



ANNO QUINTO

**GEORGIUS VI REGIS.**

A.D. 1941.

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**No. 29 of 1941.**

An Act to enact certain provisions for the promotion and development of industries, and for purposes incidental thereto.

[Assented to 13th November, 1941.]

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

**Short title.** 1. This Act may be cited as the "Industries Development Act, 1941".

**Interpretation.** 2. In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"the Committee" means the Industries Development Committee for the time being in office under this Act:

"member" includes chairman:

"the Treasurer" means the Minister of the Crown for the time being holding the office of Treasurer of the State, or any other Minister of the Crown for the time being acting in that office.

*The Industries Development Committee.*

**The Industries Development Committee.**

3. (1) For the purposes of this Act the Governor may appoint a Committee to be called the "Industries Development Committee".

(2) The Committee shall consist of five members.

(3) Subject to section 13 of this Act, the Auditor-General may hold office as a member of the Committee.

4. (1) The members of the Committee shall be—

Members of  
the Committee.

- (a) two members of the Legislative Council, one of whom shall be selected by those members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council :
- (b) two members of the House of Assembly, one of whom shall be selected by those members of the House of Assembly who belong to the group led by the Leader of the Opposition in that House :
- (c) one other person appointed by the Governor.

(2) A Minister of the Crown shall not be a member of the Committee.

(3) For the purposes of this Act a member of Parliament whose seat has become vacant by effluxion of time, or because the House in which he sits has been dissolved or the term of that House has expired, shall be deemed to be a member of that House until his successor is appointed.

5. Every member of the Committee shall, subject to this Act, hold office for such period and on such terms and conditions as are determined by the Governor.

Term of office  
of Committee.

6. (1) The office of a member of the Committee shall become vacant—

Casual  
vacancies.

- (a) if he resigns by notice in writing addressed to the Governor and delivered to the Treasurer :
- (b) if he ceases to hold the office by virtue of which he was appointed to the Committee :
- (c) if he is guilty of any conduct which in the Governor's opinion shows him to be unfit to be a member of the Committee and he is by reason of that conduct dismissed from office by the Governor :
- (d) if he is dismissed from office by the Governor on the ground of inability to perform the duties of a member of the Committee :
- (e) if he absents himself, without permission of the Committee, from more than four consecutive meetings of the Committee and is declared by resolution of the Committee to have forfeited his seat.

(2) The Governor may dismiss a member of the Committee from office on any of the grounds mentioned in paragraph (c) or (d) of subsection (1) of this section.

**Chairman.**

**7.** (1) The Governor may appoint one of the members of the Committee being a member of the Legislative Council or of the House of Assembly to be the chairman of the Committee.

(2) If the chairman is by reason of absence or any other cause unable at any time to carry out his duties, the remaining members of the Committee may appoint one of their number to be acting chairman.

**Quorum and majority decision.**

**8.** (1) At any meeting of the Committee three members shall form a quorum.

(2) Every matter coming before the Committee shall be decided by a majority of the votes of the members of the Committee present and voting at a meeting of the Committee.

(3) At meetings of the Committee the chairman or acting chairman shall have a deliberative vote only, and in the event of equality of votes on any question, that question shall be adjourned to the next meeting of the Committee.

(4) Notwithstanding the foregoing provisions of this section, a recommendation of the Committee that a guarantee be given under this Act shall be of no validity unless it is concurred in by at least four members of the Committee.

**Vacancies and defects.**

**9.** (1) No act or proceeding of the Committee shall be invalid or illegal in consequence only of the number of members of the Committee not being complete at the time of such act or proceeding.

(2) Every act and proceeding of the Committee shall notwithstanding any defect in the appointment of any member thereof be as valid as if that member had been properly appointed to the Committee.

**Function of Committee.**

**10.** The function of the Committee shall be to investigate and report upon such applications for guarantees under this Act as are referred to the Committee by the Treasurer.

**Appointment of officers.**

**11.** (1) The Governor may appoint a secretary and such other officers to assist the Committee as he thinks fit. Every person so appointed shall hold office for such period and on such terms and conditions as the Governor determines.

(2) With the consent of the Minister administering any Department of the Public Service of the State the Committee may make use of the services of any officer of that Department.

**Remuneration of Committee.**

**12.** The members of the Committee shall be entitled to such remuneration and such allowances for expenses as the Governor may determine.

13. (1) If the Auditor-General is appointed a member of the Committee, the Governor shall release him from his duties as Auditor-General, for the period during which he is a member of the Committee, and shall appoint some other person to act as his deputy during that period.

Provisions as  
to Auditor-  
General.

(2) Every person so appointed shall make and subscribe before the Executive Council a declaration in the form in the second schedule to the Audit Act, 1921-1936. Every such declaration shall be kept among the records of the Executive Council.

(3) Every such person shall, during the time for which he acts as such deputy, have all the powers and perform all the duties of the Auditor-General.

*Assistance to Industries.*

14. (1) Subject to this Act, the Treasurer may guarantee the repayment of any loan made or to be made to any person engaged or about to engage in an industry, for the purpose of enabling him to establish or carry on or extend such industry.

Guarantees.

(2) No such guarantee shall be given unless—

- (a) the Committee has first inquired into the business or proposed business in connection with which the guarantee is to be given : and
- (b) the Committee has reported to the Treasurer that in its opinion there is a reasonable prospect that the business or proposed business in connection with which the guarantee is to be given will be profitable : and
- (c) the Committee has reported to the Treasurer that in its opinion the effect of giving the guarantee will be to increase or maintain employment in the State at the recognized award rates of pay and has recommended that the guarantee be given : and
- (d) the person to whom the loan has been or is to be made has agreed to pay to the Treasurer, as consideration for the guarantee, a commission at an agreed rate, not exceeding two per centum per annum, on the amount of the loan for which the guarantee is given, and to comply with any other conditions imposed by the Treasurer on the recommendation of the Committee : and

- (e) the said person has given the Treasurer such security (if any) as the Treasurer requires for the repayment to the Treasurer of any money which the Treasurer becomes liable to pay by virtue of the guarantee: and
- (f) the Treasurer is satisfied that the annual rate of interest payable on the loan for which the guarantee is given makes due allowance for the reduced risk carried by the creditor by virtue of such guarantee: and
- (g) the said person has complied with, or satisfied the Treasurer that he will comply with, any stipulations made by the Treasurer as to giving the lender security for the loan :

Provided that the Treasurer may on the recommendation of the Committee exempt any person from the obligation to comply with either or both of paragraphs (d) and (e) of this sub-section.

(3) A guarantee given under this section may extend to the payment of interest on the loan guaranteed, and to any expenses incidental to the loan, and to any expenses incurred by the creditor in obtaining or endeavouring to obtain payment of the loan and the said interest and expenses.

Liability of  
Treasurer  
under  
guarantee.

15. (1) It shall be a condition of every guarantee given by the Treasurer under this Act that the Treasurer shall be liable only for such amount of the debt for which the guarantee is given, as the creditor has failed to recover after all assets of the debtor available for payment of the debt have been sold, and the proceeds of such sale and all other moneys of the debtor have been applied to the full extent allowed by law in payment of the debt.

(2) A person who has made a loan the repayment of which is guaranteed by the Treasurer under this Act, shall, upon the request of the Treasurer, exercise such of his rights and remedies relating to the calling up and recovery of the loan as the Treasurer specifies. If any such person fails to comply with any such request made by the Treasurer the Treasurer may determine the guarantee.

Conditions  
as to raising  
capital.

16. The Treasurer, in consideration of the giving of any guarantee under this Act, may require the principal debtor to agree that—

- (a) if the Treasurer is at any time satisfied that the business in connection with which the guarantee is given is satisfactorily established, he may request

the principal debtor to take such reasonable steps as the Treasurer directs for raising capital to repay the loan for which the guarantee is given; and

(b) the principal debtor will take such steps accordingly.

17. (1) Every application for a guarantee under this Act shall be made to the Treasurer and the applicant shall furnish the Treasurer and the Committee with all information required by the Treasurer and the Committee respectively in relation to the business in connection with which the guarantee is required.

Information to be given by applicants.

(2) If any person, in connection with any application for a guarantee, wilfully or negligently furnishes to the Treasurer or the Committee any false or misleading information he shall be guilty of an offence punishable on summary conviction and liable to a fine not exceeding one hundred pounds.

18. The Auditor-General shall in his annual report state the total amount of money in respect of which guarantees under this Act were in force at the beginning and end respectively of the financial year to which the report relates.

Statement by Auditor-General as to guarantees.

19. (1) The Treasurer may make available to any person engaged or about to engage in any industry, the services of accountants, auditors, engineers, or other competent persons.

Expert assistance for industries.

(2) The Treasurer may enter into an agreement with any person to whom any services are furnished under this section as to the payment to be made therefor.

20. For the purpose of making any inquiry under this Act the committee shall be a commission within the meaning of that term as defined in the Royal Commissions Act, 1917, and that Act shall apply accordingly: Provided that—

Powers of committee as to inquiry

(a) no witness other than an applicant for a guarantee shall be compelled to disclose to the committee directly or indirectly any information as to his methods, processes or costs of production or manufacture:

(b) the evidence of any witness before the committee shall if the witness so requests be taken in private.

*Miscellaneous provisions.*

Financial  
provision.

**21.** (1) The Treasurer may pay out of the general revenue of the State any money which he becomes liable to pay under any guarantee given pursuant to this Act; and this Act without any further appropriation shall be a sufficient authority for any such payment.

(2) Any other money required for purposes of this Act shall be paid out of money provided by Parliament for those purposes.

Legal  
proceedings.

**22.** (1) The Treasurer may in his official name institute and carry on any legal proceedings for any remedy or relief to which he claims to be entitled under or by virtue of any guarantee or security given under this Act.

(2) The Committee may in the official name of the Committee institute and carry on any legal proceedings for any remedy or relief claimed by the Committee under any agreement made by it under this Act.

(3) Such proceedings shall be instituted in the same court and carried on in accordance with the same practice and procedure as if they were proceedings between subjects.

Disposal of  
moneys  
recovered  
in legal  
proceedings.

**23.** (1) All moneys received or recovered by the Treasurer or the Committee under either of the last two preceding sections shall be paid into the general revenue of the State.

(2) Any money which the Treasurer or the Committee becomes liable to pay in or as the result of any legal proceedings taken under the last preceding section shall be paid by the Treasurer out of the general revenue of the State: and this Act without any further appropriation shall be a sufficient authority for such payment.

Regulations.

**24.** The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for giving effect to this Act, and may by any such regulation prescribe fines recoverable summarily and not exceeding fifty pounds for breach of any such regulation.

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

C. M. BARCLAY-HARVEY, Governor.