Fifty thousand pounds.”

(2.) Moneys standing to the credit of the Trust Account established under section twelve of the Principal Act at the date of commencement of this Act may be paid to the Commission, and any moneys so paid shall be paid by the Commission into a bank account of the Commission.

The Schedule.

**10.** The heading to the Schedule to the Principal Act is omitted and the following headings are inserted in its stead :—

“ THE SCHEDULES.

FIRST SCHEDULE.”

The Second  
Schedule.

**11.** The Principal Act is amended by adding at the end thereof the following Schedule :—

SECOND SCHEDULE.

AGREEMENT made this twenty-sixth day of April One thousand nine hundred and fifty-two between THE COMMONWEALTH OF AUSTRALIA (hereinafter referred to as “ the Commonwealth ”) of the one part and the STATE OF TASMANIA (hereinafter referred to as “ the State ”) of the other part :

WHEREAS the Commonwealth and the State consider it desirable that the Agreement made on the eighteenth day of April One thousand nine hundred and forty-four between the Commonwealth and the State relating to the production in Australia of ingot aluminium (in this Agreement referred to as “ the Principal Agreement ”) should be amended :

NOW IT IS HEREBY AGREED as follows :—

1. This Agreement is subject to approval by the Parliaments of the Commonwealth and the State and shall come into effect when so approved.

2. Clause 3 of the Principal Agreement is amended—

(a) by omitting the words “ subject to the following conditions :—” and inserting in their stead the words “ The following provisions shall apply with respect to the Commission :—” :

SECOND SCHEDULE—*continued.*

(b) by omitting paragraphs (a) to (f) (inclusive) and inserting in their stead the following paragraphs :—

- “ (a) the Commission shall consist of five members (including a Chairman and a Vice-Chairman) appointed in accordance with an Act of the Parliament of the Commonwealth, four of whom shall represent the Commonwealth, and one of whom shall be nominated by, and shall represent, the State ;
- “ (b) the remuneration and allowances of the members of the Commission shall be paid by the Commission ;
- “ (c) the Chairman shall preside at all meetings of the Commission at which he is present and, in the absence of the Chairman from a meeting, the Vice-Chairman shall preside ;
- “ (d) in the absence of the Chairman and the Vice-Chairman from a meeting of the Commission, the members present shall elect one of their number to preside ;
- “ (e) at a meeting of the Commission three members shall form a quorum, and all questions arising shall be decided by a majority of the votes of the members present ;
- “ (f) the Chairman or other member presiding at a meeting of the Commission shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote ;
- “ (fa) the State shall contribute for the purposes of the Commission the amount by which the total of the sums so contributed by the State before this paragraph came into operation was less than One million five hundred thousand pounds ;
- “ (fb) the Commonwealth shall contribute for the purposes of the Commission any further moneys required for those purposes up to an amount (inclusive of sums contributed by the Commonwealth before the commencement of this paragraph) of Five million seven hundred and fifty thousand pounds, and may, if it thinks fit, contribute moneys beyond that amount ; ” ; and

(c) by omitting paragraph (h) and inserting in its stead the following paragraphs :—

- “ (h) any profits derived from the operations of the Commission shall be applied—
  - (i) firstly, in payment, or in reduction rateably, of the amounts owing to the Commonwealth and the State respectively for interest debited in accordance with the last preceding paragraph ;
  - (ii) secondly, in repayment rateably of the amounts contributed by the Commonwealth and the State respectively for the purposes of the Commission ; and
  - (iii) thirdly, unless otherwise agreed between the Commonwealth and the State, in making payments to the Commonwealth and the State in proportion to the totals of the amounts which were contributed by the Commonwealth and the State respectively for the purposes of the Commission ;
- “ (ha) the powers, duties and procedure of the Commission with respect to borrowing money, banking and keeping accounts shall be subject to regulation by the Parliament of the Commonwealth ; ”.

3. After clause 3 of the Principal Agreement the following clause is inserted :—

“ 3A.—(1.) A sale or disposal of the undertaking of the Commission, or of an interest in that undertaking, shall not be made unless not less than three months' notice of the proposed sale or disposal has been given by the Commonwealth to the State.

“ (2.) If, after a notice has been given to the State under the last preceding sub-clause and before the sale or disposal takes place, the State notifies the Commonwealth that it objects to the proposed sale or disposal—

- (a) the sale or disposal shall not be made unless the Commonwealth has paid to the State the moneys contributed by the State for the purposes of the Commission and not previously repaid, together with any interest outstanding on those moneys ; and

SECOND SCHEDULE—*continued.*

(b) the State shall accept a payment offered by the Commonwealth for the purposes of the last preceding paragraph, and shall then have no further interest in the assets of the Commission or in the proceeds of the sale or disposal, and shall cease to be entitled to be represented on the Commission or to have any other rights under this agreement.

“(3.) In the event of a sale or disposal of the whole of the undertaking of the Commission as existing at the date of the sale or disposal, not being a sale or disposal to which the State has objected under the last preceding sub-clause, any moneys remaining in the hands of the Commission after discharging all its liabilities (other than any liability for interest payable under this agreement) shall be applied firstly in payment rateably of interest payable under this agreement to the Commonwealth and the State and secondly in making payments to the Commonwealth and the State in proportion to the totals of the amounts which were contributed by the Commonwealth and the State respectively for the purposes of the Commission.”

4. Clause 4 of the Principal Agreement is amended—

(a) by omitting paragraph (c) and inserting in its stead the following paragraph :—  
 “(c) to produce or obtain supplies of all materials required for the production of aluminium;”; and

(b) by omitting paragraph (l) and inserting in its stead the following paragraph :—  
 “(l) to do all other acts incidental to, or necessary or expedient for, the exercise of the powers specified in the preceding paragraphs.”

5. Clause 5 of the Principal Agreement is omitted.

6.—(1.) After clause 10 of the Principal Agreement the following clause is inserted :—

“11. In this Agreement, ‘aluminium’ means aluminium in primary form, including aluminium in the form of ingots, rolling and extrusion billets and wire bar.”

(2.) The Principal Agreement is amended by omitting the word “ingot” (wherever occurring).

7. In all other respects the Principal Agreement is confirmed.

IN WITNESS whereof the parties hereto have executed these presents the day and year first abovementioned.

SIGNED SEALED and DELIVERED by the Honourable HOWARD BEALE Minister of State for Supply for and on behalf of the Commonwealth in the presence of : F. C. HINSHELWOOD	}	HOWARD BEALE.	L.S.
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SIGNED SEALED and DELIVERED by ROBERT COSGROVE the Premier of Tasmania for and on behalf of the State in the presence of : C. G. GORDON	}	ROBERT COSGROVE.	L.S.
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