



ANNO DUODECIMO

**ELIZABETHAE II REGINAE****A.D. 1963**

\*\*\*\*\*

**No. 56 of 1963**

**An Act to amend The Australian Mineral Development Laboratories Act, 1959, and for other purposes.**

*[Assented to 5th December, 1963.]*

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

Short titles.

**1.** (1) This Act may be cited as "The Australian Mineral Development Laboratories Act Amendment Act, 1963".

(2) The Australian Mineral Development Laboratories Act, 1959, as amended by this Act, may be cited as "The Australian Mineral Development Laboratories Act, 1959-1963".

(3) The Australian Mineral Development Laboratories Act, 1959, is hereinafter referred to as "the principal Act".

Commence-  
ment.

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

(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.

Incorporation.

**3.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

**4.** Section 4 of the principal Act is amended by inserting therein after the line "PART V.—Finance" the line "PART VA.—Provisions Respecting Cessation of Arrangements."

Amendment of  
principal Act,  
s. 4.

**5.** Section 7 of the principal Act is amended—

Amendment of  
principal Act,  
s. 7.

(a) by inserting at the end of subsection (1) thereof the words "and for such further period or periods as he shall think proper";

(b) by striking out subsections (2) and (3) thereof and inserting in lieu thereof the following subsections :—

(2) For the purposes aforesaid and subject to section 15 of this Act the laboratories, buildings, furniture, equipment and other property thereof including the land on which, at the commencement of the Australian Mineral Development Laboratories Act Amendment Act, 1963, the laboratories are situated, shall by force of this Act vest in the Organization: Provided that notwithstanding the provisions of the Real Property Act, 1886-1961, the Organization shall not sell, mortgage or otherwise dispose of any of the said lands or buildings without the prior consent in writing of the Minister.

(3) At the conclusion of the period of five years mentioned in subsection (1) of this section or at the conclusion of any further period mentioned therein if the arrangements made by the Minister are not extended for a further period the property and assets of the Organization shall pass to and vest in the Minister who shall assume responsibility for the liabilities of the Organization: Provided that the Minister shall make such payments to the Commonwealth and to Australian Mineral Industries Research Association Limited as may be required in accordance with the provisions of Part VA of this Act.

(4) The Registrar-General shall, upon application by the Minister, make such entries in the Register Book as may be necessary to give effect to any vesting under subsections (2) and (3) of this section.

**6.** The following section is inserted in the principal Act after section 17 thereof :—

Enactment of  
s. 17a of  
principal Act—

17a. (1) Before the expiration of two months after the coming into operation of The Australian Mineral Development Laboratories Act Amendment Act, 1963, any officer of the Public Service of the State to whom subsection (3)

Rights of  
certain  
officers.

of section 17 applies shall, if he desires to be transferred to an office in the Public Service, request the Public Service Commissioner in writing accordingly. The Commissioner shall as soon as practicable after receiving any such request inform any such officer in writing to what office (if any) in the Public Service the Commissioner would recommend his appointment.

(2) Any such officer who does not make a request to the Public Service Commissioner pursuant to subsection (1) of this section or, having made such a request to the Commissioner, is not offered an appointment by the Commissioner or does not before the expiration of one month after receipt of notice from the Commissioner under that subsection accept the Commissioner's proposed recommendation, shall cease to be an officer of the Public Service.

(3) The Minister may make such arrangements with the Organization as he considers proper to enable the Organization to grant to any of its officers who cease to be officers of the Public Service by virtue of subsection (2) of this section 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) to which from time to time they would have become entitled having regard to their service as officers of the Public Service and as officers of the Organization. The Minister may make such payments to the Organization as he deems proper to give effect to any such arrangements.

(4) The Minister may make arrangements with the Organization for any of its officers to become or to continue as contributors to the South Australian Superannuation Fund. Such arrangements shall include the terms and conditions of the contributions to be made by such officers and provision for payment by the Organization to the said Fund or to the Minister of contributions to meet portion of the ultimate pension of such officers.

Amendment of  
principal Act,  
s. 18.

**7. Section 18 of the principal Act is amended—**

- (a) by striking out all the words after the word "may" in subsection (1) thereof and inserting in lieu thereof the words "borrow from that bank or otherwise upon such terms and conditions and upon such security including any guarantee by the Treasurer as the Treasurer may approve";
- (b) by inserting therein after subsection (1) thereof the following subsection :—

(1a) The Treasurer may guarantee the repayment of any moneys borrowed by the Organization

under subsection (1) of this section. This Act shall be sufficient authority without further appropriation for the payment by the Treasurer of any amounts under any guarantee given under this subsection ;

- (c) by inserting therein after subsection (2) thereof the following subsections :—

(2a) The Minister shall in each of the financial years commencing with the financial year ending on the thirtieth day of June, 1965, pay to the Organization out of funds to be appropriated by Parliament for the purpose such amounts as may be required in pursuance of any arrangements made under subsection (1) of section 7 of this Act.

**8. Section 19 of the principal Act is amended—**

Amendment of  
principal Act,  
s. 19.

- (a) by inserting at the beginning of subsection (1) thereof the passage “Until the coming into operation of The Australian Mineral Development Laboratories Act Amendment Act, 1963”;
- (b) by inserting after the word “Organization” (first occurring) in subsection (2) thereof the passage “(including repayment of any moneys borrowed in accordance with subsection (1) of section 18 of this Act and interest thereon)”.

**9. The following heading and sections are inserted in the principal Act after section 21 thereof :—**

Enactment of  
Part VA of  
principal Act—

**PART VA.**

**PROVISIONS RESPECTING CESSATION OF  
ARRANGEMENTS.**

21a. (1) If the arrangements made under subsection (1) of section 7 shall for any reason be terminated and the property assets and liabilities of the Organization become vested in and assumed by the Minister in pursuance of subsection (3) of that section, the Minister shall consult with the Commonwealth and Australian Mineral Industries Research Association Limited with a view to reaching an agreement as to whether any and if so what payment or or payments the Minister should make to the Commonwealth and Australian Mineral Industries Research Association Limited or either of them in satisfaction of any interest which they or either of them may be deemed to have in the net property and assets of the Organization.

Provisions to  
operate on  
termination of  
arrangements.

1963.      **The Australian Mineral Development    No. 56.**  
**Laboratories Act Amendment Act, 1963.**

---

(2) If at the end of a period of three months after such termination the parties have been unable to reach agreement as provided by subsection (1) of this section the question shall be determined by a judge of the Supreme Court nominated for the purpose by the Chief Justice.

(3) For the purposes of making such determination the Judge shall hear the parties and may obtain information from the Auditor-General and otherwise inform himself upon the matter as he shall think fit and in making his determination shall have regard to the nature extent and value of the property and assets and to the liabilities of the Organization at the date of such termination and to contributions (including any property assets or funds originally provided by the Minister) made by the parties to the funds of the Organization from time to time whether by way of payments of money payments in excess of charges for work performed or otherwise.

(4) The Minister shall make any payments agreed or determined in accordance with this section and this Act shall be sufficient authority without further appropriation for the payment of any such amounts.

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

EDRIC BASTYAN, Governor.