



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 94 of 1982

An Act to establish a corporation to be known as the "South Australia Jubilee 150 Board"; to define its powers and functions; to protect the title and symbol officially adopted for celebrations marking the one hundred and fiftieth anniversary of the founding of the colony of South Australia; and for other purposes.

[Assented to 23 December 1982]

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

PRELIMINARY

1. This Act may be cited as the "South Australia Jubilee 150 Board Act, 1982". 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—THE BOARD
 - DIVISION I—CONSTITUTION OF THE BOARD
 - DIVISION II—FUNCTIONS AND POWERS OF THE BOARD
 - DIVISION III—STAFF OF THE BOARD
 - DIVISION IV—FINANCIAL PROVISIONS
 - PART III—THE OFFICIAL TITLE AND OFFICIAL SYMBOL
 - PART IV—MISCELLANEOUS
 - THE SCHEDULE
4. (1) In this Act, unless the contrary intention appears— Interpretation.
 - "the anniversary" means the one hundred and fiftieth anniversary of the founding of the colony of South Australia:

“the Board” means the South Australia Jubilee 150 Board constituted under Part II of this Act:

“the Chairman” means the Chairman of the Board appointed under Part II:

“Deputy Chairman” means the Deputy Chairman of the Board appointed under Part II:

“the graphic standards manual” means a document adopted by the Board as the graphic standards manual and lodged at the General Registry Office:

“member” means a member of the Board appointed under Part II:

“the official symbol” means a symbol the general design of which is set out in the schedule and which is more particularly depicted and described in the graphic standards manual:

“the official title” means the expression “South Australia Jubilee 150”:

“prescribed expression” means any expression that is intended to be, or is capable of being, understood as referring to the one hundred and fiftieth anniversary of the founding of the colony of South Australia or celebrations marking that anniversary, whether the expression comprises words, letters, figures or symbols or a combination of words, letters, figures or symbols:

“prescribed symbol” means a design, mark or symbol that is intended to be, or that so resembles the general design of the official symbol as to be capable of being, mistaken for the official symbol in its general design:

“supply” means—

(a) supply or agree or offer to supply;

(b) keep or have in possession for the purpose of supplying;

or

(c) cause, suffer or permit an act referred to in paragraph (a) or (b).

(2) For the purposes of this Act, a title, symbol or expression shall be deemed to be applied to goods if it is affixed or annexed to, marked on, or incorporated in or with—

(a) the goods;

(b) any covering or container of any kind in which the goods are wholly or partly enclosed;

(c) anything placed in or attached to any covering or container referred to in paragraph (b);

or

(d) anything that is attached to the goods or around which the goods are wrapped or wound.

PART II

THE BOARD

DIVISION I—CONSTITUTION OF THE BOARD

5. (1) There shall be a board entitled the “South Australia Jubilee 150 Board”.

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;
 - (c) shall be capable of acquiring or incurring any other rights or liabilities, and of suing and being sued;
 - (d) shall hold its property on behalf of the Crown;
- and
- (e) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the Board it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to that document.

6. (1) The Board shall consist of not more than fourteen members appointed by the Governor.

Membership of the Board.

(2) The Governor may appoint from amongst the members of the Board—

- (a) a Chairman of the Board;
- and
- (b) a Deputy Chairman of the Board.

(3) The Governor may appoint a suitable person to be a deputy of a member and a person so appointed may act as a member of the Board in the absence of the member of whom he has been appointed a deputy.

7. (1) The Governor may remove a member from office for—

Conditions of membership.

- (a) mental or physical incapacity to carry out satisfactorily the duties of his office;
 - (b) neglect of duty;
 - (c) dishonourable conduct;
- or
- (d) any other cause considered sufficient by the Governor.

(2) The office of a member becomes vacant if—

- (a) he dies;
 - (b) he resigns by written notice addressed to the Minister;
- or
- (c) he is removed by the Governor under subsection (1).

(3) Upon the office of a member becoming vacant a person may be appointed in accordance with this Act to the vacant office.

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

Disclosure of interest.

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

and

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

Penalty: Five thousand dollars.

(2) A disclosure made under this section shall be recorded in the minutes of the Board.

(3) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section—

(a) the contract is not void, or liable to be avoided by the Board, on any ground arising from the member's interest in the contract;

and

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

Procedure at meetings of the Board.

9. (1) Seven members shall constitute a quorum of the Board.

(2) A decision carried by the votes of a majority of the members present at a meeting of the Board shall be a decision of the Board.

(3) The Chairman, or, in his absence, the Deputy Chairman, shall preside at a meeting of the Board, or in the absence of the Chairman and the Deputy Chairman, the members present shall decide who is to preside at the meeting.

(4) Each member present at a meeting of the Board shall be entitled to one vote on a matter arising for the decision by the Board and in the event of an equality of votes the member presiding at the meeting shall have a second or casting vote.

(5) The Board shall cause accurate minutes to be kept of its proceedings at meetings.

(6) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Board.

Validity of acts of the Board and immunity of members.

10. (1) An act or decision of the Board shall not be invalid by reason only of a vacancy in its membership.

(2) No liability shall attach to a member for an act or omission by him, or by the Board, in good faith and in the exercise or discharge of his or its powers, functions or duties under this Act.

(3) A liability that would, but for subsection (2), lie against a member, shall lie against the Crown.

Executive committee.

11. (1) There shall be an executive committee of the Board.

(2) The executive committee shall consist of—

(a) the Chairman;

(b) the Deputy Chairman;

and

(c) such other persons as the Board may from time to time appoint to be members of the executive committee.

(3) The terms and conditions upon which members of the executive committee appointed by the Board shall hold office shall be determined by the Board.

(4) The Board may delegate to the executive committee any of its powers or functions under this Act.

(5) A delegation under subsection (4) is revocable at will and does not derogate from the power of the Board to act itself in any matter.

(6) The executive committee shall be subject to the direction of the Board.

DIVISION II—FUNCTIONS AND POWERS OF THE BOARD

12. (1) The functions of the Board are as follows:

General functions
and powers of the
Board.

- (a) to initiate and, where appropriate, conduct programmes, activities, functions and celebrations during the year of the anniversary;
 - (b) to encourage, promote, facilitate and co-ordinate activities to mark the occasion of the anniversary;
 - (c) to encourage participation by the public in celebrations of the occasion of the anniversary;
 - (d) to create, foster and promote interest, both within the State and elsewhere, in the anniversary;
 - (e) to arrange for the provision of grants and awards in respect of activities related to the anniversary and to mark the occasion of the anniversary;
 - (f) to disseminate information relevant to the anniversary;
 - (g) to publish, or provide for the publication of, books and other suitable material marking the occasion of the anniversary;
 - (h) to provide for the erection of plaques, and memorials and other structures, appropriate to the occasion of the anniversary;
 - (i) to collect, with a view to preservation for the future benefit of the State, items of historical or cultural interest which relate to the anniversary;
 - (j) to encourage the preservation of items relating to the physical, social or cultural heritage of the State;
 - (k) to encourage a general interest in the history of the State;
 - (l) to restrict or control under this Act the use of the official symbol, the official title, prescribed expressions and prescribed symbols;
 - (m) to advise the Minister on any matter relating to the anniversary;
- and
- (n) to perform any other function assigned to the Board by or under this Act.

(2) For the purpose, or in the course, of performing its functions, the Board may—

- (a) establish sub-committees (which may, but need not consist of, or include, members of the Board) to advise the Board on any aspect of its functions;
 - (b) delegate any of its powers under this Act to a sub-committee, member or other person;
 - (c) accept moneys, whether from the State or any State instrumentality or any other person, given to the Board in order to assist the Board to perform its functions;
 - (d) collect money by any lawful means in order to promote and, where appropriate, finance activities relevant to the functions of the Board;
 - (e) accept gifts of personal and real property of any kind to be used or applied by the Board for the purposes of this Act;
 - (f) act as trustee of property;
 - (g) purchase, receive, take on loan or hire, or otherwise acquire, hold, deal with and dispose of real and personal property;
 - (h) deal with any right, licence, privilege or advantage in the possession of, or available to, the Board;
 - (i) enter into any contract, agreement or arrangement relevant to the functions of the Board;
 - (j) publish any material or information that the Board considers necessary or expedient to promote the functions and activities of the Board;
 - (k) endorse activities and functions held to mark the occasion of the anniversary;
 - (l) apply for, and hold, under any Act, licences relevant to the functions of the Board;
 - (m) make charges for the use of the official title, the official symbol, prescribed expressions or prescribed symbols;
 - (n) impose conditions or terms in relation to any permitted use of the official title, the official symbol, prescribed expressions or prescribed symbols;
- and
- (o) do any thing else that is necessary for, or incidental to, the performance of its functions.

(3) A delegation under subsection (2) (b) is revocable at will and does not derogate from the power of the Board to act itself in any matter.

(4) No member or other person has authority to act on behalf of the Board except to the extent that such an authority is conferred on him by delegation or resolution of the Board (but this section does not prevent the subsequent ratification by the Board of an act done purportedly on behalf of the Board).

Board to be
subject to control
of Minister.

13. The Board shall be subject to the general control and direction of the Minister.

DIVISION III—STAFF OF THE BOARD

14. (1) There shall be an Executive Director of the Board.

Officers and
employees.

(2) A person may be appointed to be Executive Director—

(a) subject to and in accordance with the Public Service Act, 1967-1981;

or

(b) upon terms and conditions determined by the Governor,

as the Governor thinks fit.

(3) The Governor may appoint, subject to and in accordance with the Public Service Act, 1967-1981, such other officers as he considers necessary or expedient to assist the Board in the administration of this Act.

(4) Where an appointment is made subject to and in accordance with the Public Service Act, 1967-1981, the Minister may, by notice published in the *Gazette*, determine—

(a) that specified provisions of the Public Service Act, 1967-1981, and of the regulations under that Act shall not apply to or in relation to the appointment;

and

(b) that provisions contained, or referred to, in the notice shall apply to and in relation to that appointment in lieu of those provisions,

and the notice shall have effect in accordance with its terms.

(5) The Minister may, by notice published in the *Gazette*, vary or revoke a notice published under subsection (4).

(6) The Board may, with the approval of the Minister, appoint such officers and employees as it considers necessary or expedient for the proper administration of this Act.

(7) A person appointed under subsection (6) of this section shall hold office upon terms and conditions determined by the Board and approved by the Minister, and the Public Service Act, 1967-1981, shall not apply to or in relation to persons so appointed.

15. The Board may, with the approval of the Minister administering a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer or use any facilities of the department.

Use of public
servants.

DIVISION IV—FINANCIAL PROVISIONS

16. (1) All moneys received by the Board shall be paid into a banking account established by the Board.

Dealings with
moneys of the
Board.

(2) A banking account established by the Board shall be operated by cheque signed and countersigned by such persons as the Board may appoint for the purpose.

(3) Any moneys of the Board that are not immediately required for the purposes of the Board may be lodged on deposit with the Treasurer or invested in any other manner as the Treasurer may approve.

(4) Except as authorized by the Treasurer, no moneys shall be expended by the Board except in accordance with a budget approved by the Treasurer.

Power to borrow.

17. (1) The Board may, for the purposes of this Act, borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person.

(2) A liability incurred by the Board under subsection (1) with the consent of the Treasurer is guaranteed by the Treasurer.

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

Accounts and audit.

18. (1) The Board shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Board.

(3) For the purposes of the audit, the Auditor-General shall have, and may exercise, in relation to the accounts of the Board, and the officers and employees of the Board, the same powers as are vested by the Audit Act, 1921-1982, in the Auditor-General in relation to public accounts and accounting officers.

Annual report.

19. (1) The Board shall, on or before the thirty-first day of October in each year, deliver to the Minister a report upon the exercise of its functions under this Act during the period of twelve months ending on the preceding thirtieth day of June.

(2) The report must incorporate the audited statement of accounts of the Board for the period to which the report relates.

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament.

PART III

THE OFFICIAL TITLE AND OFFICIAL SYMBOL

Official title and symbol to vest in the Board.

20. From the commencement of this Act—

(a) the official title;

and

(b) the official symbol,

shall vest in the Board.

Protection of official title and official symbol.

21. (1) A person who, without the consent in writing of the Board, in the course of any trade or business—

(a) supplies any goods to which the official title, the official symbol, a prescribed expression or a prescribed symbol is applied;

(b) uses the official title, the official symbol, a prescribed expression or a prescribed symbol in relation to the supply of goods or services or the promotion of goods or services;

or

- (c) uses the official title, the official symbol, a prescribed expression or a prescribed symbol in connection with that or any other trade or business,

is guilty of an offence and liable to a penalty not exceeding fifteen thousand dollars.

(2) Where a person, without the consent in writing of the Board, uses the official title, the official symbol, a prescribed expression or a prescribed symbol as, or as part of, the name or emblem of an association or in the promotion of an object or activity of an association, the person (whether or not the association itself) is guilty of an offence and liable to a penalty not exceeding fifteen thousand dollars.

(3) The consent of the Board referred to in subsection (1) or (2) may be expressed to apply to specified acts done by a specified person or association or a specified class of persons or associations.

(4) The Board may, if the Board thinks fit, revoke a consent under this section.

(5) Revocation of a consent under this section shall be effected by notice published in the *Gazette*, together with, in any case where the consent was expressed to apply to a specified person, notice in writing given to that person.

(6) If a person contravenes a provision of this section, the Board shall be entitled—

(a) to recover compensation for any loss suffered by the Board as a result of the contravention;

or

(b) to obtain an injunction restraining the person from committing any further such contravention,

or both.

(7) The court by which a person is convicted of an offence against this section may, on the application of the Board, make an order for the payment of compensation under subsection (6) or such compensation may be recovered by action in a court of competent jurisdiction.

(8) This section shall not limit or derogate from any other right or power to institute civil or criminal proceedings in respect of an act or omission referred to in this section.

22. (1) A member of the police force may seize and retain goods that he suspects on reasonable grounds are being, have been or are intended to be supplied in contravention of this Act.

Seizure and
forfeiture of
certain goods.

(2) Where any goods have been seized under this section and—

(a) proceedings are not instituted for an offence against this Act in relation to the goods within three months of their seizure;

or

(b) proceedings having been so instituted and completed, the defendant is not convicted,

the person from whom they were seized shall be entitled to recover the goods, or, if they have been destroyed or damaged, or have deteriorated, to recover from the Minister, by action in any court of competent jurisdiction,

compensation for any loss thereby suffered, being compensation of an amount not exceeding the market value of the goods at the time of their seizure.

(3) Where a person is convicted of an offence against this Act in respect of the supply of any goods, the goods shall be forfeited to the Crown.

(4) Any goods forfeited to the Crown shall be disposed of in such manner as the Minister may direct, and, if sold, the proceeds of the sale shall be paid into the General Revenue of the State.

Act not to affect
certain rights.

23. This Act does not affect the use of an expression or symbol by a person who, before the commencement of this Act, would have been entitled to prevent another person from passing off, by means of the use of that expression or symbol, or of a similar expression or symbol, goods or services as the goods or services of the firstmentioned person.

PART IV MISCELLANEOUS

Service.

24. A notice authorized by this Act to be given to any person shall be served—

(a) personally;

(b) by certified or registered mail;

or

(c) by leaving the notice at his last known place of business or residence with a person apparently over the age of sixteen years.

Continuing
offences.

25. A person convicted of an offence against a provision of this Act in respect of a continuing act—

(a) shall be liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act continued of not more than one thousand dollars;

and

(b) shall, if the act continues after he is convicted, be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act continued after that conviction of not more than one thousand dollars.

Summary
proceedings.

26. (1) Proceedings for an offence against this Act—

(a) shall be disposed of summarily;

(b) shall not be commenced without the consent of the Attorney-General;

and

(c) may be commenced at any time within twelve months of the day on which the offence is alleged to have been committed.

(2) An apparently genuine document purporting to be a certificate of the Attorney-General and to certify that he has given his consent to pro-

ceedings being commenced for an offence against this Act shall, in the absence of proof to the contrary, be proof of the matters so certified.

27. (1) This Act shall expire on the thirty-first day of December, 1987. Expiry of Act.

(2) On the expiration of this Act—

(a) all real and personal property of the Board shall vest in the Crown, to be dealt with in such manner as the Minister thinks fit;

and

(b) all rights and liabilities (whether vested or contingent) of the Board shall become rights and liabilities of the Crown.

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

SCHEDULE
THE OFFICIAL SYMBOL



1836 SOUTH AUSTRALIA 1986

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

D. B. DUNSTAN, Governor