



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

No. 18 of 1952.

An Act to amend the Uranium Mining Act,
1949-1951.

[Assented to 30th October, 1952.]

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

1. (1) This Act may be cited as the "Uranium Mining Act Amendment Act, 1952". Short titles.

(2) The Uranium Mining Act, 1949-1951, as amended by this Act, may be cited as the "Uranium Mining Act, 1949-1952".

(3) The Uranium Mining Act, 1949-1951, is hereinafter referred to as "the principal Act".

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

3. The following sections are enacted and inserted in the principal Act after section 4 thereof:— Enactment of ss. 4a-4l of principal Act—

4a. (1) Any person employed by the State in or in connection with operations or work under this Act shall, if required by the Minister, take an oath or affirmation in the form set out in subsection (3) of this section. Oath of service and secrecy.

Any such oath or affirmation may be taken before any justice or commissioner for taking affidavits.

(2) If any person when so required does not take such an oath or affirmation, the Minister may, upon reasonable notice, terminate his employment.

(3) The oath or affirmation shall be in the following form, subject, in the case of an affirmation, to the modifications required by section 14 of the Oaths Act, 1936.

Uranium Mining Act, 1949-1952.

OATH OF FAITHFUL SERVICE AND SECRECY.

I, _____, do swear that I will well and faithfully serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, as an employee of the Government of South Australia ; and that I will not, except as allowed by law, communicate to any person any information obtained by me concerning any operations or work carried out, or any act, matter or thing done, arising, or existing under the Uranium Mining Act, 1949-1952 : So Help me God.

Power to
declare
prohibited
areas.

4b. (1) The Governor may by proclamation from time to time—

- (a) declare any area of land to be a prohibited area for the purposes of this Act :
- (b) alter any prohibited area so declared by adding land thereto or excluding land therefrom :
- (c) revoke any proclamation for the time being in force under the preceding paragraphs.

(2) In this section " area of land " includes any building, office, room or other premises.

(3) In this Act the expression " prohibited area " means any area which is a prohibited area within the meaning of any proclamations for the time being in force under this section.

Officer in
charge.

4c. The Minister may, by writing under his hand, appoint a person to be the officer in charge of a prohibited area.

Unlawful entry
to prohibited
areas.

4d. (1) A person shall not enter, be in, or fly over a prohibited area unless he is the holder of a permit granted under this section authorizing him so to enter, be in, or fly over that area : Provided that—

- (a) no permit shall be required to fly over a prohibited area consisting only of a building office or room ;

(b) a permit granted to a person operating aircraft for the carriage of passengers for hire shall be sufficient authority for all persons in an aircraft operated by the person holding the permit to fly over a prohibited area.

(2) The Minister, the officer in charge of a prohibited area, or some other person appointed by the Minister to issue permits under this section, may issue a permit authorizing a person to be in, enter or fly over a prohibited area.

(3) A person who, being the holder of a permit under this section, enters or is in a prohibited area, shall comply with any direction for regulating his conduct while he is in the prohibited area, which is given to him by the officer in charge of the prohibited area.

(4) A person who contravenes or fails to comply with subsection (1) or (3) of this section shall be guilty of an offence.

4e. (1) In this section "record" includes any written account or description, or any photograph, sketch, plan, model, note or other representation, likeness or record.

Wrongful
obtaining or
communication
of information.

(2) A person shall not, except with the permission of the Minister or of a person authorized by the Minister to give permissions under this section—

(a) make, have in his possession, or deliver to any other person a record of anything in a prohibited area or of any operations carried out or work done in a prohibited area :

(b) communicate to any person any information relating to anything in a prohibited area or to any operations carried out or work done in a prohibited area.

(3) A person who contravenes subsection (2) of this section shall be guilty of an offence.

(4) The preceding subsections of this section shall not apply to the recording or communication of any information which—

(a) has been given to either House of the Parliament of the State by a Minister at a public sitting of that House ; or

(b) is contained in any paper laid by a Minister on the table of either House of Parliament.

Use of cameras.

4f. (1) A person shall not, except with the permission of the officer in charge of a prohibited area, have in his possession carry or use a camera while he is in or on the prohibited area.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) In this section "camera" includes any apparatus capable of taking photographs or other similar representations of any object.

Damage to and interference with works.

4g. (1) A person shall not, without lawful authority, destroy damage or interfere with any real or personal property forming part of, or being within or upon a prohibited area.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

Provisions as to permits and permissions.

4h. (1) Every permit issued or permission given under this Act—

(a) shall be in writing signed by the person issuing or giving it :

(b) shall be in operation for such period, and contain such conditions and restrictions as are indicated therein :

(c) may be suspended or revoked either by the person who issued or gave it or by any other person authorized to issue permits or give permissions under this Act.

(2) The holder of a permit issued under this Act, and the person to whom a permission has been given under this Act, shall comply with the conditions and restrictions specified in the permit or permission and if he does not do so shall be guilty of an offence.

Search of persons entering, leaving or in prohibited areas.

4i. (1) The officer in charge of a prohibited area, or any member of the police force, or any person authorized by the Minister may without warrant detain for the purpose of search, and forthwith search—

(a) a person who is in the neighbourhood of, or within, or leaving or entering a prohibited area ; and

(b) any bag or other article in the possession of any such person.

(2) A person conducting a search in pursuance of the last preceding subsection may seize anything which appears to have been made, obtained, collected, recorded or possessed in contravention of any provision of this Act or which he has reasonable ground for believing will afford evidence of an offence against this Act.

(3) Anything made, obtained, collected, recorded, used or possessed in contravention of this Act shall be the property of the Crown.

(4) A girl or woman shall not be searched under this section except by a woman.

4j. (1) In this section the expression "secret information" means information relating to any operations carried out, or work done, or material obtained or stored, or other transactions, acts, matters or things entered into, done or arising under this Act.

Hearing in
camera, etc.

(2) A court which is hearing or about to hear legal proceedings of any kind shall have power to make orders directing all or any of the following things:—

- (a) that while evidence involving the disclosure of secret information is being given, any persons specified by name or otherwise by the court, or all persons except persons so specified, shall absent themselves from the place where the court is being held;
- (b) that any evidence involving the disclosure of secret information or any report or account of such evidence or any specified part thereof, shall not be published, or shall be published only in such terms or form or such manner or to such extent as is specified in the order;
- (c) that the name of any party or witness, or any information intended or sufficient to disclose the identity of a party or witness shall not be published.

(3) In any legal proceedings the Attorney-General (whether he or the Crown is a party to the proceedings or not) may apply to the court for an order under this section and if the court is satisfied by the affidavit of a Minister that it is in the public interest that any evidence indicated in the affidavit (being evidence involving the disclosure of secret information) should not be published or that

the name of any witness should not be published, it shall make such orders of the kind authorized by this section as it deems necessary to prevent such publication.

(4) A person who contravenes or fails to comply with an order made in pursuance of this section shall be guilty of an offence.

Punishment of offences.

4k. (1) A person guilty of an offence against section 4d, 4e, 4f, 4g, 4i, or 4j of this Act may be prosecuted either in a court of summary jurisdiction or on information in the Supreme Court.

(2) Where a person is prosecuted for any such offence in a court of summary jurisdiction the punishment for the offence shall be a fine not exceeding one hundred pounds or imprisonment for not more than six months: Provided that if it is proved that the act or omission constituting the offence was done or made for a purpose prejudicial to the safety or interests of the State or the Commonwealth the punishment shall be a fine not exceeding two hundred pounds or imprisonment for not more than twelve months.

(3) Where a person is prosecuted for any such offence on information in the Supreme Court the punishment for the offence shall be a fine not exceeding two hundred pounds or imprisonment for not more than two years: Provided that if it is proved that the act or omission constituting the offence was done or made for a purpose prejudicial to the safety or interests of the State or the Commonwealth the punishment shall be a fine not exceeding five hundred pounds or imprisonment for not more than seven years.

(4) A court of summary jurisdiction hearing a complaint for an offence against this Act shall be constituted by a special magistrate.

Clubs and refreshment rooms.

4l. (1) The Minister may, within two miles of any mine where mining for uranium is being carried on—

(a) establish and maintain premises for use as club rooms or refreshment rooms or both:

(b) at any such premises conduct clubs or refreshment rooms or both.

(2) The power to conduct clubs or refreshment rooms under this section shall include power to sell and supply refreshments, including liquor, to provide such accommodation, conveniences and amenities as the Minister thinks

fit, and to do all things incidental to the conduct of clubs and refreshment rooms.

(3) The Minister shall not sell liquor pursuant to this section at any time except during such hours as are prescribed by the Governor by regulations made under this section, or if no hours are so prescribed, during the hours in which it is lawful for the holder of a publican's licence to sell such liquor.

The Governor may by regulation from time to time fix the hours during which liquor may be sold under this section. Any regulations so made may fix different hours for different premises.

Except as provided in this subsection the Minister in selling and supplying liquor under this section shall not be subject to the Licensing Act, 1932-1949.

(4) An amount equal to the profits derived by the Minister from the conduct of any club or refreshment room under this section shall be used for such purposes beneficial to the persons residing in the vicinity of the said club or refreshment room as are approved by the Minister.

(5) In this section "liquor" means liquor as defined in the Licensing Act, 1932-1949.

4. Section 5 of the principal Act is repealed.

Consequential
repeal of
s. 5 of
principal Act.

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

J. M. NAPIER, Lieutenant-Governor.